



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



INTERNATIONAL WOMEN'S DAY NCOP DEBATE

Rights. Justice. Action.
For ALL Women and
Girls

BACKGROUND PAPER

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INTERNATIONAL WOMEN'S DAY 2026: **Rights. Justice. Action. For ALL Women and Girls**

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1. Introduction

International Women's Day (IWD) is celebrated annually on 8 March. Since its inception IWD has created a platform to highlight the achievements and advances made for women's rights and gender equality, while also highlighting the challenges that remain.

For 2026 the United Nations theme is “Rights. Justice. Action. For ALL Women and Girls” and calls for action to dismantle all barriers to equal justice: discriminatory laws, weak legal protections, and harmful practices and social norms that erode the rights of women and girls.¹

United Nations Women indicates that:

In 2026, women have only 64 per cent of the legal rights that men hold worldwide. In fundamental areas of life, including work, money, safety, family, property, mobility, business, and retirement – the law systematically disadvantages women. From harmful social norms to discriminatory laws, women and girls continue to face entrenched obstacles – even pushback – to equal justice. If progress continues at its current pace, it will take 286 years to close legal protection gaps. That is not a timeline, it's surrender. Without justice systems that work for women, rights become a promise that never arrives.²

Many advances have been made to promote women's rights and gender equality since the first United Nations World Conference on Women in 1975. Among these are the adoption of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Platform for Action (BPfA), the Sustainable Development Goals, as well as various regional instruments such as the SADC Protocol on gender and development. All these instruments call for the acknowledgement of women's rights and gender equality in all facets of life, as well as the implementation of mechanisms, policies, programmes and allocation of resources to reach this goal. However, more than 50 years later, gender equality is not yet a lived reality. While the plans and goals exist on paper, implementation and tangible change remains a challenge.

This paper provides a brief overview of women's legislative equality as indicated in a few recent international indices, as well as the status of women's legislative equality in South Africa, highlighting both achievements and challenges.

2. Overview of women's legislative equality: findings from international indices

Legal equality and access to justice are key for sustainable development and growth. Inclusivity and representation matter. Gendered considerations and the impact legislation, policy and programmes are essential to respond to the needs of half of the world's population.

So, what does equal justice look like? Simply put, your rights are protected and defended, and laws don't just stay on the books – they get enforced, so that people can experience equal rights and justice. It means legally protected access to education for girls and an end to child marriage. Women's freedom to choose to work, participate, and lead in society, including in political and justice systems. Strengthened protection and prevention to end gender-based violence in all its forms. Family, labour, and healthcare laws that do not discriminate against women. Justice systems that are free of bias,

¹ <https://www.un.org/en/observances/womens-day>

² <https://www.unwomen.org/en/news-stories/announcement/2026/01/international-womens-day-2026-rights-justice-action-for-all-women-and-girls>

*centred on survivors, and backed by zero tolerance for abuse and impunity. Legal aid that is affordable and accessible. Just to name a few.*³

Among the advances that have been made are:

- The development of 1583 legislative measures across 193 countries to address violence against women and girls – in 1995 only 12 countries had legal provisions.
- As at 1 January 2026, women comprise 27.5% of parliamentarians.
- Since 2023, 68 economies have enacted 113 positive legal reforms across most areas of women's economic life, with the greatest progress in entrepreneurship and safety from violence.
- The number of adolescent girls and young women out of school has decreased from 49% in 2000 to 30% in 2023⁴.
- The number of annual new HIV infections for girls has decreased from 300 000 in 1995 to 96 000 in 2023.

Notwithstanding advances that have been made, a multitude of challenges remain.⁵

- Globally, women occupy 30% of managerial positions - at the current pace of progress, achieving gender parity in management will take almost 100 years.
- Only 38 countries have made 18 the minimum age for marriage, with no exceptions, and
- Only 63 countries had laws on rape that were based on a lack of consent.
- Only 56.3 per cent of women aged 15–49 who are married or in a union have full decision-making power over their sexual and reproductive health and rights.
- In 2024, only 26% of 121 countries and territories had comprehensive systems to track resource allocations for gender equality.

