



# Engendering Social Protection

Conference Summary Report  
International Conference  
Lusaka, October 22-23, 2012

Front Page Picture: Zambian Minister for Gender and Child Development Hon. Inonge Wina, MP, giving the opening speech at the two-day international conference “Engendering Social Protection” organised by Friedrich Ebert Stiftung in Lusaka, Zambia, from October 22-23, 2012 at Cresta Golf View Hotel; in the background, conference moderator Linda Banji. (Picture: FES)

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## ACRONYMS

<b>AU</b>	African Union
<b>CCTs</b>	Conditional Cash Transfer (Programmes)
<b>CEDAW</b>	Convention Eliminating All Forms of Discrimination Against Women
<b>CSG</b>	Child Support Grant
<b>FES</b>	Friedrich Ebert Stiftung
<b>ILC</b>	International Labour Conference
<b>ILO</b>	International Labour Organisation
<b>MSD</b>	Maternity Leave, Sick Leave and Death Benefits Fund (Namibia)
<b>OVCs</b>	Orphans and Vulnerable Children
<b>SADC</b>	Southern African Development Community
<b>SCTs</b>	Social Cash Transfer (Programmes)
<b>SSC</b>	Social Security Commission
<b>SP</b>	Social Protection
<b>WIEGO</b>	Women in Informal Employment: Globalising and Organising

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# 1 The Conference

**O**n October 22-23, 2012, experts and stakeholders from 11 countries convened in Lusaka at Cresta Golf View hotel to discuss gender aspects of social security and the agenda of engendering social protection in four sessions. The conference was officially opened by the **Zambian Minister of Gender and Child Development, Honourable Inonge Wina, MP**. Welcome remarks were given by the **FES country director, Mr Heiner Naumann**, the **country coordinator** of the civil society umbrella NGO **Platform for Social Protection, Ms Mutale Wakunuma**, and the Director of the **Institute for Social Law and Policy, Prof Dr Marius Olivier**.

**Mr Heiner Naumann** thanked the audience for the overwhelming interest in the conference and reminded them that social protection was a **human right**, but had not been delivered despite promises by economists that welfare and wealth would trickle down. But reality had proven this myth wrong. In the light of African growth rates of domestic revenues of about 4% per annum, **fiscal space** was safe to assume and the real challenge lay in the boosting of political support. A guaranteed minimum income security was material for the survival of families and households and the basis for **social cohesion** and compact. Mr Naumann commended the political initiatives of the new Zambian government and called upon them to improve social protection in general and ensure adequate measures to address gender in particular. It was the **objective of the conference** to discuss the following three questions:

1. What exactly are gender-specific needs of social protection?
2. What are gender-specific risks and burdens?
3. What needs to be done to further engender the social protection agenda?

**Ms Mutale Wakunuma** welcomed the presence of so many nationalities, for **networking** was central for successful promotion of social protection. Civil society organisations from 30 African countries had connected in the African Platform for Social Protection as a continental umbrella body, also present at the conference. The goal was to develop and implement effective social protection systems so that protection was delivered every day to the right people at the right time in the right amount. It was imperative to combine social protection agendas with **poverty reduction** at large and efforts towards **sustainable development**. Ms Wakunuma appealed to the audience and stakeholders in any capacity: "Make sure, every step you take is in the right direction!"

**Prof Dr Marius Olivier** recalled a **similar conference** that was jointly organised by the SADC Core Group of Social Security Experts with Friedrich Ebert Stiftung **Namibia** in Windhoek in **2006**. Since then there had been a range of developments, many new programmes had been rolled out and numerous political efforts had been made and the region had seen new intensities and scopes of debate. These welcome trends in the region, despite unchanging levels of poverty, made it all the more important to scrutinize the efforts to see if gender implications were being recognised and gender equality measures prudently implemented.

In her official opening speech, the **Honourable Wina** underscored the importance of social protection in alleviating poverty and protecting those vulnerable, a point that could not be overemphasized. Both men and women could be affected by poverty, however, **women and children** often bore a **greater burden**. Women were particularly affected in all four areas of the global initiative for floors of social protection: Most senior citizens are women. Most unemployed are women. Women care for those that are sick. Women look after the children.

Hon. Wina called for **universal paid non-contributory maternity leave**. This was a measure that would go the longest way in ensuring safe motherhood and addressing maternal mortality and morbidity. The new Zambian government fully



recognised social protection as a human right and was currently in the process of developing a new coherent national policy on social protection, ensuring gender mainstreaming in all programmes and policies, and of gender concerns in all frameworks and even in the constitution under review. The current constitution draft was gender-responsive and the government hoped it would end that way.

Hon. Wina underlined the need for a gender lens to contribute to poverty reduction, by asking questions such as, does a programme address men and women adequately, are things considered appropriately at household level, like who decides about food? – in Zambia the women always opted to eat last –, and, **are women empowered?** The minister then opened the conference after requesting of the participants: “When you return to your countries I implore you to review your programmes to make sure they are gender mainstreamed!”

## Structure of the Summary Report

**T**his publication is a summary report of the conference, the materials viewed in preparation of the conference, the conference presentations and their discussion. Main sources of this report are the conference papers which will be published as a short paper series online on the FES Southern Africa Social Compact Webpage:

<http://www.fes-southernafrica.org/pages/what-we-do/social-compact.php>.

The report explores gender aspects of social protection and summarises findings and lessons from case and country studies presented on the conference. Rather than following the conference chronologically, topics have been grouped and arranged thematically in order to facilitate easy identification of relevant information. The report begins with an **introduction** into the conference (Chapter 1) and into the topic (Chapter 2), the latter answering the questions, **what is social protection?** (Section 2.1), and, **what does a gender lens on social protection reveal?** (Section

2.2). Chapter 3 revolves around the concepts of **transformative social protection** and **substantive gender equality**. Chapter 4 examines gender structures of poverty in the SADC region. Chapter 5 tackles the challenging **divides between formal and informal sectors**, and after presenting the situation, specifically addresses formal and informal **employment** (Section 5.1) and possible **harmonization** of formal and informal social protection arrangements (Section 5.2). Chapter 6 scrutinizes the anglophone SADC countries (with exception of Swaziland) for **legal frameworks** (Section 6.1), **gender discrimination** in social protection systems (Section 6.2), **maternity protection** (Section 6.3), **policy frameworks** (Section 6.4) and two **case studies** on cash transfers, Social Cash Transfers in Zambia (Section 6.5) and the Child Support Grant in South Africa (Section 6.6). General **conclusions** and **recommendations** (Chapter 7) summarize the conference discussions and recommendations made in presentations and further include the vote of thanks and closing remarks.

The actual conference programme has been annexed in the appendix. Information taken from presentations is clearly marked as direct or indirect quotations. Any mistakes or oversights are the responsibility of the conference rapporteur, whose thanks go out to all presenters, participants and FES staff for their contributions to a truly groundbreaking conference.

## 2 Engendering Social Protection

**S**ocial Protection has received increasing prominence and attention in recent years. The shift from the **Washington Consensus** to a post-Washington Consensus has acknowledged missing economic trickle down-effects and thus tentatively added social and redistributive considerations to the neoliberal paradigm. The **global financial crisis** of 2008/09 has created discursive space in the global political climate more beneficial to discussion of social benefits and (global) social (welfare) policies.

Most markedly, an initiative started by the ILO in the late 1990s has borne fruit and earlier this year the **recommendation 202** was adopted by all members of the ILC (with one single abstention)

in Geneva on 14th June 2012. This recommendation prescribes **four minimum guarantees** as **national floors of social protection** for all countries as shown in Box 1 and Figure 1.

### Box 1: National Floors of Social Protection – ILO Recommendation 202 (2012)

4. Members should, in accordance with national circumstances, establish as quickly as possible and maintain their **social protection floors** comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the **life cycle**, all in need have access to essential **health care** and to **basic income security** which together secure effective access to goods and services defined as necessary at the national level.
9. (1) In providing the basic social security guarantees, members should consider different approaches with a view to implementing the most effective and efficient combination of benefits and schemes in the national context.  
 (2) Benefits may include child and family benefits, sickness and health-care benefits, maternity benefits, disability benefits, old-age benefits, survivors' benefits, unemployment benefits and employment guarantees, and employment injury benefits as well as any other social benefits in cash or in kind.  
 (3) Schemes providing such benefits may include universal benefit schemes, social insurance schemes, social assistance schemes, negative income tax schemes, public employment schemes and employment support schemes.
10. In designing and implementing national social protection floors, members should:
  - (a) combine preventive, promotional and active measures, benefits and social services;
  - (b) promote productive economic activity and formal employment through considering policies that include public procurement, government credit provisions, labour inspection, labour market policies and tax incentives, and that promote education, vocational training, productive skills and employability; and
  - (c) ensure coordination with other policies that enhance formal employment, income generation, education, literacy, vocational training, skills and employability, that reduce precariousness, and that promote secure work, entrepreneurship and sustainable enterprises within a decent work framework.

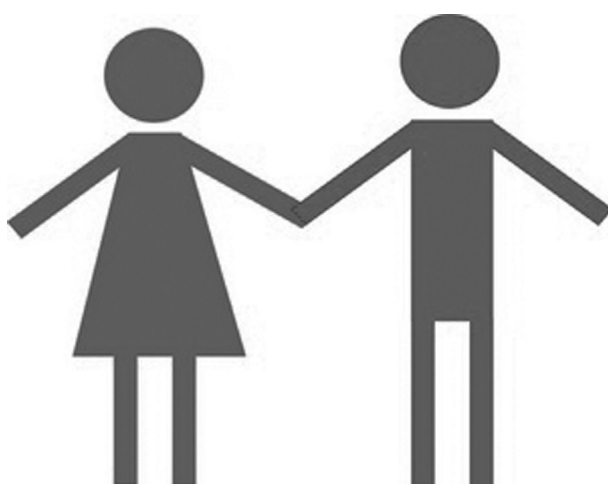
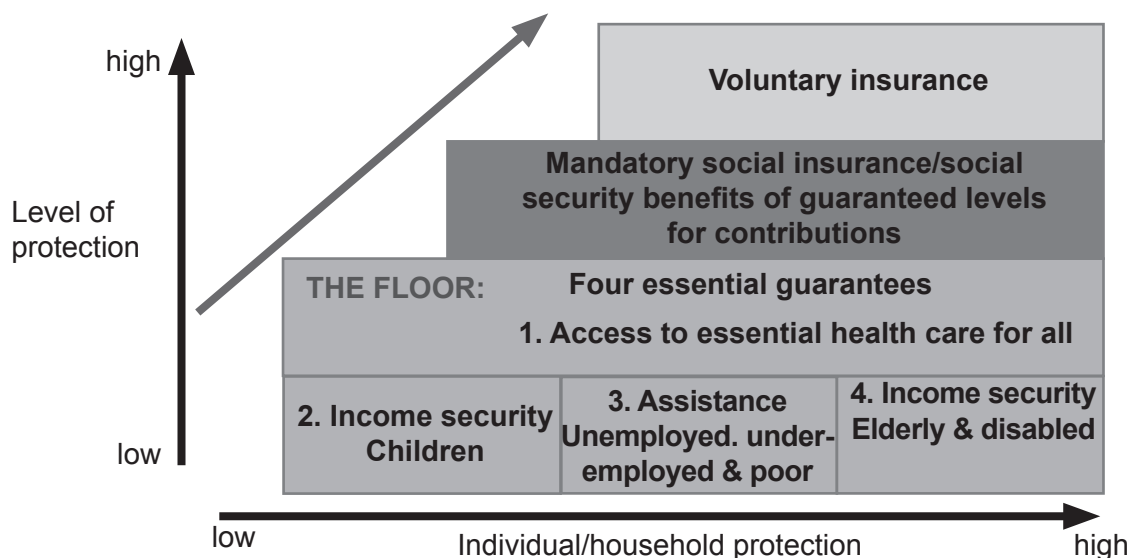




Figure 1: The Social Protection Staircase



Source: ILO

## 2.1 What is Social Protection?

**S**ocial protection refers to the protection of social and human welfare against contingencies and risks. The Social Protection Floor Recommendation (Rec. 202/2012) of the ILO focuses on life cycle risks and prescribes a minimum of **four** social protection **guarantees**,

for **children**, for those temporarily or permanently unable to work in gainful employment, the **elderly** and **disabled** and provision of **healthcare** throughout the life cycle (cf. Box 1). This overlaps with **social security**, which ILO convention 102 (1952) defines in **9 minimum standards** (cf. Box 2).

