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Being a Black Rural Woman in South Africa Today

South Africa boasts one of the most progressive constitutions in the world. Its *Bill of Rights* guarantees the rights of all citizens and affirms the democratic values of human dignity, equality and freedom. But South Africa is also known to have one of the highest levels of violence against women and girls for a country not at war. As shown in a study published recently by the South African Medical Research Council, the female homicide rate is five times the global average¹ and a third of men admit to having raped (Abrahams *et al.*, 3). Although this reality of violence cuts across all social, economic or racial divides, Black rural women are undoubtedly the most affected.

In addition, the Rainbow nation counts among the most unequal countries in the world. Its Gini coefficient (a measure in which 0 is perfect equality and 1 perfect inequality) reaches a staggering 0.66. Disturbingly, inequality –especially intra racial inequality– has increased since the fall of Apartheid. A report entitled *Trends in South African Income Distribution and Poverty since the Fall of Apartheid* and published by the OECD in 2010 actually underlined the necessity of policy initiatives going beyond inter-racial redistribution to address the issue of intra-racial growing income gaps, a reality that is, there again, primarily detrimental to Black women (Leibbrandt *et al.*, 4). This article aims at exploring the situation of Black women in rural areas and the specific difficulties they face due to the multi-layered challenges they have to confront, as women, as Blacks and as people living in a rural area.

THE POOREST AMONG THE POOR

A widespread policy of affirmative action has been put in place in South Africa. In its first phase (from 1998 to 2003), it was known under the name of Black Economic Empowerment (Republic of South Africa,

¹ Two studies led by the Medical Research Council of South Africa in 1999 and 2009 show that there was an overall reduction (by 37.7%) in the number of femicides over the period due notably to legislative action. However, despite this positive evolution, the current rate remains five times higher than the global average.

Employment Equity Act No. 55 of 1998). But, confronted to growing criticism that it only served the interests of a minority of so-called ‘black diamonds’², it was extended to become the BBBEE (*Broad Based Black Economic Empowerment*)³ in 2003. Its aim was to redress past inequalities and ensure equal opportunities for all citizens, irrespective of their race or their gender. With an unemployment rate reaching over 50% in 1994 and a low rate of qualified employment (3% of management positions in the public administration), Black women appeared as the main potential beneficiaries of this program (World Bank, 7).

The latest annual report of the Commission on Employment Equity suggests that, though Black women still overwhelmingly occupy less qualified positions⁴, their situation on the job market has indeed improved since the mid-1990s (Commission for Employment Equity, 58). This improvement is arguably uneven with Black women faring much better at all levels of employment (top management/senior management/professionally qualified/skilled technical) in state-owned companies or government bodies than in the private sector or the educational institutions. Nevertheless, despite all those limitations, the affirmative action programs put in place seem to have had a positive impact on the professional opportunities available to Black women.

Not all Black women though...

Maybe because the very nature of public policies is to adopt a general perspective on issues, ignoring local specificities, affirmative action has largely failed to address the realities faced by a significant proportion of the South African population: African women living in rural areas.

This failure of affirmative action to improve the lot of a large number of South Africans has been publicly acknowledged. Thus, in February 2010, Kagema Motlanthe, then Deputy President of South Africa, delivered a speech on behalf of Jacob Zuma and opened the first meeting of the Black Economic Empowerment Advisory Council⁵ with the following words:

² Term that is used in the press to refer –often negatively– to members of a small, affluent and influential Black elite.

³ The revamping of the BEE into the BBBEE came after the original BEE met growing criticism for privileging a very small and connected Black elite while forgetting the vast majority of the poor.

⁴ 20.8% of top management positions were occupied by women in 2014, up from 14% in 2003, but a majority of those positions were occupied by white women.

⁵ The BEE Advisory Council was created in 2009 to make recommendations to address challenges in the implementation of the affirmative action policies.

The vast majority of those who are truly marginalised: women, rural poor, workers, the unemployed, and the youth have often stood at the sidelines. Only a few benefit again and again from the bounty of black economic empowerment. (*Opening Address to the Inaugural Meeting of the President's Broad-Based Black Economic Empowerment Council*, 4 February 2010).