The **2026 World Bank Women, Business and the Law Report** highlights the following⁶:

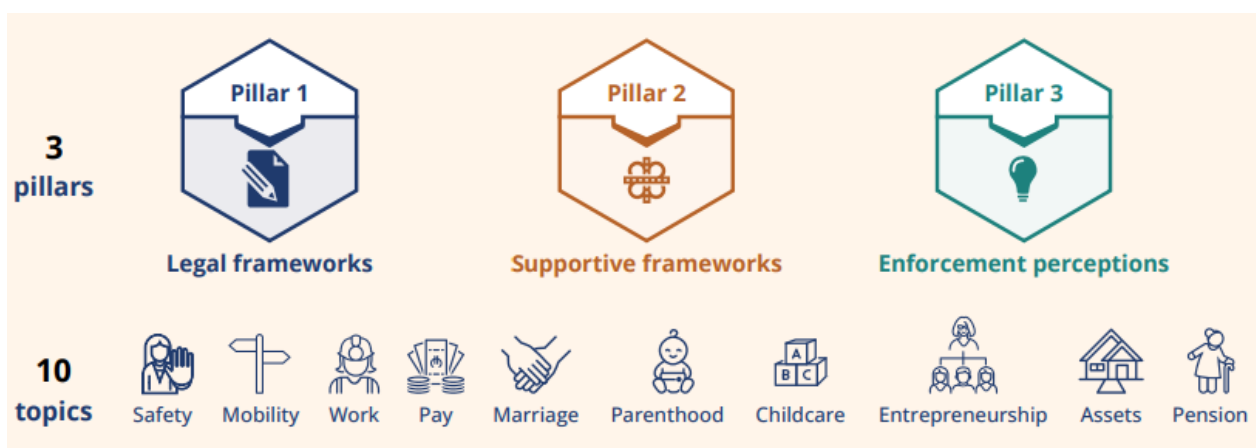
- **Legal equality remains out of reach for every woman in the world:** Only 4% of women live in countries close to full legal equality.
- **None of the 190 economies assessed grants women equal economic opportunities:** Women enjoy only two-thirds of the legal rights of men worldwide.
- **Even where gender-equal laws exist, weak systems and limited enforcement create a persistent gap between law and practice:** Globally, fewer than half of the policies and institutions needed for women to exercise their rights are in place. Courts, regulatory bodies, and administrative systems may be too weak, too under-resourced, or too fragmented to make legal protections meaningful.

³ <https://www.unwomen.org/en/news-stories/announcement/2026/01/international-womens-day-2026-rights-justice-action-for-all-women-and-girls>

⁴ <https://www.unwomen.org/sites/default/files/2025-03/adolescent-girls-rights-over-30-years-en.pdf>

⁵ <https://www.unwomen.org/sites/default/files/2025-09/progress-on-the-sustainable-development-goals-the-gender-snapshot-2025-en.pdf>

⁶ <https://openknowledge.worldbank.org/server/api/core/bitstreams/2d98382b-4cc6-43ba-b140-06ea4ca9a51e/content>



The report assesses a number of topics that impact on women's economic life, however it considers the existence of legislative measures on a range of topics including safety, work, pay parity, equality in marriage, access to childcare, assets and social protections. The report finds that the global legal frameworks index has attained a score of 67, the supportive frameworks index score is only 47. This means that fewer than half of the policies, institutions, mechanisms for access to justice, programs and services, and data systems needed to help women exercise their rights are in place.⁷ So while legislative prescriptions exist, the tools and resources needed to ensure their implementation, and ultimately effect tangible change in the lives of women, are lacking.

This is echoed by the **2025 World Economic Forum in the Global Gender Gap Report** that finds that "a major barrier to progress is the "implementation gap" — the disconnect between gender-equal laws and the infrastructure needed to enforce them. Across economies included in the index, there is a near-universal implementation gap. Even economies with advanced legal frameworks show wide differences in practical support. Adopting high legal standards alone is insufficient to close gender gaps; robust implementation mechanisms are key to translating policy into real gender parity outcomes."⁸

In the Women, Business and Law report, South Africa scores 76.35 out of 100 for legal frameworks, and 62 out of 100 for supportive frameworks, while in terms of the Global Gender Gap report South Africa's ranking has dropped from 17th in 2015 to 33rd in 2025.