### Box 2: Minimum Standards of Social Security by ILO Convention 102 (1952):

(1) Medical Care	(4) Old Age Benefits	(7) Maternity Benefits
(2) Sickness Benefits	(5) Employment Injury Ben.	(8) Invalidity Benefits
(3) Unemployment Benefits	(6) Family Benefits	(9) Survivor's Benefits

Social protection is more than the provision of transfers in cases of life contingencies. Where *social security* in a narrow sense comprises publicly mandated transfers (in cash or cash-equivalent in kind), *social protection* in a broad sense also refers to private, communal or traditional arrangements, and not just to transfers, but also to **services** provided to address vulnerability and protect people from falling into poverty (such as micro-credits), social **rights** and frameworks, **indirect transfers** (such as farm subsidies) and, by some definitions, **transformative** (long-term structural)

interventions aimed at changing causes of poverty, rights deprivation and lack of empowerment:

“A transformative approach extends the definition of social protection beyond targeted income and consumption transfers that address chronic poverty and livelihood threats. Strategies to deal with social vulnerability must address the social justice that arises from structural inequalities and abuses of power, and transformative social protection must aim to achieve empowerment, equity and the realisation of economic social and cultural rights” (Sabates-Wheeler, Devereux 2007: 27).



## 2.2 Social Protection through a Gender Lens

Just as gender is a cross-cutting issue in any area

of social life, likewise social protection has everything to do with gender relations. This is also reflected in the relevant policy documents of the Southern African Development Community (SADC, cf. Box 3, also Box 5).

### Box 3: SADC Standards and Definitions

The **SADC Code on Social Security** (2007) defines **Social Protection** as “social security and social services, as well as developmental social welfare. Social protection thus refers to public and private, or to mixed public and private measures designed to protect individuals against life-cycle crises that curtail their capacity to meet their needs. The objective is to enhance human welfare” (SADC Code on Social Security, Article 1(1.4)).

The **SADC Protocol on Gender and Development** (2008) establishes the objective, “to provide for the empowerment of women, to eliminate discrimination and to achieve gender equality and equity through the development and implementation of gender responsive legislation, policies, programmes and projects” (Article 3(a)),

while defining that “**gender equality**’ means the equal enjoyment of rights and the access to opportunities and outcomes, including resources, by women, men, girls and boys; **gender equity**’ means the just and fair distribution of benefits, rewards and opportunities between women, men, girls and boys” (Article 1).

The protocol lists a wide range of social protection measures ranging from maternity protection and social safety nets over **equal access** to property, employment, education, justice and information to full and equal political representation as well as **affirmative action** and **gender mainstreaming** and sensitization (further elaborations cf. Kaseke, Olivier 2012).

The **SADC Social Charter** (2003) prescribes equal treatment for men and women in Article 6 regarding gender equity, equal treatment, equal opportunities and measures to reconcile occupational and family obligations.

**N**yenti (2012) elaborates for South Africa, which is true for most SADC countries, that **women “are marginalised and/or excluded from social security** due to their concentration in low level jobs and industries; gender variations in working time and higher underemployment levels; their early or temporary exit from the formal labour market; the formal employment sector bias of the social security system; and exclusionary provisions in some social security statutes.

In addition, the early or temporary exit of females from the formal labour market (due in part to their household and care-giving circumstances) affects their entitlement to long-term social security benefits (such as retirement benefits).

This is especially the case where entitlement to these benefits is dependent on the completion of a continuous period of employment or contributions.”

The **HIV/AIDS pandemic** has strongly affected the region, and in such affected gender relations and burdens of women, as Lund reminds us:

“HIV and AIDS have changed the world of work. Not only are many people of working age directly affected by HIV, but those who work with them and care for them are also affected. People who are HIV positive and negative care for people who are positive. Men are living longer than women, parents are dying before their children are able to support themselves, and the thousands of children who are orphaned by AIDS will have no grannies or aunts. The need for care work – paid and unpaid, and formal and informal – has increased dramatically.” (Lund 2012)

Applying a gender lens to social protection in Southern Africa reveals at least nine major gender implications, as presented in Box 4:

## Box 4: Major Gender Implications of Social Protection

- ❖ Women are exposed to poverty to a greater extent than men (feminisation of poverty).
- ❖ Women are usually affected by poverty more strongly than men.
- ❖ Women often carry the double role of productive and domestic work.
- ❖ Women are more likely to shoulder the burden of care work.
- ❖ Women are more likely to be in informal, precarious or part-time employment, thus benefit significantly less from employment-based benefits.
- ❖ Women are less likely to equally share with men due to intra-household power relations, thus benefit less from benefits given on household basis.
- ❖ Women are often excluded/restricted from access to property such as land and livestock.
- ❖ Women are less likely to receive education, particularly secondary or tertiary, which impedes them in finding gainful employment.
- ❖ Maternity is a women-only lifecycle contingency.

There are numerous further and complex gender aspects of livelihood and poverty/vulnerability under the broad surface. In an international comparative study of the Overseas Development Institute between social protection programmes in eight countries of the Global South, Rebecca Holmes and Nicola Jones list the following:

“In terms of social vulnerabilities, time poverty is a significant concern for women and girls. Household decision-making power is often concentrated in a husband’s hands, and this is sometimes reinforced by physical violence. Limited reproductive health rights are a significant concern, especially for young women in Latin America.

In cases of male abandonment, single women are vulnerable, especially to labour shortages, social stigma and lack of access to assets. Women may also suffer from limited opportunities to exercise meaningful voice and agency at community level. This may intersect with other forms of social exclusion, for example of minority groups, marginalised castes and displaced populations from linkages to political elites and access to identification documents” (Holmes, Jones 2010b: vii).

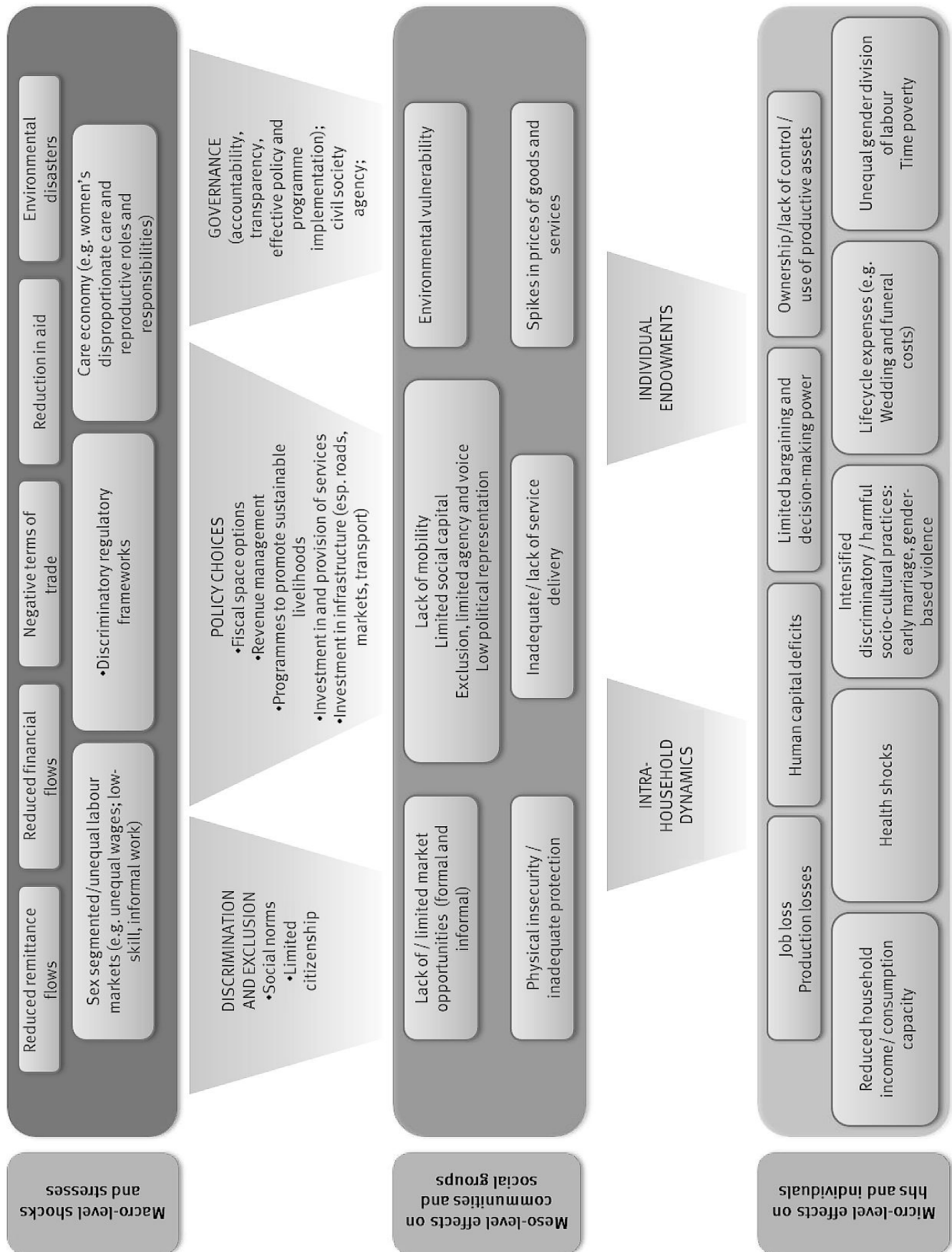
An elaborate scheme of gender-specific social and economic risks and vulnerabilities by the same authors is reproduced in Figure 2. The authors bemoan a “substantial disconnect between gender equality and empowerment goals on the one hand and social protection objectives on the other” (Holmes, Jones 2010b: vii), to which social protection was no exception. But poverty and gender dimen-

sions are intertwined and should be a joint priority of social protection programmes: “Despite decades of evidence on the gendered patterns of poverty and vulnerability, and the knowledge that progress on women’s empowerment and gender equality contributes to the achievement of social and economic development goals, all too often poverty reduction programmes fail to adequately integrate gender dimensions into their design and implementation” (Holmes, Jones 2010b: 1).

***In terms of social vulnerabilities, time poverty is a significant concern for women and girls. Household decision-making power is often concentrated in a husband’s hands, and this is sometimes reinforced by physical violence***



Figure 2: Gendered Economic and Social Risks (Overseas Development Institute)



Source: Holmes, Jones, 2010a: 5

**Box 5: Article 13 SADC Code of Social Security (Gender Aspects of Social Protection)**

**13.1** Member States should ensure that there is **equal coverage** of - and access to - social security – including equality in receiving social security benefits – between men and women.

**13.2** Member States should ensure that **social security legislation** in their respective countries is **not gender-discriminatory** and is aligned with the 1997 SADC Declaration on Gender and Development and the 1999 Plan of Action for Gender in SADC.

**13.3** Member States should support **gender sensitisation** in the social security system, inclusive of addressing women's special needs and circumstances, and introducing appropriate affirmative action programmes.