In other words, in 2010, seven years after the launching of the BBBEE that had replaced BEE because it allegedly benefited only a small elite, the problem appeared identical to what it was. Apart from paying lip-service to the necessity of making the system fairer, little has in fact been done to ensure that BBBEE would actually benefit a broader range of South Africans. A number of factors could explain why affirmative action has brought Black rural women very little improvement in their daily lives.

"THE DOORS OF LEARNING AND CULTURE SHALL BE OPENED!"
(FREEDOM CHARTER, 1955)

A lot –not to say most– Black women living in rural areas would certainly hear or read this excerpt from the Freedom Charter adopted at the Congress of the People in Kliptown on 26 June 1955 with a twinge of irony. Even today, sixty years after those words were written, the doors of learning are far from being wide open.

The high rate of illiteracy and the connected lack of qualifications certainly account for part of the failure of governmental programs to truly improve the lot of Black women living in rural areas. Indeed, BBBEE only monitors the formal economy sector, and more specifically the public sector. Thus for those who cannot gain access to this formal sector, the impact of the measures put in place proves very limited, not to say non-existent.

Granted, an increasing number of Black women complete their higher education successfully. In 2013, 573 698 female students were enrolled in a higher education institution, which represented a 23% participation rate while there were only 409 988 male students (16% participation rate) which means, in practice, that women outnumber men in the higher education system by a ratio of almost three to two. In addition, female students are not only more numerous today, they are also more likely to complete their degree. In 2013 again, 110 000 women graduated versus 70 837 men. The precise figures for Black women were not available but, considering that, that same year, 70% of all South African students were African, an analysis of the statistics for female students

applies by extension to Black female students. More anecdotal yet revealing: the current president of COSAS⁶ (the Congress of South African Students) is, for the first time, a woman – a Black woman coming from Limpopo – Sandra Bayoli. Her election was not smooth. A number of COSAS members were reluctant to see a woman, especially one coming from a rural area and supposedly little acquainted with politics, steer the organization. She was elected nonetheless, which is an encouraging sign for young Black women in South Africa.

However, despite those good figures that indicate better access of Black women to higher education and a better completion rate, two elements must be kept in mind.

The older generations have had little opportunity to complete a higher education degree. A history of discrimination coupled with a patriarchal culture has ensured that very few in the rural areas could dream of any form of further education in the Apartheid era. Although the Apartheid system was brought down over twenty years ago already, for the older generations, the effects of the discriminatory system that prevailed for fifty years linger on and still prevent older Black women from accessing formal employment. The statistics released by the Department of Women in August 2015 are telling: in 2014, nearly half (48.1%) of women aged over 60 were not functionally literate and 21.9% of women between 40 and 59 years old (Department of Women, 39).

Even for the younger generations, the situation is far from easy. Accessing higher education and then completing a degree can prove thorny for a number of the poorer South Africans, as the recent student protests that took place in October 2015 proved only too well. On the many protest placards, one could read for example “My Black mother is too single for fee rise.” Due to the lack of adequate financial means, due to geographical isolation, many have to abandon the idea of furthering their education.

And the obstacles Black women living in rural areas have to face in turn mean that they find it difficult to access formal employment.

A DIFFICULT ACCESS TO FORMAL EMPLOYMENT

Integrating the job market in South Africa is a challenge. In the first quarter of 2015, the official unemployment rate reached 26.4% of

⁶ COSAS was established as an anti-Apartheid student movement in 1979 in the wake of the Soweto uprising.

the active population aged 15 to 64 years old while the expanded unemployment rate (including the 'not economically active', the discouraged job-seekers) amounted to 36.1% of the active population.

But the challenge is even greater for women. Arguably, the end of Apartheid boosted the feminization⁷ of the South African labour market. According to Daniela Casale, an expert on gender issues in the South African job market, between 1995 and 2001 about 3.2 million women became economically active: part of them managed to obtain an employment in the formal sector but a majority became self-employed in the informal sector (Casale, 3).

However, the job market remains imbalanced. Women in South Africa represent 45% of wage earners while they account for 51,3% of the total population⁸. Younger women especially suffer from a very low employment rate. The issue is acknowledged by government officials and regularly listed as a national priority. During a recent summit in Brisbane—where leaders of the G20 nations committed to increasing the number of women in the global workforce—South Africa thus ranked the low employment rate of women in the country as one of its key challenges.