The **2025 Sustainable Development Goals Gender Snapshot** highlights that 30 years after the Beijing Platform for Action, gender equality has not been attained – women's civil freedoms remain challenged and legal restrictions to marriage, employment and economic resources remain pervasive in many countries across the world.⁹ The Gender Snapshot highlights that across four areas measured, namely legal frameworks and public life, violence against women, employment and economic benefits, marriage and family, data from 131 countries indicate that no country achieves a perfect score – more than half of the countries have gaps in each of the aforementioned areas. Only through gender-responsive and strengthened legal frameworks, targeted resource allocations, as well as the dismantling of discriminatory structural and social barriers, will gender equality be possible.

Over half the countries (51%) have gaps in each area.

-  In **61 countries** (47%), at least one restriction prevents women from performing the same jobs as men.
-  Only **38 countries** (29%) establish 18 years as the minimum marriage age without exceptions.
-  Just **63 countries** (48%) have rape laws based on the lack of consent.

⁷ Ibid. at 2

⁸ <https://www.weforum.org/publications/global-gender-gap-report-2025/digest/>

⁹ <https://unstats.un.org/sdgs/gender-snapshot/2025/GenderSnapshot2025.pdf>

3. Women's legislative equality and rights in South Africa

The Constitution guarantees equality under section 9 of the Bill of Rights (Chapter 2) which states that:

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

In addition, freedom and security of the person, as well as the right to just administrative action are guaranteed under sections 12 and 33 of the Bill of Rights respectively.

South Africa has also passed a number of laws, developed policies and plans and established institutional mechanisms to ensure equality as a whole, and promote and protect the rights of women in particular. These include:

Enactment of Gender-sensitive legislation	Ratification of International Instruments	Policies and Plans	Institutional and Other mechanisms
- The Choice on Termination of Pregnancy Act - Domestic Violence Act - The Employment Equity Act - The Labour Relations Act - The Basic Conditions of Employment Act - The Recognition of Customary Marriages Act - The Civil Union Act - The Criminal Law (Sexual Offences and Related Matters) Amendment Act - The Reform of Customary Law of Succession and Regulation of Related Matters Act - The Public Procurement Act	- The Beijing Platform of Action (BPfA) - The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) - C190 – Violence and Harassment Convention - The Protocol to the African Charter on Human and People's Rights on the Rights of Women - The SADC Protocol on Gender and Development - The Solemn Declaration on Gender Equality in Africa	- South Africa's National Gender Policy Framework (NGPF) - o The promotion of women's rights and gender equality finds itself entrenched in South Africa's National Gender Policy Framework (NGPF) - The National Strategic Plan on Gender-based Violence and Femicide - o The National Strategic Plan on Gender-based Violence and Femicide (NSPGBVF) provides a cohesive strategic framework to guide the national response to the GBVF crisis in South Africa.	- The Commission for Gender Equality (CGE) - Department for Women, Youth and Persons with Disabilities - National Gender Machinery - Gender Focal Points - Parliamentary Mechanisms: - Portfolio Committee on Women, Youth and Persons with Disabilities - Select Committee on Social Services (Health, Social Development, Women, Youth Development and Persons with Disabilities) - Multi-party Women's Caucus - Commitment to gender mainstreaming and gender-responsive budgeting and planning

On paper, the legislative and equality advances for women and girls in South Africa post 1994, are significant, however tangible change remains elusive for many women and girls. The 30-year Review of South Africa's democracy provides an overview of the implementation and impact of government programmes since 1994. It reflects on the extent to which government policies and programmes have

succeeded in improving the quality of livelihoods for citizens and delivering on the promise of a better life for all.

Among milestones and achievements for women the Review highlights the following:

- The enactment of gender-sensitive and responsive legislation
- The introduction of comprehensive social welfare provisions
- Commitment to gender mainstreaming through policies and programmes to broaden women's access to essential services, political representation and socio-economic prospects

It also provides the following scorecard as a snapshot of areas of progress and where challenges persist.