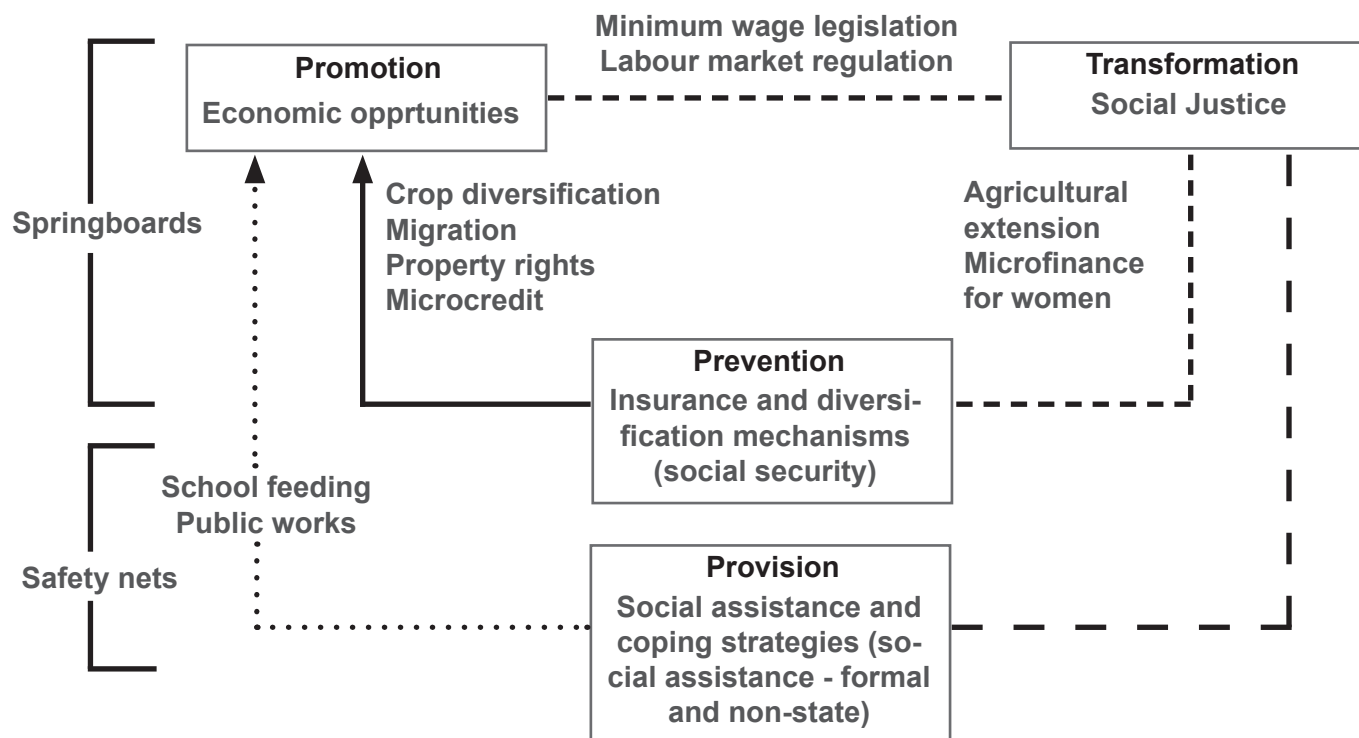
**13.4** Member States should **abolish all discriminatory laws, customs and practices** in their respective social security systems.

**13.5** Member States should introduce programmes and strategies for the eradication of poverty and the **economic empowerment of women**.

**13.6** Member States should adopt and promote policies that ensure that workers, particularly female workers, are able to **balance occupational and family obligations**.

### 3 Transformative Social Protection and Substantive Gender Equality

**Figure 3: Dimensions of Social Protection (Sabates-Wheeler & Devereux 2007)**



Source: Sabates-Wheeler, Devereux 2007: 26



In 1994, Guhan conceptualised **social protection** to comprise three components: **protective (providing)**, **preventive**, and **promotive measures**. This was further developed by Rachel Sabates-Wheeler and Stephen Devereux in 2007 and expanded by a fourth category of **transformative measures**, as demonstrated in Figure 3.

Social protection can be transformative in many ways, and generate significant effects by comparatively **small efforts to link objectives** and think across the spectrum. This is the case when cash transfers specifically target people with disabilities as their own category, mainstream HIV/AIDS support, compensate social capital deficits, increase beneficiary decision-making power, provide for age-specific support both to youth and the elderly, address social stigma and reversely affect social and cultural power structures (Holmes, Jones 2009: 8). Certainly social protection can also be transformative regarding gender relations and in promoting women's empowerment.

The SADC policy framework lists **women's empowerment** as an objective (cf. Box 3), but does not define the nature and scope of women's empowerment. Naila Kabeer (1999) has defined women's empowerment as the ability to exercise choices regarding the three interrelated dimensions

of **resources (pre-conditions)**, **agency (process)** and **achievements (outcomes)** (cf. Figure 4). Thus women should be able to fully access material, human and social resources including land, education and social networks. They should be free in making decisions and choosing courses of action and not be subject to deception and manipulation, but capable of full and equal negotiation. Well-being outcomes should be fully available and not constricted in any manner (Kabeer 1999).

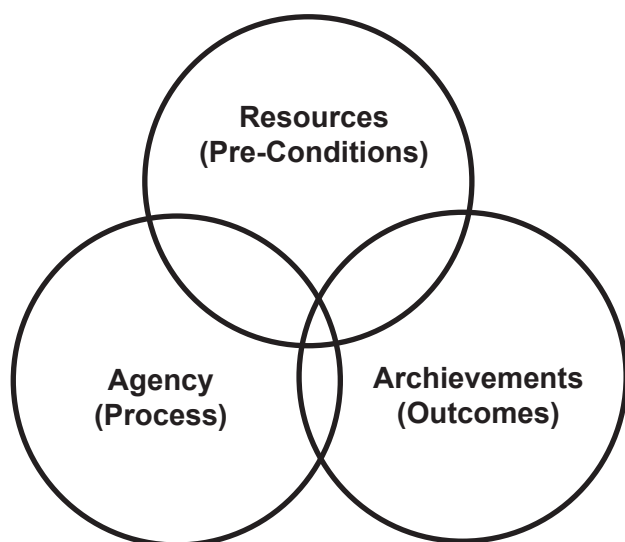
**F**ree choice regarding resources and agency are reflected in the SADC definition (cf. Box 3) of gender equality, whereas the SADC definition of gender equity points in the direction of Kabeer's concept of achievements. Yet, both Kabeer's conceptualisation and the SADC definitions beg **operationalisation**. What are all the requirements and components that need to be covered? A possible answer to this can be found in Sandra Fredman's **Four-Dimensional Model of Substantive Gender Equality** (cf. Box 6).

Substantive equality is different from formal equality. **Formal equality** means equal treatment for everyone. Since gender relations disadvantage women in most areas of life, treating them the same like the men would mean reinforcing the unequal gender relations. An obvious example is maternity. Only women become mothers and this generates a special need to be considered under equality considerations. Women and men are different in parenthood and a **substantive equality** approach reflects this. Whereas men cannot reasonably expect to return to work places after 3 months unpremeditated leave, it is only by securing such a right to return to workplace after maternity that we can ensure that women have the same opportunity of gainful employment as men. Treating them equal would preclude those women from employment who become mothers.

The same approach of substantive equality reaches far and can include any measures to reduce disadvantageous conditions of women and redress uneven gender relations. By focusing on substantive rather than formal equality, Fredman incorporates the concept of empowerment within the concept and then categorises it in four dimensions of redistributive, recognition, transformative and participative dimension.

**Figure 4: Women's Empowerment according to Naila Kabeer 1999**

**Women's Empowerment:**  
**Free Choice regarding...**



Source: Own Visualisation by Rapporteur

**Box 6: Four-Dimensional Model of Substantive Gender Equality (Sandra Fredman)**

- ❖ Redistributive: Break the cycle of disadvantage associated with status groups
- ❖ Recognition: Promote dignity and worth, redress stereotyping, stigma, humiliation and violence
- ❖ Transformational: Accommodate difference and aim to achieve structural change
- ❖ Participative: Facilitate full participation in society

**F**redman's four-dimensional model of substantive gender equality integrates the dimensions of both Kabeer's women's empowerment (resources, agency, achievements) and of the social protection framework of Sabates-Wheeler and Devereux (provision, prevention, promotion, transformation). Thus, the model provides a framework for examining social protection programmes as to whether and to what degree they address and evoke substantive gender equality.

"A truly gendered perspective means that a welfare programme addresses all four dimensions of the multi-dimensional model of substantive equality advocated here. It must focus on alleviating gender-based disadvantage as well as poverty per se. It must address the specifically gendered stigmatic and prejudicial consequences for women. It must ensure the voice of the women are clearly heard and taken into account. And it must ultimately address the structural causes of inequality rather than either requiring women to conform to the male norm, or cementing gender-based stereotypes of caring roles." (Fredman 2012)

Fredman demonstrates the use of the framework on the case of **conditional cash transfers (CCTs)**. CCTs are "distinctive in that, rather than rendering women invisible by dissolving their identity within households or expecting them to conform to the male norm of full-time continuous employment, they specifically target women". By conditionalities concerning education and health services for children, the programmes aim at breaking the intra-generational poverty cycle through investments in human capital. The effects of this are uncertain and in many cases not sustainable, which strongly suggests "that CCTs should not displace proper investment in public services such as health and education, which are of high quality and free at the point of delivery" (Fredman 2012).

In most Latin American cases, women are the

recipients of CCTs. "This rests on mounting evidence that women are more responsible than men in the use of welfare payments and are more likely to use cash transfers for the benefit of their children." A double edged sword regarding women's empowerment, for "correspondingly, it is women who are regarded as responsible for delivering the conditions attached to the transfers, particularly in relation to the health and education of the children in their care." Thus the same measures aimed at improving resources and bargaining power of women, impose an additional work burden on them (Fredman 2012).

Analysing the **redistributive dimension** of CCTs "requires particular attention to be paid to the nature of women's disadvantage, which extends beyond income poverty, to include discriminatory laws as to property and succession; disempowerment within the family, society and the State more widely; vulnerability to divorce and widowhood; unequal access to resources, education and quality paid work; and particularly, the implications of the primary responsibility for child-care and domestic work". CCTs have several redistributive aspects, according to Fredman: They compel parents to enrol daughters in schools, focus on mothers rather than women in general, bring more monetary resources under the control of women, but at the same time impose onerous conditions that deplete time resources of women, exacerbating gendered time use that disadvantages women. For structural effects, school enrolment would need to be extended to secondary schooling, not just primary (Fredman 2012).

While the redistributive affects are ambivalent, the CCTs do not perform well regarding the **recognition dimension**. On the one hand stigma is reduced by nature of the programmes, on the other hand men are further marginalised from domestic and care work which reinforces gender roles. Further, poor women are stigmatised as bad

mothers, for the conditionality rests on “the assumption that without the condition, women would not take the specified actions.” Yet, evidence from Malawi indicates that the conditionality may even be superfluous. Fredman suggests that a “universal cash transfer, without conditions, and proper investment in public services, including schools might then be viewed as a better and

more gender compliant alternative.” Means tests are another intrusive aspect, “means testing generated lack of trust, social divisions and feelings of envy.”

Finally conditionalities fail to provide for other contingencies; “girls might not go to school and therefore breach the condition because they are sexually harassed; pregnant women may fail to fulfil the conditions of attending health clinics because the service is so poor or clinics are so far away.” Fredman remarks:

“It is particularly noteworthy that the World Bank report acknowledges that one of the major reasons for including conditions within cash transfer programmes is to convince voters that social welfare is not a hand-out. In other words, it is the stigmatic images of mothers as inadequate, lazy or insufficiently altruistic to which politicians are speaking when attaching the condition” (Fredman 2012).