Yet, to be precise, South Africa mainly suffers from a low employment rate of women in the formal economy. Most women do work, but in the informal sector. Why the informal sector? Because it seems to be the best or sometimes the only way they can earn a living due to a set of factors from a lack of qualifications to high unemployment rates.

The Apartheid system harshly repressed the informal activities of Black South Africans through restrictive legislation such as the *Group Areas Act*, harsh licensing, strict zoning regulations, and effective detection and prosecution of offenders. Furthermore, as recalled by Kingdon and Knight:

Bouts of slum clearance and other periodic attacks on the illegal spaces within which informal enterprise thrived, served to rid South African cities of black-dominated informal sector niches that were construed as hazardous to public health and stereotyped as unsightly and unsanitary. (Kingdon and Knight, 838)

⁷ This extent of the feminization of the job market is difficult to assess exactly due to the lack of consistency in the data over time. For example, women in subsistence agriculture have in most censuses been classified until the 1990s as 'not working' whereas men in the same situation were classified as 'working'. But, despite this lack of consistency in the definitions and classifications, the trend towards a greater access of women to the job market is clear.

⁸ Figure from the 2011 *Census*.

This explains why, for a long time, the share of the informal economy in the national economy remained much lower in South Africa than was the case in the other Sub-Saharan countries⁹.

In the post-1994 period though, the share of the informal sector has grown rapidly. Over the past twenty years, the informal sector is said to have grown from 965 000 in 1997 to 2.4 million today (Valodia *et al.*, 4). Statistics on the evolutions of the informal sector in South Africa must be taken cautiously. Indeed, since 1994, this sector has been the focus of growing attention and thus better tools have been developed to capture informal employment, which accounts for part of the growth. This said, however, even if one cannot rely on precise figures, the upward trend is clear.

When women were able to access the job market in greater numbers after the end of Apartheid, they did so in the type of employment available to them, that is to say, for the most part, unqualified employment.

As a result, most of them are employed in the informal economy (that is to say in employments such as domestic work, childcare or street-vending), a form of work typically associated with low earnings, little protection and insecure conditions. In a 1999 survey conducted for the World Bank, 30% of informal businesses reported having been victims of crime in the previous year and over 60% expressed concern that their working environment was unsafe (World Bank, 2002, 44-45).

According to a set of studies led by WIEGO (Women in Informal Employment: Globalizing and Organizing), informal workers are on average more likely to be women than formal workers. (Women account for 45% of wage earners in the formal economy while over half of informal workers are women) (Wills, 13). Informal workers are also more likely to live in large households with children, and particularly young children under the age of seven. In addition, they are less likely to be married than their formal counterparts. In 2007, for example, 31% of informal workers were married compared to approximately half of formal workers. However this might be explained by the fact that Africans, who make up a much larger proportion of informal workers than other racial categories, also tend to have lower marital rates. Finally, and this comes as no surprise, informal workers tend to have a much lower educational attainment.

⁹ South Africa remains an anomaly on the African continent today as its informal economic sector remains much more limited than that of the other African countries.

Some women voluntarily choose to work in the informal sector as they see it as more attuned to their needs. For example, conducting a business from home or on the streets allows to take care of the children whilst working. But those who opt willingly for the informal sector represent a minority. What drives the vast majority of women who work in the informal sector to do so is the need to secure a livelihood for themselves and for their families. Were they given the opportunity to access formal employment, they would certainly gladly make such a choice, if only because earnings are much lower in the informal economy than in the formal sector. This is specifically true for women as the gender pay gap that exists in the formal sector is even greater in the informal sector.

The consequence is a stark problem of poverty. As highlighted by Statistics South Africa, women are more impoverished than men in South Africa, with a poverty headcount of 58.6% as compared to 54.9% for males.

Working in the informal sector also means that women can benefit to a lesser extent from all forms of social protection such as maternity benefits or childcare.

While, on average, women are more vulnerable than men to poverty, stark intra-gender differences exist. Rural areas are disproportionately affected by poverty and due to a lack of professional opportunities and cultural barriers to land ownership, women in rural areas prove the main victims of this situation. In 2012, female urban poverty rates reached 38.7% while 76.8% of women living in non-urban areas were defined as poor (Department of Women, 115).