30 Years of Gender Equality and Women's Empowerment in South Africa	Dashboard key			
	Significant progress	Good progress	Moderate progress	No progress
Entrenching South African's vision and mandate for gender equality				
Formulating policies and legislation that are gender responsive				
Implementing policies and legislation for gender equality				
Overcoming the challenges of poverty for woman				
Women's Representation at the political, leadership and local government level				
Women's Representation in the public sector				
Women's Representation in the private sector				
Promoting women's economic emancipation				
Social transformation and social justice: Women's access to services				
Social transformation and social justice: Women and social protection				
Social transformation and social justice: Women's health and wellbeing				
Social transformation and social justice: Women education and skills Development				
Women's and girls right to be free of violence				
Promoting women's role in the environment / green economy				
Gender responsive policies, planning, research, budgeting, monitoring, evaluation and auditing across government				
Addressing Patriarchy, sex stereotyping and gendered roles and division of labour				
Addressing women's unequal share of unpaid care work and household responsibility in the GDP				

Source. Department of Women, Youth and Persons with Disabilities. 2023

Government's Review acknowledges that noteworthy progress has been made in relation to the development of legislation and policy, women's representation in politics and the public sector, as well as women's access to social protection, education and skills development. Challenges, however, remain with regard to the implementation of legislation and policy, including gender-responsive

budgeting, planning, monitoring and evaluation, poverty, women's economic freedom and access to basic services and healthcare. This correlates with the findings from the indices noted earlier – that while legislative prescripts exist, they are not effective to bring about the desired change without implementation, which requires will, commitment, adequate resources etc. In other words, the development and implementation of supportive frameworks.

Based on the 30-year review, areas that require significant attention are in relation to ensuring women's safety, addressing patriarchy and gender stereotyping and women's unpaid care work.

South Africa's Beijing+30 country report highlights that:

“Despite the existence of legal frameworks, charters and policies, women in the country continue to lag behind men in the labour force participation, access to digital goods and services, access to and control over productive resources, including land and financial services, and failure to recognise, reduce and redistribute unpaid care and domestic work, hinders shared prosperity and decent work opportunities. There is acknowledgement that “although the agenda for gender equality and women's empowerment in South Africa is advanced, efforts to achieve gender equality and women's empowerment through legislative and policy interventions have yet to substantially transform society and the economy.”¹⁰

Using women's access to justice in South Africa as a measure of legislative equality, the following can be noted: a comprehensive legal framework exists, however a number of systemic and socio-cultural challenges that hamper effective implementation of legislation, persist. A brief overview of these challenges as it relates to the administration of justice for women, is highlighted below.

Challenges at police stations

Victims of gender-based violence crime often experience secondary victimisation, a lack of privacy and poor procedural application.

An investigation by the Public Protector into administrative deficiencies relating to gender-based violence within the South African justice system found that a number of challenges exist which impact the criminal justice process and administration of justice for victims.¹¹ In terms of the South African Police Services:

- Some police stations do not have victim friendly rooms in which victims can report in a private and dignified manner.
- Furthermore, some police members after being aware that a criminal offence has occurred, are reluctant to register cases and do not inform the victims of their rights to institute criminal action but rather refer victims directly to court to apply for a protection order.
- Some police officials do not arrest perpetrators without a warrant when there is evidence of violence perpetrated against the victim in their presence at the scene of the crime which exposes the complainant to harm.
- Victims are being sent to courts without receiving medical attention and the clerks of court are then forced to arrange for such services.

¹⁰ Department of Women, Youth and Persons with Disabilities, 2024, South Africa's Report on the Progress made of the Beijing Platform for Action 2019-2024

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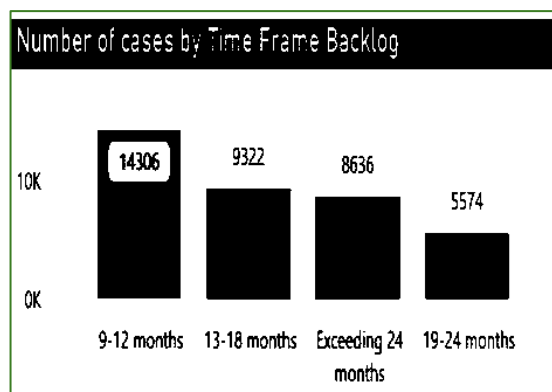
https://www.pprotect.org/sites/default/files/legislation_report/SYSTEMATIC%20INVESTIGATION%20INTO%20ADMINISTRATIVE%20DEFICIENCIES%20RELATING%20TO%20GENDER%20BASED%20VIOLENCE%20WITHIN%20SOUTH%20AFRICA.pdf

The above-mentioned challenges are in contravention of national instructions and are forms of administrative and operational non-compliance. In addition, factors such as a lack of response vehicles, sign language interpreters and adequately trained police officials also contribute negatively to perceptions of the criminal justice system.