CCTs are **transformative** by design as they intend behavioural changes. Yet this feminisation of responsibility may “permit men to escape their responsibility.” Evidence indicates that when women gain additional resources, men increasingly with-



hold theirs. Unlike unconditional transfers, conditional transfers should not be channelled through women specifically. “A truly transformative approach would be that signalled by CEDAW, which requires States to promote ‘a common responsibility of men and women in the upbringing and development of their children.’ (Art 5(b))” (Fredman 2012).

Also unfavourable is the outlook on the **participative dimension** of CCTs. Fredman bemoans that women’s representation is clearly lacking; usually only the voice of political majorities counts. She calls for the extension of focus on individual participation to also include civil society groups to represent (poor) women in social dialogue (Fredman 2012).

In conclusion, Fredman argues that substantive gender equality should not narrow its focus on individual basis and shift responsibilities and resources to women only. Rather,

“a gender perspective should not obscure the reality of poverty for both men and women. The answer is not necessarily to shift responsibility to women, but to universalise the burden through State provision of services. Real substantive equality is most likely to be achieved, not through making women bear the burden of breaking the inter-generational cycle of poverty but through universal, free access to good quality State schools, health clinics, and other essential services” (Fredman 2012).

## 4 Gender Structures of Poverty in the SADC Region

**D**espite producing most food in the world, particularly in the Global South, 70% of the world’s poor are women and “a myriad of structural, institutional, cultural, socio-economic and even individual constraints hinder rural women to improve livelihoods.”

A key factor of **livelihood** is food and **food secu-**

**urity**, yet the majority of households in the SADC region are food insecure. An estimated 60-80% of food is produced by women despite low levels of access to land; for instance, in South Africa women own only 1% of land. **Food insecurity and rural poverty** of women are often coupled with lack of social dialogue, when poor women remain silent in meetings and no one listens to them. The “food insecurity problem is caused by a complex mix of factors including institutional weaknesses, socio-cultural practices, economic factors and poor access to most physical and social assets including latent assets” (Chitja 2012).



So while women are most productive and shoulder the majority of agricultural production, they are constrained and marginalised in multiple ways. They suffer from time poverty, lack of assets such as land, lack of access to markets and socio-cultural norms. To address rural poverty and empower women in agricultural self-employment

it is necessary to remove constraints and provide/support “access to resources, market development and market access”, otherwise “women will remain vulnerable and marginalised.” (Chitja 2012).

Lund lists thirteen **gendered risks and vulnerabilities** over the lifecycle of the poor population as presented in Table 1:

**Table 1: Gendered approach to risks and vulnerabilities over the lifecycle for the poor**

Stage in the life cycle	Risks and vulnerabilities
Very young children	<ul style="list-style-type: none"> <li>● Totally dependent on adults/older siblings</li> <li>● Nutritional vulnerability</li> </ul>
Children less than 12	<ul style="list-style-type: none"> <li>● Not attending school because of home responsibilities</li> <li>● Double burden of work and schooling, leading to long term low productivity</li> </ul>
Teenagers	<ul style="list-style-type: none"> <li>● Early entry to labour market</li> <li>● Risk of early pregnancy</li> </ul>
Early adults	<ul style="list-style-type: none"> <li>● Employment insecurity through pregnancy and child care</li> </ul>
Middle adults	<ul style="list-style-type: none"> <li>● Caring for both younger children and elderly in households</li> </ul>
Older people	<ul style="list-style-type: none"> <li>● Increased care, associated with HIV/AIDS, for younger family members</li> <li>● Costs of retiring or withdrawing from work</li> <li>● Widowhood</li> <li>● Widow's loss of assets</li> <li>● Declining health</li> </ul>

Source: Lund 2012

**W**here is the specific **link of social protection** to broader attempts at **poverty reduction**? Chitja argues, that, “well conceived (comprehensive) and well implemented social protection programmes can play a meaningful role in strengthening the weak livelihood asset base of rural women by providing important services such as healthcare and child care grants [... and

by] comprehensively supporting women specific challenges of time poverty and work-burden thus lightening their load thus yielding more time to engage in other economically productive activities including accessing markets for generating income for themselves and their household members” (Chitja 2012).

Specific linkages between social protection and poverty reduction/food (in)security are presented in Table 2.

*...well conceived (comprehensive) and well implemented social protection programmes can play a meaningful role in strengthening the weak livelihood asset base of rural women...*

Table 2: Factors in Women's Rural Poverty and Possible Mitigation

	Manifestation	Impact on food security	Possible Roles of Social Protection
<b>Social</b>	<ul style="list-style-type: none"> <li>● Poor Familial, social network and support on issue concerning women's work</li> </ul>	<ul style="list-style-type: none"> <li>● Poor social support &amp; community knowledge result in food insecurity</li> </ul>	<ul style="list-style-type: none"> <li>● Working with social institutions to raise awareness on benefits for the family and get a buy in</li> <li>● Strengthen legislation for same salaries for both sexes</li> </ul>
<b>Structural/Physical</b>	<ul style="list-style-type: none"> <li>● Geographical distance leads to homebound women</li> </ul>	<ul style="list-style-type: none"> <li>● Loss of opportunity results in lower income &amp; food insecurity</li> </ul>	<ul style="list-style-type: none"> <li>● Inter-governmental and integrated planning with other sectors</li> </ul>
<b>Economic/Physical</b>	<ul style="list-style-type: none"> <li>● Less preferred for work</li> <li>● Less than men</li> </ul>	<ul style="list-style-type: none"> <li>● Less resources, food insecurity</li> <li>● Less productivity</li> </ul>	<ul style="list-style-type: none"> <li>● Lobby for access to land &amp; water (tensions between statutory and cultural legal practices)</li> <li>● Lobby for access to education of boys and girls</li> </ul>
<b>Cultural</b>	<ul style="list-style-type: none"> <li>● Rules verbalised and practiced forbid access based on gender</li> <li>● Unwritten rules on how to behave</li> </ul>	<ul style="list-style-type: none"> <li>● Loss of opportunity and access, food insecurity</li> </ul>	<ul style="list-style-type: none"> <li>● Engage cultural structures and lobby for human rights approach of women empowerment. Use positive aspects of culture that have fairness</li> </ul>
<b>Work Burden</b>	<ul style="list-style-type: none"> <li>● Stereotypes of gender-biased work</li> </ul>	<ul style="list-style-type: none"> <li>● Overburden women as they have traditional roles and economic/social reproductive roles to fulfil. The burden causes tension between couples as she fails to fulfil all roles</li> </ul>	<ul style="list-style-type: none"> <li>● Advocate family involvement and focus on family benefits</li> <li>● Enforce aspects of laws that make provision for women's benefit</li> <li>● Work with policy makers to conceive gender sensitive policies that value care work and cement it as helping the household prosper regardless of who is doing it</li> <li>● Monitor implementation stages of such policies to implementors overriding gender due to heavy cultural stereotypes or misinterpretations</li> </ul>

Source: Chitja 2012

Chitja concludes:

“Rural women would benefit from engendered institutions that support rural women’s grassroots efforts and voices to build and strengthen assets and agency for trading in markets for a livelihood. In this regard it is crucial that men are part of all deliberations and programmes in order to raise awareness and buy into the vision of growing the family instead of the antagonism that often arises between men and women in empowerment programmes including social transfers targeted at women.” (Chitja 2012).

Women are also severely disadvantaged in **labour and employment**. In **South Africa** the unemployment rate for women is 27.7% compared to 23% for men and notwithstanding the fact that women constitute 50.9 % of the population (Nyenti 2012). In **Zambia**, the employment-population ratio is lower for women (64.9%) than for men (72.4%) (Chikalanga, Chisupa 2012). In **Tanzania**, females account for 57% of all unemployed persons in Mainland Tanzania (Masabo 2012). In **Botswana**, the participation rate for females is 50.5% compared to 64% for males (Ntseane 2012). In **Malawi**, 71% of rural women are illiterate (Kanyongolo 2012b). Generally, the majority of women in SADC are employed in low level jobs; many women are unable to participate in formal labour markets because of low levels of education, lack of skills and their care-giving roles (Kaseke, Olivier, 2012).

The small size of formal sectors coupled with the bias of social security systems towards formal employment mean low coverage of SADC social security systems: “As a result, females are overrepresented in the informal economy. Females accounted for 67.1% of workers in the informal economy in **Tanzania**, 50.6% in **Zambia** and 70% in **Zimbabwe**. Coverage of social security systems in SADC is low because of the low numbers of workers employed in the formal sector, (e.g. 3.6% of the economically active in mainland Tanzania). Coverage of females is even lower because of their underrepresentation in formal employment (e.g. only 2% of women are covered in Tanzania). Coverage is not extended to the informal economy generally. However, in limited voluntary coverage is provided for in some countries (e.g. under the SSC in **Namibia**)” (Kaseke, Olivier 2012).

## 5 Formal and Informal Economy

**T**raditionally the divide in industrialised economies of the West has run between **occupational and domestic work**, giving rise to an entire women’s movement focusing on the sexist-patriarchal separation of public and private spheres.

While men entered the public spheres in gainful occupation, women were restricted to private spheres and – unpaid and underappreciated – domestic (care) work. **Social security systems** built on **formal employment** have and continue to reproduce such gender disadvantage against women by insufficiently providing for interrupted working times, part-time employment, survivor’s benefits and so on.

Yet, the struggle for improved social security systems that address such gender imbalance and adequately provide for women workers, no longer addresses the global norm and, in southern Africa, never has, existing social security arrangements that follow the formalist Western model notwithstanding. The portions of the economy that follow the model of male full-time employed continuous breadwinner are shrinking and in the SADC region the minority by far.

The majority of workers are found in the **informal economy** and it has been shown that most informal workers are women, be it wage-employed, self-employed or as subsistence farmers. While women are generally disadvantaged inside the sector of formal employment, they are even more so in the informal economy, where the majority of women is found.

“In large parts of the so-called developing world, it scarcely existed for more than a narrow band of workers such as those in the civil service and military. Increasing numbers of women the world over now participate in the labour market; fewer and fewer people – men or women – are in work that carries full social security benefits as existed before.



Increasing numbers of people are entering their elderly years with no social security whatsoever” (Lund 2012).

Masabo demonstrates this situation in the example of **Tanzania**:

“Women are overrepresented in the informal economy (informal sector) which has, of recent, significantly grown accounting for about 93.3 percent in 2006 and about 97 percent, equivalent to about 1.3 million employments during the year 2007 to 2008. A recent study by the Tanzania Revenue Authority reports that women constituted about 67.1 percent of the number of workers employed in the informal sector in 2010. The over representation of women in this sector and the inherent biasness of the labour laws and social security laws towards formal and traditional forms of employment means that, majority of women have no recourse to labour law and social security protection. Social security coverage is significantly low, statutorily determined and based on the existence of formal employment relationship and, therefore, not available to informal sector workers and those in non-conventional employment. Only 675,200 (3.6 percent) of Tanzania Mainland’s economically active population had access to social security in 2006” (Masabo 2012).

In **Zambia**, only 11% of workers are employed in the formal sector: “Women in Zambia are still under-employed compared to men and the majority is employed in the agricultural sector which is mainly informal. For instance in 2005, 88% of the total number of people employed was in the informal sector. Within the agriculture sector, 52.9% were females compared to 47.1% males; within the mining and quarry sector, 92.5% were males compared to 7.5% females. Females are more likely to be employed in domestic-related jobs as some view certain professions like mining as a masculine job.” (Chikalanga, Chisupa 2012).