THE WEIGHT OF PATRIARCHY

One of the roots of the situation women face today in rural areas is to be found in the discriminatory *Natives Land Act*¹⁰, passed in 1913, that forcibly removed Africans (mainly children, elderly people and women¹¹) to impoverished and underdeveloped homelands and entrenched the power of tribal chiefs by ensuring that the little land that was reserved for natives (less than 10% of the total national territory in 1913

¹⁰ The *Natives Land Act of 1913* was the first major piece of segregation legislation. It decreed that, only in certain areas of the country, could natives acquire land.

¹¹ Most men were hired to work in factories and mines in the Republic of South Africa. The *Natives Land Act* stipulated that Black people could live outside the reserves if, and only if, they could prove that they were in employment.

and around 13% from 1936 onwards) was in so-called ‘native reserve’ areas, that is to say under communal tenure vested in African chiefs, and could not be bought or sold.

Today, despite the official commitments to promote gender equality, despite real progress in access to education or representation in politics for example, the reality is that a very strong patriarchal culture still prevails in parts of South Africa, especially in tribal areas.

During a recent visit to South Africa in December 2015, the UN Special Rapporteur on violence against women, Dubravka Šimonović, pointed to the intricate links between the culture that prevails in parts of the country and the crimes perpetrated against women, declaring:

The violence inherited from the Apartheid still resonates profoundly in today’s South African society dominated by deeply entrenched patriarchal attitudes towards the role of women in society which makes violence against women and children an almost accepted social phenomenon. (United Nations High Commissioner for Human Rights, 15 December 2015)

This culture is well illustrated by a story recalled by the *Los Angeles Times* in 2012. A young woman named Dlamini, aged 32, came home to her village in the eastern province of KwaZulu-Natal. She approached the chief asking for land to build a house with her savings where she could raise her two children. But she was told he could not allocate land to a woman and that it had to be bought by a male relative (*Los Angeles Times*, 5 August 2012). Although the South African constitution guarantees an equal treatment to all citizens, the chief forced her to put the land in her cousin’s name, even though she was the one to pay the \$190 fee to the chief for the land. In practice, this means that a sword of Damocles hangs over her head, leaving her potentially homeless if her cousin changes his mind or if his family decides to take the land after he dies. When she returned to the village, she also had to pay a fine to the chief on account of her being a single mother. The traditions in place thus hinder a real and positive integration of women in the economic and social network of the villages. And, what might seem surprising in a country that boasts such a progressive and liberal constitution, is that little is done to counter the effects of patriarchy on women.

Another noteworthy illustration of the patriarchal culture that prevails in certain parts of the country is the practice of *Ukuthwala*, a term that refers to the taking of young, even very young, girls by suitors in the aim of arranging marriages, often with the consent of the parents. The practice occurs mainly in rural areas in KwaZulu-Natal and the Eastern

Cape, though it is not unheard of in other parts of the country. The practice has been in the limelight over the past few years, prompting a number of high-profile condemnations such as that in 2009 of the then Police Minister, Mr. Nathi Mthethwa, but also outcry on the part of tribal leaders seeing such a condemnation as an infringement of their constitutional rights to cultural respect.

TOO WEAK TO COUNT?

At times, Black rural women seem to be the forgotten children of democracy. The Constitution, it is true, is one of the most progressive in the world, a very abundant legislation that aims at protecting women from violence exists: one can mention the *Prevention of Family Violence Act (1993)*, the *Domestic Violence Act (1998)*, the *Sexual Offenses Act (2007)* to name but a few.

But, in reality, there is little implementation and, worse than that, when there is a political advantage to be gained in return for infringing women's rights, the choice is made swiftly...

The debate around the *Traditional Courts Bill* is a case in point in that respect. Initially presented to the National Assembly in March 2008, the *Traditional Courts Bill* was meant to remedy the problems with the traditional courts (dysfunctionality and corruption of some courts, variability between the practices of the various customary courts) and bring them in line with the Constitution, as well as facilitate their cooperation with the state courts. It aimed at recognizing the traditional justice system and its values, at providing for the structure and functioning of traditional courts¹² in line with constitutional imperatives and values and at enhancing customary law and the customs of communities observing a system of customary law. The Bill was also seen as a means to restore the pride of rural people in their customs and values.