Judicial Backlog

A presentation by the Auditor General of South Africa to the Select Committee on Security and Justice¹² highlighted the following in relation to the judicial backlog, i.e. the number of backlog cases on the court role:

- As of 31 March 2024, there were 37 497 backlog cases, increasing to 37 838 by 30 June 2024. Fourteen percent (5 300) of these cases relate to incidents of rape.
- There is a lack of an integrated system within the criminal justice system to track a case from registration with SAPS through to judgment, incarceration, and eventual reintegration into society.
- The top 3 charges associated with the backlog cases include rape, murder, and assault.
- It is concerning that victims of sexual offences have to endure waiting periods of over 12 months to obtain justice in a country with a high incidence of sexual offences.
- Additionally, a number of cases of sexual assault remain unreported due to the fear of not receiving justice.
- The reasons for the postponements fail to shed light on the root causes of the backlogs, raising concerns about the criminal justice system's strategies to address them, especially given the involvement of multiple stakeholders.
- Since these cases were registered, there have been 669 732 postponements, resulting in a cumulative delay of 769 765 months, significantly impacting those involved in the postponed cases.
- Furthermore, the 2024/25 Inter-Departmental Annual Report on the Implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act indicates that as at the end of 2024/25, a total of 16 719 sexual offences cases were outstanding at regional courts.¹³



Among the findings from the Public Protector Report to the Department of Justice and Constitutional Development were the following:

- Various courts visited, do not have private/sufficient consultation rooms and Clerks of court consulted with victims in shared small offices resulting in no privacy for clients.
- There was a lack of assistance being provided to applicants to complete forms;
- Long waiting times and inconsistencies in time frames according to which protection orders are dealt with across the various courts – this is linked to insufficient capacity.
- There is a lack of communication with applicants/court users in their language of choice and a lack of sufficient interpreters.

¹² https://static.pmg.org.za/241106Select_Committee_of_the_NCOP_on_DOJ-NPA-SIU_-_06_November_2024.pdf

¹³ <https://www.justice.gov.za/vg/sxo/SORMA-Report-2024-2025.pdf>

In addition to the court backlog, there are also backlogs at forensic laboratories which result in delays for cases to proceed.

The above factors combined with other tangible costs for women such as transport costs, lost wages due to court attendance, lack of access to legal support and long waiting periods are all contributing factors to delayed or limited legislative equality. As highlighted previously, legislation and policy will remain paper-based rights if the supporting frameworks and resources for implementation are not in place alongside it. It is imperative that a gender lens is applied to not just legislative design, but also to service delivery mechanisms if real change for women and girls is to be effected.

4. Conclusion: The Role of Parliament

Parliaments play a significant role in creating enabling environments and societies where women and girls are recognised as equal members of society can have full and equal access to all opportunities and services.

This year's International Women's Day calls for action to dismantle all barriers to equal justice including discriminatory laws, weak legal protections, and harmful practices and social norms that erode the rights of women and girls.

Parliament through its law-making, oversight and constituent representation functions is an essential driver of gender equality. It has the ability and responsibility to ensure that laws are gender-sensitive and responsive. New legislation must be considered through a gendered lens and existing legislation be reviewed, amended or abolished where discrimination and inequality are present.

In addition to the passing of legislation, Parliament must also hold to account government departments and institutions to gauge whether gender equality targets are being met and in scrutinising budget allocations and expenditure, whether gender-responsive budgeting has been applied. It is also important that through parliamentary committees, the existence of the supporting frameworks for legislative imperatives are in place and adequately resourced.

Women's representation must continue to increase and reflect the equality outcomes that are envisaged in society as a whole. More women in leadership has the potential to transform the institution and promote gender sensitivity and gendered considerations in the operations within parliament.

More than thirty years after democracy, thirty years after the adoption of the Beijing Platform for Action, more than 50 years since the inception of International Women's Day, and nearly 70 years since women marched on the Union Buildings, many challenges remain for women in South Africa, and across the globe. To ensure that gender equality is accelerated, it is imperative that the actions noted above, as well as any other measures for women's equal participation, representation and empowerment are implemented and resourced.

What we do:

The Research Unit offers research support to individual Members of Parliament, to Committees and to the Houses. Researchers proactively provide:

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- ✓ Briefing papers in support of Committee meetings on topical oversight issues
- ✓ Comparative studies and international best practices
- ✓ Briefing papers to prepare for oversight visits and on-site oversight visit support
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