In **Malawi** 13% are employed in the formal sector (Kanyongolo 2012b). Even in countries like **Botswana** and **Namibia** the informal economy has been growing rapidly in recent years (Ntseane 2012, Keendjele 2012).

In **Zimbabwe** the formal sector accounted for only 1 out of 5 jobs in 2008 and women find them-

selves at the intersection of different disadvantage structures:

“The legacy of colonial laws and practices is such that women’s employment options are limited and offer the poorest of working conditions (e.g., long hours, poor pay and stability, long periods of separation from their families). Thousands of Zimbabwean women are self-employed in cross-border trade, constituting 70% of those employed in the informal sector, but their spaces are under threat as more and more men move into the sector due to general unemployment. Women still lag behind men in terms of access to formal financial institution (37.12% versus 42.55% men as per 2012 Global Findex, World Bank). Although the government launched the Small and Medium Enterprise policy in 2010 to help increase women’s access to loans (57% of beneficiaries were women), such temporary special measures are not yet being systematically applied to promote substantive equality between women and men in the areas of employment and participation in political and public life” (Mushunje 2012).



## 5.1 Formal and Informal Employment

**W**hat are the **definitions of formal and informal employment?**

“For work to be defined as **formal**, there has to be a written contract, and the work has to be covered by basic conditions of employment, such as stipulated working hours, pay for overtime work, paid holidays, and sick leave. Most formal work also carries some provision of social security, the core of which is access to health insurance, unemployment insurance, maternity leave, compensation for work-related injury or disease, and coverage for family in the case of work-related death” (Lund 2012).

In **informal work**, employment relations are not legally registered. It comprises several, quite different forms of work, principally separated between self-employment and wage-employment, as listed in Box 7.



**Box 7: Informal Self-Employment and Wage-Employment****Informal self-employment**

- ❖ employers in informal enterprises
- ❖ own account workers in informal enterprises
- ❖ contributing family workers (in informal and formal enterprises)
- ❖ members of informal producers' cooperatives (where these exist)

**Informal wage employment:** employees hired without social protection contributions by formal or informal enterprises or as paid domestic workers by households. Certain types of wage work are more likely than others to be informal.

- ❖ employees of informal enterprises
- ❖ casual or day labourers
- ❖ temporary or part-time workers
- ❖ paid domestic workers
- ❖ contract workers
- ❖ unregistered or undeclared workers
- ❖ industrial outworkers (also called homeworkers)

*Source: Chen 2012: 7f*

The prevalence and accelerated growth of informal economies and informal work/employment raises several concerns. **Occupational health and safety regulations** and standards only apply in the formal sector, which points to a significant gap in social protection coverage of informal workers. The particular challenge lies in recognising hidden informal workers as workers.

There is increasing **informalisation** by changing employment contracts to contractual relations, where former workers become their own self-employed business-entrepreneurs. This leads to an erosion of a “wage culture” (Theron 2010), in which working standards and remuneration are socially regulated and negotiated and not externalised by guising the employer-worker-relationship through superficial business relationships.

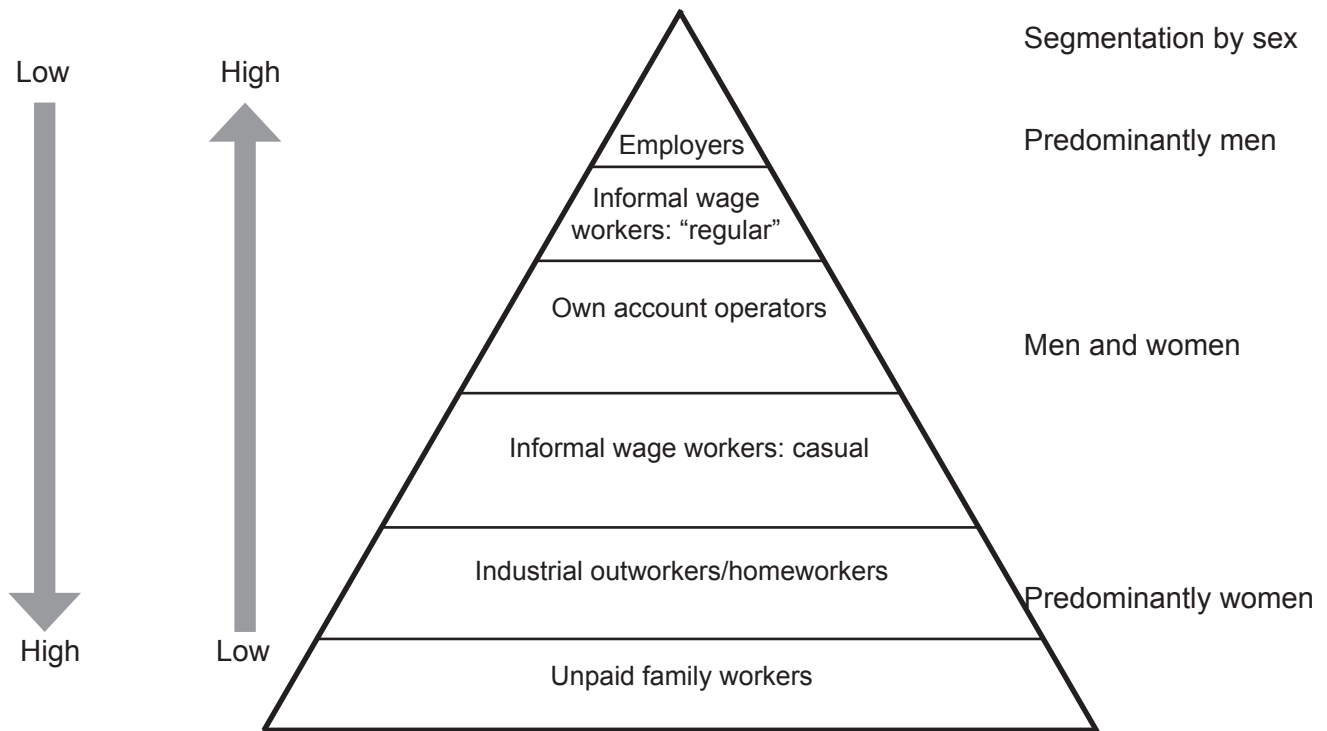
Meanwhile, the informal sector is highly **segmented** between higher income and poorest strata, which coincides with a gender pattern, as demonstrated in Figure 5.

Lund explains, “in general, more men than women work in the formal economy, they have greater upward mobility than women do, and earn more than women do. The spouses and families of men who work formally get access to social protection as dependents of their partners. In the formal economy, more women than men do part-time work, and part time work brings fewer social protections” (Lund 2012). Women suffer an extra

**gender penalty** in the valuation of work; nurses and engineers require the same amount of training, expertise and responsibility and yet show extreme wage differentials (Budlender, cit. op. Lund 2012).

A large portion of informal work is **care work**, which is done by women in most countries in the world. “This is not ‘culture’ operating; it is patriarchy” (Lund 2012). By the same token, it may be anti-transformative to target social protection policies at local communities as “agents of change – it usually hides women’s unpaid work” (Lund 2012). On the positive, there are increasing work opportunities for women both in the formal and informal sector, while interrupted or atypical work arrangements exclude women from social protection schemes. Informalisation generally shifts the responsibility of social security from employers onto the workers. Rather than speaking of a gender divide between informal and formal sector, Lund points to **women’s subordinate positions** “in all parts of the economic continuum” (Lund 2012).

***A large portion of informal work is care work, which is done by women in most countries in the world. “This is not ‘culture’ operating; it is patriarchy”***

**Figure 5: WIEGO Model of Informal Employment***Hierarchy of Earnings and Poverty Risk by Employment Status & Sex**Source: Chen 2012: 9*

## 5.2 Harmonising Informal and Formal Social Protection Systems

**W**hile it is redundantly clear that formal security systems leave the informal economy without social protection, and that women are the majority affected by this shortcoming, it should not be overlooked that other, **not state-based** systems and **arrangements of social protection** exist on community basis.

These may be based around African philosophies, such as Ubuntu, savings and other local insurance schemes, particularly burial societies and stokvels, cooperatives, kinship groups, patterns and networks, and so on.

Such **plurality** needs to be recognised and acknowledged when calling for expansion of formal security systems, argues Kanyongolo. In order to reconcile the informal and formal sectors, calls have been made for the integration of the two corresponding social security systems

and extension of the formal system to incorporate both; to consider local, community-based, often traditional systems of social support when addressing the expansion of formal systems, thus taking historical, geographical and postcolonial patterns into account. Kanyongolo identifies first ideas for operationalisation of the integration of formal and informal systems of social security with Olivier and Kaseke (2004, cit. op. Kanyongolo 2012a), when they suggest that primary responsibility for social security should be with the state and that the integration or linking of systems should be done with the objective of increasing coverage and providing for minimum protection, while leaving local arrangements intact that are not suitable for integration.

On this basis, Kanyongolo calls for social security systems that are defined by function rather than by system, thus taking into account people's own

concepts, perceptions and risks prioritisation. Further, men and women should not be essentialised as homogenous groups, but it should be acknowledged, that there are many differences among men or women, such as “age, socioeconomic status and geographical location. [...] **Factors like class, race and ethnicity compound gender in varying degrees**” (Kanyongolo 2012a).

The plurality of social protection systems should be acknowledged and frameworks address arrangements outside and beyond the state:

“In reality, therefore, in most of the countries in the region, there is complex interdependence by the majority of people on different social security systems based on kinship, communities, the state, the market, religious organisations and NGOs to survive shocks and risks of life. There is a plurality and complex constellations of social security systems manifested by the many interrelationships and mutual dependencies between elements of the different systems within the region” (Kanyongolo 2012a).

## 6 Gender and Social Protection in Selected SADC Countries

### 6.1 Legal Frameworks

**S**ome SADC member states have adopted legal frameworks to promote gender equality, for instance, Botswana and Lesotho have developed national **Gender and Development Policies**. Often there are **ministries** or departments responsible for gender or women’s affairs. The SADC member states’ constitutions outlaw all forms of discrimination, including **gender-based discrimination**. All have ratified the SADC Protocol on Gender and Development which was designed to promote gender equality and the empowerment of women (Kaseke, Olivier, 2012).

Kanyongolo identifies possible conflicts between **conflicting legislations**, which disadvantage women, such as the right to cultural choice, which potentially comes into conflict with the right to equality, or the right to religion (conscience) and religious teaching, which is often patriarchal and goes against gender equality.

“Unfortunately, most constitutions do not provide a principle which can be applied to resolve the conflict between the right to equality and other rights. It may be easier to resolve the conflict in cases involving customary law where these are required to be consistent with constitutional principles” (Kanyongolo 2012a).

### 6.2 Gender Discrimination in Social Protection Systems

#### BOTSWANA

Botswana has nine formal social security programmes, the Destitute Persons Programme; Orphan Care Programme; school feeding for primary and secondary school children; vulnerable groups feeding programme; old age pension scheme; World War II Veterans support; remote area dwellers support; Ipelegeng and the community home-based care programme. “These programmes have had positive impact in reducing hunger, improving food security, enhancing livelihoods, improving school attendance and meeting other basic human needs.” All of these programmes are non-discriminatory except the WWII veterans programme, in which spouses lose the benefits if they remarry after death of the veteran. Informal social security exists in kinship networks and burial societies. There are no government programmes to target the informal sector, which has grown to now over 40,000 businesses. This affects women more often than men. Also women suffer from a general gender gap in employment patterns also in formal employment, which in turn leads to reduced pension and other formal social security benefits (Ntseane 2012).