However, under the pretence of respecting all cultures and traditions, many associations such as the Sonke Gender Justice Network felt that, in practice, the *Traditional Courts Bill* amounted to a trade-off. In return for their political support for Jacob Zuma, tribal chiefs were granted the right to maintain a patriarchal social organisation in tribal

¹² Traditional courts form an important part of the informal justice system of South Africa. They can provide dispute resolution and justice, both accessibly and economically, to nearly 17 million South Africans living within the boundaries of former homelands.

areas stipulating, for example, that women could not defend themselves in person before a traditional court but had to be represented by a male relative. In other words, women were treated as minors.

This type of situation leads to what has been aptly termed by Ayelet Shachar as the *paradox of multicultural vulnerability* that can be defined thus: by trying to remedy one type of vulnerability, some policies of multiculturalism create another type of vulnerability (Shachar, 3). In other words, by way of recognizing different cultural practices in the name of respect and accommodation, the State usually also has to recognize internal hierarchical structures and values which may be harmful to members of that community in a very fundamental way.

Talking about immigrant women living in the United Kingdom at the beginning of the century, Pragna Patel, speaking for Southall Black Sisters –an organization based in London– has summed up the paradox of multicultural vulnerability in a way that applies perfectly to the South African situation:

While the underlying notions of respect and tolerance for minorities are important, the tendency within multicultural discourses is to construct minority communities as homogenous, with static or fixed cultures and without internal divisions along gender, caste or class lines. The consequent power relations and internal contestations of power that flow from such division are not recognized. Also, the model is undemocratic since relations between the state and minority communities are mediated through unelected self-appointed community leaders, who are men, usually from socially conservative backgrounds with little or no interest in women's rights or social justice. (Patel, 95)

Here P. Patel is raising important questions for the analysis of the situation of Black rural women in South Africa: who has the right to represent a community and its values? What about the rights of minorities within minorities? What if protecting and promoting the traditional customs and values of a community proves detrimental to the fundamental rights of some individuals within the group?

The unexpected –and unwanted– effects of certain multicultural policies have not only been denounced by academics but also by a number of international organizations. The then UN Special Rapporteur on violence against women, Ms. Radhika Coomaraswamy, thus echoed P. Patel's research when she declared in 2001:

It's significant that even so-called progressive policies and practices founded on the notion of 'multiculturalism' have the peculiar effect of reinforcing patriarchal

power relations within black families and communities. (United Nations High Commissioner for Human Rights, 2001, 11)

Women often feel misrepresented. The support given by the ANC Women's League (ANCWL) to President Jacob Zuma ahead of the forthcoming 2016 elections is a case in point. On October 30th 2015, the ANCWL organised a march in Pretoria. While many expected the League to address issues such as gender-based violence, the under representation of women in executive and professional positions or the marginalization of poor Black women, the League –reluctant to further weaken the President and his government– actually kept silent on all major issues concerning women and merely reaffirmed its support for Jacob Zuma.

RURAL WOMEN AND HIV

For Black women living in rural areas more than for any other category within South Africa, economic integration to the job market and political representation prove major challenges. But an even greater issue is HIV, especially for the younger generations... Young women in South Africa are at greater risk of being infected with HIV than any other population group. A survey led in 2012 by the Human Sciences Research Council found that HIV prevalence among women was nearly twice as high as among men. In the 15-24 age group, women were three times as likely to become HIV-positive as men. In addition, rates of new infections among young women in this age bracket were more than four times greater than that of men in the same age range, and this age group accounted for 25% of new infections in South Africa (HSRC, xxvii).

Numerous factors might explain this high rate of infection among women: the endemic poverty especially in rural areas which leads some women to engage, occasionally or not, in sex work, the high level of violence against women, the ingrained traditions that promote inter-generational sex¹⁵ and a reluctance to use condoms, political factors that slowed the response to HIV (Muula, 424). It must be pointed out, however, that HIV prevalence is not evenly distributed throughout the country. Some rural areas in the Western Cape thus have comparatively

¹⁵ In the case of intergenerational sex (i.e. when one of the partners is five years older or more), studies have shown that significant power differentials exist when the ages of the partners are so much different and condoms are less likely to be used in these relationships.

low rates of prevalence compared to northern Kwazulu-Natal or the eastern Free State. But nowhere can the problem be ignored.