## LESOTHO

Lesotho has six social assistance programmes, old age pension, African pioneer corps pension, public assistance, public works, public officers and specified officers defined benefit pension, child grants (limited in terms of benefits and coverage), highly subsidised medical services which are free at primary level (clinics), a primary school feeding programme and an educational grant for vulnerable children. Social insurance schemes include the Public Officers Defined Benefit Pension Fund, maternity protection, workmen's compensation; Corporate Bodies Pension Fund and other privately managed occupational funds. All of these are not gender discriminatory. But due to women's prevalence in informal employment, they benefit disproportionately low. There is general gender discrimination in terms of property rights and exclusion of domestic workers from labour law provisions. Only in 2006, women's independent rights were legally enacted against customs that subordinate wives under the husbands and deprive them of their economical rights unless consented by the husbands (such as opening bank accounts) (Bitso 2012).

## MALAWI

Social security measures in Malawi are not discriminatory but gender neutral. "It is usually in their application and effect that most provisions are discriminatory. For example although there are a number of social security benefits being provided in the labour market, such as pension, sick leave and maternity-related benefits, the majority of women are excluded from the formal labour market and hence do not have access to such benefits. This is indirect discrimination that results from limited access to the market." Despite lack of access to the labour market, there is another example of indirect discrimination under the "Pension Act 2011 which provides for compulsory pension schemes for employers with more than five employees. This, in many instances, excludes domestic workers who work for an employer with less than the five required number of employees. This excludes a vulnerable group of workers,

the majority of whom are women" (Kanyongolo 2012b).

## MAURITIUS

The social protection system in Mauritius consists of 6 pillars: universal pensions to all above 60, widows, orphans, people with disabilities, and their children; contributory pension and unemployment benefits; a national provident fund; some 1000 private occupational schemes; household commodities and food subsidies (such as rice, cooking gas); general integration and economic empowerment policies aimed at the vulnerable and poor. While the systems are non-discriminatory, also in Mauritius "poverty has a women's face". The following measures have been implemented among others to redress female poverty: basic widows' pension, contributory widow's pension and survivor's pension under the National Pensions Scheme and means-tested benefits as social aid, targeted at abandoned wives, single mothers, women whose partners are in legal custody or have passed away with insufficient resulting widow's benefits (Fatadin 2012).

## NAMIBIA

In Namibia there are two major social security schemes that provide social security benefits, a national pensions scheme (with old age grants of N\$550/month) and the maternity leave, sick leave and death benefits fund (MSD). These are not fully available for informal sector workers, most of who are categorised as self-employed: "The coverage of self-employed persons by the MSD and possibly future funds poses a challenge to this sector. On the one hand they are not regarded as self-employed if they recruit an assistant and on the other hand they have to pay double contribution to the Fund. The third area of concern is the fluctuations of their income from one month to another". These challenges mainly affect women who are overrepresented in the informal sector, and more likely to earn low or precarious incomes (Keendjele 2012).

## SOUTH AFRICA

In South Africa's social security systems, including old age social pensions, children support grants and contributory social insurance schemes, "there is no gender discrimination in terms of participation in the system. However, the overrepresentation of women in lower pay jobs and industries; gender variations in working time and higher underemployment levels in industries with a high concentration of women mean that they enjoy lower social security benefits". As regards informal social security, "various organisations have been created by these workers, some of which are established by women and have exclusive female membership. Examples include the (now-defunct) Self Employed Women's Union (SEWU) and the South African Self-Employed Women's Association (SASEWA)" (Nyenti 2012).

## TANZANIA

The Tanzanian social security schemes are non-discriminatory with the following exceptions: Maternity benefits are only provided by two out of six social security schemes, the National Social Security Fund (NSSF) and the Local Authority Pension Fund (LAPF), but women with insufficient prior service are excluded. Some of the schemes allow women who get married to withdraw from the Fund. Survivors' benefits for widows under the NSSF depends on dependent children; those

without only receive the benefit for two years. The same benefit also terminates upon remarriage.

## ZAMBIA

The Zambian social protection system comprises four pillars, a basic mandatory pension plan, occupational statutory and private voluntary schemes, individual financial pension plans and social assistance programmes such as cash transfers and in-kind transfers. These programmes are non-discriminatory or gender neutral, but may discriminate against women in outcomes, for "under social insurance, there is an inherent but wrong assumption that the needs, wants and aspirations of male and female beneficiaries are the same. The disregard of the gender dimension in the provision of social security has had the effect of producing inherently discriminatory outcomes, especially for women" (Chikalanga, Chisupa 2012).

## ZIMBABWE

The social protection systems of public assistance for people unable to work or over 65 and the contributory social insurance schemes for pensions and work injury benefits are non-discriminatory. However, "discrimination in Zimbabwe can happen [... through the application of] customary law in respect of personal and family law which includes issues of inheritance and property rights." (Mushunje 2012)



## 6.3 Maternity Protection

### Box 8: Maternity Leave Provisions

- ❖ Botswana: Maternity leave is 84 days and paid by employers under conditions of prior employment duration. There is no paternity leave (Ntseane 2012).
- ❖ Lesotho: Maternity leave is paid for 12 weeks in all sectors except the security sector where only 6 weeks are paid and the other 6 weeks unpaid. There is no general paternity leave, but for instance the Central Bank gives 5 days fully paid paternity leave (Bitso 2012).
- ❖ Malawi: The law provides for paid maternity leave of 8 weeks once every three years. Paternity leave is not provided for legally, but exists in some cases such as the University of Malawi (Kanyongolo 2012b).
- ❖ Mauritius: There is full paid maternity leave of 12 weeks on the condition of one year prior continuous service, for a maximum of 3 confinements. Paid paternity is given for 5 days (Fatadin 2012).
- ❖ Namibia: Paid maternity leave is provided by the maternity leave, sick leave and death benefits fund (MSD) up to a maximum of N\$10,500. Paternity leave is not legally provided for except under the provision of compassionate leave of up to 5 days p.a. for family responsibilities (Keendjele 2012).
- ❖ South Africa: Maternity leave is provided for four months and paternity/family responsibility leave for 3 days. Payment during maternity leave is provided under the Unemployment Insurance Act depending on prior employment (and contributions) and covers between 38 and 58% of the salary (Nyenti 2012).
- ❖ Tanzania: Maternity leave is provided for 84 days during a leave cycle (36 months) and paid in full by employers upon conditions (of prior service) and for a maximum of four leaves. Paid paternity leave is provided for 3 days (Masabo 2012).
- ❖ Zambia: Maternity leave is provided for 12 weeks, paternity leave subject to collective bargaining agreements. Maternity leave is paid in full on conditions (of prior service) (Chikalanga, Chisupa 2012).
- ❖ Zimbabwe: Maternity leave is provided for 3 months and paid in full by employers for up to three times and once per two years (Mushunje 2012).

**M**aternity leave provisions differ considerably between SADC countries both in terms of length and nature of **payment**, as demonstrated in Box 8. Maternity protection is either provided in terms of **labour law** or of **social security law**.

The prior (including Botswana, Lesotho, Zambia and Zimbabwe) tend to place extra burdens on employers, thus impeding female employment (since it discourages employers from hiring women of child bearing ages).

In other cases, like South Africa, payments are not mandatory. The condition of prior service disadvantages females who are forced by circumstance to break service. SADC countries that provide maternity protection in terms of both labour and social security law include Namibia, South Africa and Tanzania. Throughout SADC, women are protected against **dismissal on the grounds of pregnancy** and are **guaranteed return to work**. Still, all countries fail to deliver the standard of **ILO convention 183**, by being short both of the

prescribed leave of 14 weeks and amount of benefits (2/3 of prior income); and further by adding discriminating provisions such as long qualification periods and maximum number of pregnancies per employment (Kaseke, Olivier 2012).

All maternity provisions **exclude women in informal employment** and unsurprisingly regional maternal mortality and morbidity run high. Informal work may even exclude a mother from maternity benefits under safety nets programmes in South Africa:

“An industrial outworker stitches garments for a multinational company, working from home for very low earnings. She is married to a man in full-time formal work. He is covered for unemployment insurance; if he were a woman, he would be eligible for maternity leave. Being informally employed, she has no maternity coverage. She is excluded from maternity protection through work, and the combined income of her and her husband disqualifies her from free maternity protection from the state” (Lund 2012).

Most SADC countries have no **paternity leave**, but South Africa and Tanzania provide three days. This situation of no or little paternity leave entrenches stereotyped/traditional roles of women and men (Kaseke, Olivier 2012).

## 6.4 Policy Frameworks

In policy frameworks Kaseke and Olivier (2012) name 5 further issues with regard to gender in social security:

- ☛ **Limited conceptual framework:** focus is essentially on employment-related social insurance. But definitions of contributor, employee/worker, and dependant are limited. Care and domestic work are not recognized as work. Informal, casual, part-time/seasonal and agricultural (subsistence) work is excluded from social security coverage.
- ☛ **Age discrimination** in pension arrangements in private schemes, South Africa and Namibia, elsewhere there is gender equality. Another issue is recognition of only one wife in spouse schemes, despite prevalent polygamy.
- ☛ **Restricted access of females to social insurance benefits** due to predominance of women in informal economy activity and effective labour market marginalization. The pure focus on formal employment of social insurance coupled with patriarchal societies and lower levels of female education, failure to provide for women's irregular or part-time work plus marginalization of women in less-paid traditional feminine jobs thus create a situation of indirect discrimination and social insurance legally and socially excluding women.
- ☛ Targeting women via social assistance programmes may reinforce **traditional/stereotypical gender roles** and unduly exclude deserving men.
- ☛ Negative impact on long-term benefits due to **temporary exit from formal labour** market for family-related reasons.

On the positive, **ILO conventions 100, 111** and **CEDAW** have been widely ratified. Also the SADC Treaty, Article 6(1) prohibits gender discrimination and the SADC Social Charter (Charter of Fundamental Social Rights) of 2003 includes both formal and substantive equality approaches.

## 6.5 Case Study: Social Cash Transfers in Zambia

In Zambia **social cash transfer schemes** (SCTs) have so far been implemented in 11 districts. The process started in 2003 and under the label of SCTs there are targeted schemes that benefit incapacitated households, but only the poorest 10%, child grants that target any households with children under 5, a social pension scheme that targets any person above 60 years of age and multi-categorical schemes that provide benefits for anyone of certain vulnerable groups such as single mothers, households with disabilities, or the elderly looking after orphaned grandchildren.

*Most SADC countries have no paternity leave, but South Africa and Tanzania provide three days. This situation of no or little paternity leave entrenches stereotyped/traditional roles of women and men.*

These programmes differ with only one scheme applied per district. Benefits are on average K60,000 (US\$12) per month and paid two-monthly on household basis (regardless of household size). Conditionality was tested in Monze District and then discarded since the (quite good) schooling and health care indicators showed no significant improvement compared to other districts. The programmes have been continuously monitored and evaluated also with a view of determining the best path of national rollout of the programme in Zambia. On the basis of these evaluations, Kabelanga argues that unconditional cash transfers go a long way in promoting rural development and breaking poverty cycles particularly of women, who are the majority of recipients.

There is evidence that SCTs support **asset accumulation**, such as livestock acquisition (goats), building or improving of houses, investing in small businesses thus increasing women's local market participation. SCTs generate cash and



**access to credits** (as recipients now have bonity, after asset-acquisition even collateral) and further promote savings. Records clearly show improvements in **nutrition** levels, enabling 2-3 meals a day rather than only 1. Recipient household girls are an average of 3-4 centimetres taller than non-recipient counterparts. Food security improves in general, for instance through reactivation of dormant assets when recipients use the grant to plant maize. **Health** interventions such as immunisations, ante- and post-natal care are more occurring in districts with the SCT programmes and recipient mothers more likely to deliver in health centres. **School** enrolment in SCT households is clearly improved even on secondary level, which is particularly relevant for breaking intra-generational poverty cycles, although more could be done here, particularly special focus on girl students. Also options for **risk management** are improved in general, even reducing prostitution incidence (Kabelenga 2012).

Evidence from the SCT schemes also shows that clear eligibility criteria and tailor-cut programmes are essential in reaching the extremely poor:

“There is need to recognize diversity of rural women. For example, we have widows; landless; older women, disabled, blind, landless; single mothers; women with no property [...]. Different SP measures should be introduced if the needs of all these categories of rural women are to be helped come out of poverty. The eligibility criteria should also be very clear. **Certain criteria can exclude the extreme poor** and help the moderate poor – e.g. attaching benefits to issues like delivering at health centres; under five clinic cards; regular attendance. Kaputa scheme findings revealed exclusion of the poorest: because of their level of incapacitation, they cannot deliver from health centres. The question to ask for example is: what type of mothers usually deliver from health centres – is it the poor-

est or moderately poor? It is usually the moderate poor” (Kabelenga 2012).

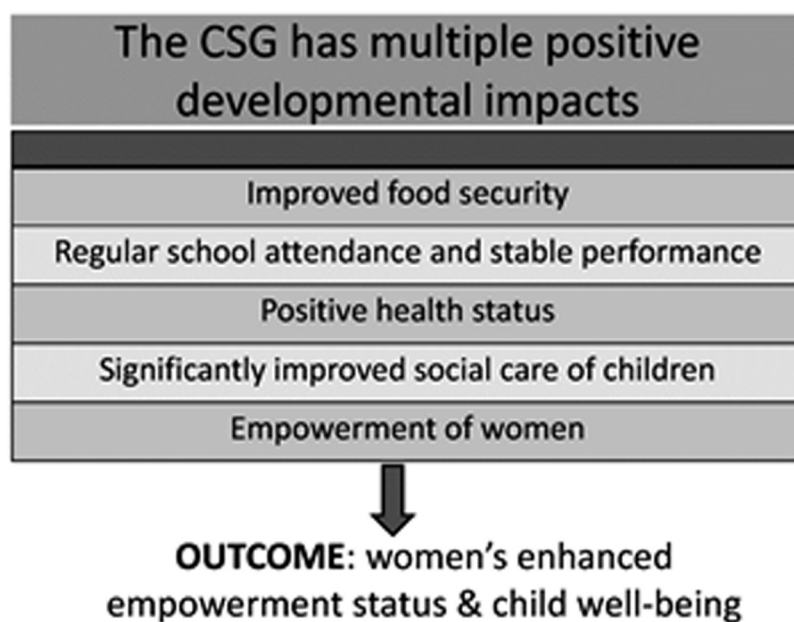
## 6.6 Case Study: Children Supports Grant in South Africa

**S**outh Africa has introduced a **Child Support Grant** in 1998 which now reaches 10.7 million children. It is means tested and consists of R270 (US\$35) per child up to 6 children. It can be paid to either gender, either relatives or non-relative caregivers of the child. Only recently a conditionality of school attendance has been integrated into the programme (Patel 2012).

A study carried out by the Centre for Social Development in Africa has brought to light several **gender implications** of the programme. “The CSG was found to have multiple **developmental effects on women and children** (cf. Figure 6). All households (79%) in this community were severely or moderately food insecure. Slightly fewer CSG households (9%) were food secure in comparison with 12% of non-CSG households. Without the grant, CSG households would be significantly food insecure and we infer from this that the CSG contributes to reducing household vulnerability to food insecurity.” School attendance and health status are significantly improved. “The study also shows that the CSG caregivers were significantly more engaged than non-CSG beneficiaries in the social care of the children such as providing help with school work, playing with or reading to the children and watching television with them. Ninety-two per cent of the CSG children actually lived in the households with the caregiver.”

*There is need to recognize diversity of rural women. For example, we have widows; landless; older women, disabled, blind, landless; single mothers; women with no property...*

Figure 6: Developmental Impacts of CSG



Source: Patel 2012

What about the **transformative** and participative dimension of the programme?

“Finally, the CSG was found to enhance women’s power and control over household decision-making in financial matters, general household spending and in relation to child well-being. Also because the grant puts money in women’s hands, it is more likely to be used for communal household expenses and for children. Seventy-five per cent of CSG caregivers participated in school and community meetings, and 64% said they benefited from participating in church groups, stokvels and burial societies” (Patel 2012).

Yet where there is light, there is shadow, including this case. The **impact on men’s contribution** and participation in **child-rearing** may be negative overall (yet strengthen male recipients in their roles as parents):

“Despite the CSG being gender neutral in its targeting, few men take up the grant. This may be due to various reasons e.g. the view that care work remains a woman’s domain; or the perception that the CSG is for mothers not for fathers. It may also be likely that the CSG has a disincentive effect on the payment of maintenance by fathers in that men now believe that women have the grant and

that they do not need to support their children, as indicated in our survey. While such a disincentive would be rather regrettable, in one of the focus groups, it was apparent that fathers who received the grant seemed to be more involved with the care of children” (Patel 2012).

Key in scaling up the programme and maximising its possible impact on human welfare, women’s empowerment and gender equality, is considering the **programmes as a packet**, rather than pursuing isolated (or even singular) programmes (cf. Figure 7). This includes attention to possible (or missing) **synergies** with other programmes and delivery of **public services** (such as water, electricity, healthcare, road infrastructure).

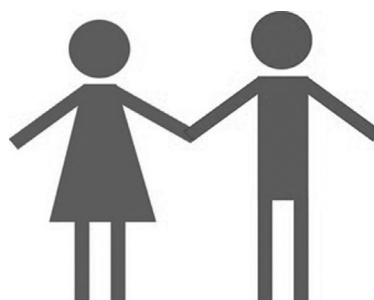
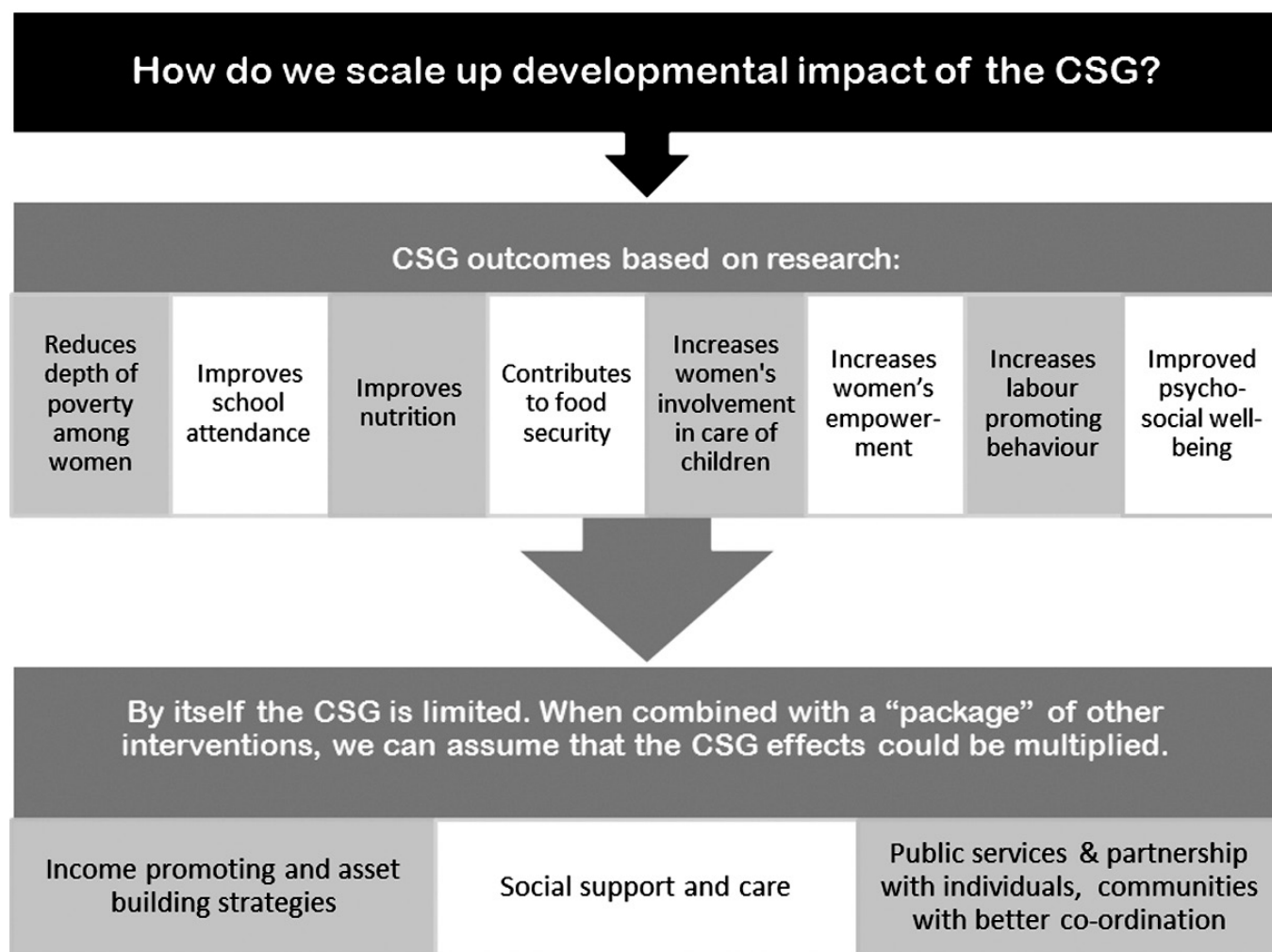


Figure 7: How to Scale up Developmental Impacts of the CSG



Source: Patel 2012

Patel concludes:

“Lastly, the channelling of cash transfers via women is widely believed to be the most effective way of reaching children. This appears to be the case in our study too. However, we wish to caution against women being viewed simply as conduits for reaching children and as passive recipients of transfers but as actors in shaping their own development. There needs to be greater focus on understanding the gender effects of these programmes on both women and men and in promoting gender equity” (Patel 2012).

## 7 Conclusions and Recommendations

### Way Forward

**P**articipants expressed the desire that the **outcomes of the conference** be used in **constitution reform processes** and in designing and evaluating national programs. Ministries of Finance should also be informed and included (and lobbied). There is a need to **popularise the subject**, to address governments and other politi



al stakeholders and to increase **advocacy**.

**C** National representatives should sit together and analyse all the discussions in order to embed the insights and implications nationally.

Lund pointed to positives in the recognition of child nutrition needs and increasing scale of cash transfer programmes (which over-proportionally favour women) as positive developments, also the growing **recognition of social spending as an investment in social future** rather than wasteful consumption.

Kanyongolo emphasized, “**Women empower themselves, but need the frameworks**”.

### Policy and Legal Frameworks

Kaseke and Olivier (2012) offered following recommendations on **policy** and **legal** level:

- ☛ Need for **multi-dimensional** solutions
  - ☛ Need to extend social security to **informal economy** workers – as this would also extend coverage to female workers
  - ☛ Need to ensure that social security for persons in the informal economy is responsive to their unique needs and contributory capacity
  - ☛ Need to recognize and link informal social security arrangements
  - ☛ Need to increase access to **education** for females
  - ☛ Need to **empower women** in order to enhance their capacity to participate in the formal labour market – this would entail removing barriers to the participation of females
  - ☛ Need to **incorporate international standards** and comparative experiences
  - ☛ Need to further **shift maternity protection to social security funds**
  - ☛ Need to improve of **paternity leave** provisions
  - ☛ Need to deal with social security consequences of **temporary labour market exit**
  - ☛ Need for adjustment of traditional values & beliefs
  - ☛ Need to respect **human dignity** of females
- Kaseke and Olivier conclude, “In essence we see: relatively comprehensive **formal equality measures** increasingly resulting in inclusion, but weak/few **substantive equality** arrangements aimed at

transformation” (Kaseke, Olivier 2012)

### Gender Discrimination

While women are generally disadvantaged and there are prevalent forms of (mainly) indirect discrimination, the focus should remain on **men-women relations** and their needs as people, not on women only, in order not to marginalise men or exclusively burden women.