The impact of the high prevalence of HIV among young Black women is dual. As mentioned above, there is a direct impact on the mortality of young women that far exceeds that of young men. But there is also a more indirect impact: because of the high prevalence of AIDS especially among the younger generations, grandmothers often have to raise their orphaned grandchildren, a burden that many who live under the poverty threshold find difficult to take on.

HIGH DEPENDENCY RATIOS

As a result of decades of racial and social engineering that tore African families apart under Apartheid, forcing men to leave their wives and children behind in the homelands in order to try and earn a living in mines and factories, South Africa counts among the countries where the probability for a child to be living with both his parents is the lowest - 36% according to the World Family Map (Lippman, 11). Most children are therefore either raised by a single parent (43%), very often the mother. The remaining 21% that do not live with either of their parents (due among other factors to the incidence of AIDS or to the lack of financial means) are left in the custody of grandmothers. As a result, Black rural women often have to support a large number of dependents (children/ grand-children/ brothers/ sisters) that may live with them or that they send money to. This means that it is often hard for them to eke out a living.

The authors of a recently published study on the minimum wage raised a very interesting question: their starting point was to ask what wage level it would take, on average, to bring a household living below the poverty line having at least one worker, up to the poverty line. The figure that the authors worked out combining individual earnings, average household size and poverty was R4,125 per month. And analyzing the South African workforce in relation to this “working poor” line, they stressed among other findings three elements that are of interest to us. When looking at the South African workforce according to racial categories, they found that 60% of Africans earned less than R4,125 a month at the time of the survey in 2014. When analyzing gender, they pointed out that 58% of women (versus only 50% of men) fell under the “working poor” line. When considering geotypes, they underlined that 80% of those employed in the formal

rural economy¹⁴ and 71% of those working in the tribal areas earned less than R4,125 a month. (Finn, 48)

In other words, being a Black woman living and working in a rural area would statistically highly diminish your hopes of living above the “working poor” line, confirming that poverty, inequality, gender and race in South Africa still go hand-in-hand.

MEANS TO BETTER DEAL WITH A MULTI-LAYERED DISCRIMINATION

Most of the economic policies initiated by the government focus on addressing the weaknesses and imbalances of the formal economic sector. It is indeed easier to comprehend, to survey, to control than the informal sector. In fact, several studies such as that led by J. Xaba on the informal sector in South Africa, have shown that the government’s avowed support for small, medium and micro-enterprises (SMMEs) actually mainly concentrates on the formal sector, neglecting the informal sector and its myriad of businesses (Xaba *et al.*, 25) Yet, however understandable, this focus tends to further marginalize the poorest in the country. A better governmental support for the informal economy would be needed for the situation of Black rural women in particular to really improve. This would include better access to credit and cheaper training for small business owners.

An additional means to target those who need it most would be to reflect further on the balance that must be struck between the respect of cultural identities and the inalienable rights of the individual protected by the Constitution. The debate is definitely a complex one but without a transparent debate on those issues, some women will keep finding it difficult to reconcile their position within their village and community and their rights as South African citizens.

Black rural women are arguably the most disadvantaged group in South Africa today... as they have been for decades. Most politicians and officials acknowledge the dire situation many women find themselves in and, there again, they have been highlighting the issue for many years. Why is it then that the situation evolves so slowly? Why is there such a discrepancy between a very progressive legislation and a much more contrasted reality?

¹⁴ The figures for the informal sector are, needless to say, more difficult to assess.

It would be unfair to assert that nothing has been attempted to improve the situation of black people or the situation of women in the country. But, a great part of the problem lies in the fact that policies consider the issues of gender, race, age or geographical location separately rather than in an intricate manner, thereby failing to seize the living conditions of Black rural women in their complexity. For paper rights to turn into real and effective rights, a more holistic approach is therefore needed.

Cécile PERROT

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