### Work, Labour and Informal Employment

It was pointed out that it was important to secure **workplaces** of the poor. Further, that unpaid work needed to be acknowledged more strongly; while the value of work was difficult to define, the contribution of **unpaid family members** to GDP had been shown to be significant.

Kanyongolo pointed to two best practice cases:

“Best practices on the treatment of such workers include the provision of **working equipment and tools** such as bicycles, provision of psycho-social support to those working with the terminally ill and income generating activities to enable women earn some income and therefore become economically empowered. Another best practice is the **Volunteers Act of Mozambique** which provides for minimum standards for engagement of volunteers including minimum hours of work, protection from harassment and exploitation and provision of basic support systems. Malawi could develop a similar law to protect the many poor women who work in communities.”

Despite weaknesses and remaining discriminatory aspects, the general consensus was that formal social security systems in the region are there and emphasis of social protection efforts should be placed on reaching out to and **integrating the informal sector**.

Proposals to rather **formalise informal economies** than extend coverage to informal sectors falls short of clear strategic implementation plans and also may fail to acknowledge the wide **range of the working poor in informal employment**, which are by far not restricted to domestic work and street vending (cf. Box 9). Pointedly illustrated Lund, “Do we want to formalise a traditional healer?”

### Box 9: Working Poor in Informal Employment (Lund 2012)

#### In Unregulated Factories:

- ❖ garment makers
- ❖ shoe makers

#### In Small Workshops:

- ❖ scrap metal recyclers
- ❖ shoe makers
- ❖ weavers
- ❖ garment makers and embroiderers
- ❖ paper-bag makers

#### On Streets or in Open Spaces:

- ❖ street vendors
- ❖ push-cart vendors
- ❖ garbage collectors

- ❖ roadside barbers
- ❖ construction workers

#### In Fields, Pastures, and Forests:

- ❖ small farmers
- ❖ agricultural labourers
- ❖ shepherds
- ❖ forest gatherers

#### At Home:

- ❖ garment workers
- ❖ embroiderers
- ❖ shoemakers
- ❖ artisans or craft producers
- ❖ assemblers of electronic parts

### Analytical Issues

It is difficult to compare South Africa with the other countries in the region. To this end, it would be helpful to apply the analysis to countries on national level, for the SADC region is **far from homogenous** and regional policies thus need to be **domesticated**.

In the light of increasing view of social protection as investment, it was suggested to increase future research efforts into the **market implications** of social protection.

### Targeting Households, Women or Children?

The different **targeting arrangements** are subject to critique from gender perspective, depending on how you look at them. By targeting **households**, women who are often inferior in intra-household power relations may be left out of benefits. Targeting **women** specifically reinforces gender patterns, as men may withdraw help and/or assume lesser responsibility, and women may be doubly burdened with extra responsibility on top of their existing burdens and time poverty. A bias towards **children** as in programmes targeting mothers or households with children discriminates against poor women and men who do not have (dependent) children.

### Public Services in Package with Social Transfers

It was generally agreed that general investments in **public services** (water, electricity, healthcare, road infrastructure, market access, trainings) were pivotal in ensuring positive effects of social transfers and grants, as demonstrated by Sandra Fredman and Leila Patel in their presentations. Elaborates Kabelenga,

“An emerging lesson from global experience is that cash transfers alone are not as effective as cash plus key complementary interventions. Gender-related examples include providing childcare support for working mothers, enhancing recipients’ access to the labour market through job training, and linking to agricultural input support. This type of integrated approach responds to the importance of recognizing women’s needs as workers as well as their needs as mothers. That was evident during the Kaputa study. For example, some recipients of the child grant were asked why they did not invest part of the grant in agriculture. Their response was that the Ministry of Agriculture was almost not there. The cooperatives were seen to be for the rich, not the poor” (Kabelenga 2012).

## Vote of Thanks

In her vote of thanks, **Ms Kufekisa M. Laugery** of the **Senior Citizens Association in Zambia**, inquired what type of **empowerment** social protection programmes tried to evoke. How would often quoted ability to earn income and education apply to old women? She expressed gratitude for the prominence given to poverty, female poverty and the need to increase social protection. She called for a **trickle down of the conference outcomes** to the people and committed **civil society** to the use of the vast materials provided by the conference to assist women and their many burdens like looking after chronically ill, terminate ill, OVCs, working both domestically and productively and growing food for the nation.

## Closing Remarks

In her closing remarks Frances Lund lauded the conference participants for undertaking a quite **comprehensive analysis** of complex issues in two hard working days. She commended FES for “**a remarkable sense of convening** and bringing together stakeholders and countries.” The conference had replenished her courage by demonstrating that “**yes, Africa can do it**”. Meanwhile emphasis should not linger too strongly on formal work, and for the sake of women’s empowerment, **scrutiny and rigor in applying numbers**, statistics and findings was not a plus, but a must. She also thanked **civil society** for their strong participation in the conference, particularly through the (African and Zambian) Platform for Social Protection.

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## Appendix: Conference Programme

### Engendering Social Protection in Southern Africa

**International Conference, October 22-23, Lusaka**  
**Venue: Cresta Golfview Hotel, Great East Road**



Between the recently adopted ILC Recommendation 202 concerning National Floors of Social Protection and the SADC Code on Social Security from 2007 along with many other documents on global, African or SADC level, a lot of initiatives and activities are on the way in countries in the region to adopt new programmes of social protection, expand on existing ones and to bring them together in coherent policy frameworks.

Gender mainstreaming has achieved a general awareness of gender as a cross-cutting category and specific programmes geared to needs of women (like maternity protection) are broadly included in policy considerations. Efforts are under way to make gender distributions in social protection programmes visible by collecting gender-specific data. Yet, severe blind spots remain regarding the issue of gender in social protection. In the countries of the region gender marks the divide between formal and informal employment and self-employment; thus work on formal employment programmes disproportionately favours men. On the other hand, the majority in the informal economy (and subsistence farming) are women, severely exposed to livelihood risks that classical social protection programmes like contributory pensions and unemployment insurance do not reach.

Three angles of gender and social protection are to be explored by the conference:

- 1) What are gender-specific needs of social protection (e.g., maternity, delivery and targeting tools, intra-household distribution, and access to welfare)?
- 2) What are gender-specific risks and burdens (e.g. mostly women care for the old, for the sick, for children; women have higher thresholds for entering labour markets; women are more exposed to life risks, more likely to lose jobs, less represented in policy and decision making)?
- 3) What needs to be done to further engender the social protection agenda?

The conference primarily targets polity and policy level, but also includes issues of programme designs and implementations. The conference brings together activists from grass-roots and NGOs with experts and technocrats from academia and ministries to debate, to produce a comprehensive analysis and to come up with recommendations.

**Conference Moderator:** Linda Banji Siamuzyulu Kalima,  
 Gender and Development Consultant

**Conference Secretariat:** Kathy Banda Short, FES Programme Manager  
 kathy.short@fes-zambia.org, +260-(0)97 7781774  
 Lena Schumacher

**Conference Rapporteur:** Daniel Kumitz, Social Protection Consultant  
 dkumitz@gmx.net, +260-(0)97 4370501



## Conference Programme

**Day 1: Monday, 22/10/2012**

8:00-8:30 **Arrival and Registration**

### I. SESSION: Opening

8:30-8:45	<b>Welcome Remarks</b> FES Resident Director Platform for Social Protection Zambia Institute for Social Law and Policy <b>Introduction of the Guest of Honour</b>	<b>Mr Heiner Naumann</b> <b>Ms Mutale Wakunuma</b> <b>Prof Dr Marius Olivier</b> <b>Ms Linda Banji</b> Mistress of Ceremony <b>Hon. Inonge Wina MP</b> Minister of Gender and Child Development Zambia
8:45-9:00	<b>Official Opening of the Conference by Guest of Honour</b>	<b>Hon. Inonge Wina MP</b> Minister of Gender and Child Development Zambia
09:00-10:30	<b>Keynote Address</b> <b>Engendering Social Protection</b>  Discussion	<b>Prof Sandra Fredman</b> University of Oxford

10:30 **Coffee break**

### II. SESSION: Formal and Informal Sector

11:00-12:30	<b>Informal vs. Formal Employment: A Gender Divide</b>  Discussion	<b>Prof Francie Lund</b> Women in Informal Employment: Globalising and Organising (WIEGO)
13:00 14:00-15:00	<b>Lunch</b> <b>Gender, Labour Market and Social Security</b>  Discussion	<b>Prof Dr Ngeyi Kanyongolo</b> University of Malawi
15:00-16:00	<b>Gender, Rural Development and Social Protection</b>  Discussion	<b>Mr Isaac Kabelenga</b> University of Zambia
16:00	<b>Coffee Break</b>	

### III. SESSION: Gender and Social Protection in the SADC Countries

16:30-18:00	<b>Gendered Social Protection: The Case for Legal and Policy Reform in SADC</b>  Discussion	<b>Prof Dr Edwell Kaseke</b> Wits University <b>Prof Dr Marius Olivier</b> Director ISLP
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**Day 2: Tuesday, 23/10/2012**

8:30-9:00	<b>Recap</b>	<b>Conference Moderator</b>
9:00-11:00	<b>Country Profile Botswana</b>	<b>Prof Dr Dolly Ntseane (distributed paper)</b> University of Botswana
	<b>Country Profile Lesotho</b>	<b>Mr Bitso Paul Bitso</b> Consultant Lesotho
	<b>Country Profile Malawi</b>	<b>Prof Dr Ngeyi Kanyongolo</b> University of Malawi
	<b>Country Profile Mauritius</b>	<b>Mr Fatadin Fatadin</b> Social Security Commissioner Mauritius
	<b>Country Profile Namibia</b>	<b>Mr David Keendjele</b> Consultant Namibia
	Discussion	
11:00	<b>Coffee Break</b>	
11:30-13:00	<b>Country Profile South Africa</b>	<b>Mr Mathias Nyenti</b> CICLASS, University of Johannesburg
	<b>Country Profile Tanzania</b>	<b>Ms Juliana Masabo</b> University of Dar-Es-Salaam
	<b>Country Profile Zambia</b>	<b>Mr Victor Chikalanga</b> Director Social Security MLSS
		<b>Mr Ngosa Chisupa</b> University of Lusaka
	<b>Country Profile Zimbabwe</b>	<b>Ms Mildred Mushunje</b> FAO Zimbabwe
	Discussion	
13:00	<b>Lunch</b>	
13:45-14:45	<b>Child Support Grants: Lessons for Scaling up Developmental Impacts</b>	<b>Prof Dr Leila Patel</b> University Johannesburg
	Discussion	
<b>IV. SESSION: Gender Structures of Poverty and the Way Forward</b>		
14:45-15:15	<b>Food Security and Rural Livelihood</b>	<b>Prof Dr Joyce Chitja</b> University KwaZulu-Natal
15:15-15:50	<b>Plenary Discussion</b>	
15:50	<b>Vote of Thanks</b>	<b>Ms Kufekisa M. Laugery</b> Senior Citizens Association Zambia
15:55	<b>Closing Remarks</b>	<b>Prof Francie Lund</b>
16:00	<b>End of Conference</b>	

