

ANALYSIS | Equal before the law, unequal in life: How South Africa fails women



If economic marginalisation is the slow violence that shapes women's lives, gender-based violence is the acute violence that can result in women losing their lives, write the authors. Gallo Images/Brenton Geach

Sandy Africa and **Lwanda Maqwelane** examine the widening gap between the constitutional promise of equality and the lived reality of South African women, arguing that economic exclusion, gender-based violence, and unimplemented legislation leave women systemically undervalued.

How history will record the status and experiences of women in South Africa under a democratic Constitution is a complex story that is unfolding every day. On the one hand, South Africa's women are equal before the law and their rights constitutionally protected. The expression of this is the implementation of progressive laws that have enabled some women to achieve great heights in the economy, politics, and society.

Many women have made remarkable strides in democratic South Africa. Yet South African society remains deeply unequal, with race, class, and gender inequality deeply entrenched in its fabric. African women, in particular, remain the most marginalised section of society.

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In the 2025/2026 quarter four Crime Statistics, 9 782 rapes and 12 590 cases of sexual assault were recorded as having been reported to the South African Police Service.

In the same statistical year, 5 181 women were murdered, and 6 916 attempted murders of women were recorded. These are only reported numbers, not the true scale of gender-based violence in South Africa.

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women. Here's what might

Violence against women shapes how they move through public spaces, how they navigate intimate relationships, and whether they feel safe in their own homes. The National Council on Gender-Based Violence and Femicide Bill was signed into law in May 2024, yet the appointment of the council took place only two years later. This reflects a pattern that has come to define South Africa's response to the gender-based violence and femicide crisis: legislation is passed but not implemented; promises are made but not translated into the safety of women who need it most. Women's lives are systemically undervalued.

Where we are today

Women are structurally marginalised in the South African economy. The unemployment rate for women is 35.9%, compared to 31.0% for men. When the broader labour underutilisation rate is measured, the rate for women reaches 46.9%, meaning that almost half of all working-age women in South Africa are either unemployed or have given up entirely on finding work.

When women do find work, where they work and what they are paid tells its own story. Nearly a third (32.8%) of all employed women work in community and social services, while 11.4% are employed in private households as domestic workers.

These sectors are known to be characterised by low pay and limited labour laws or protections. At the top of the occupational ladder, only 6.8% of employed women hold managerial positions, compared to 10.7% of men, while entry-level roles account for 21.5% of women's employment.

The Commission for Gender Equality's Women in the South African Economy report (2024) confirms that this is not an accidental development, but that occupational segregation, a persistent gender pay gap, and institutional barriers consistently restrict women's ability to advance in their careers.

The consequences of economic exclusion extend beyond employment and follow women home.

According to Statistics South Africa (2024), 42.4% of all South African households are managed by women, with high concentrations in the Eastern Cape (48.8%) and KwaZulu-Natal (46.8%), which are marked by deep rural poverty and limited resources. These women are not only breadwinners, but also primary caregivers who provide safety nets for their families.

Poverty in female-headed homes is significantly higher than in male-headed households.

Stats SA's General Household Survey for 2023 found that 21.5% of female-headed households experience moderate to severe food insecurity, a significant increase from 17.2% in 2019. Compounding this is the invisible labour of care.

Invisible labour of care

Across sub-Saharan Africa, including South Africa, women endure severe poverty from the invisible labour of care, spending 3 to 3.4 times more hours on unpaid care and domestic work than men. This is work that is uncoded in GDP. This also shows that women subsidise the economy with their time and receive little in return.

But there are also the underlying norms and beliefs reinforced by society that contribute to the precariousness of women's right to life.

Toxic masculinity cuts across all classes and reinforces the belief that girls and women are inferior, boys and men superior; that men are entitled to women's bodies; that men should earn more because they head households, and that women should earn less, because earning well is not as critical for them. And on the part of the state, paying lip service to gender equality routinely occurs around calendar highlights such as 9 August and the 16 Days of No Violence against Women.

In November 2025, President Cyril Ramaphosa declared gender-based violence and femicide a "national disaster", pledging more resources to preventing GBVF, ensuring access to justice, and doing the work of challenging the toxic norms and subcultures in which violence against women thrives.

It is going to take a society-wide effort to change the social values; set better systems in place to prevent harm to women, and punish those who do; restructure the economy, and create living and working spaces which are safe and satisfying for women. It starts in the family, then in society, especially the schools.

The upcoming local elections provide an opportunity to focus on how local government can improve the lives of women. Safer, well-lit areas, more recreational opportunities for youth, shutting down drug dens and ensuring that alcohol is less freely available are the kind of measures that local councils should prioritise.

The state simply has to get better at what it does. Sometimes, doing things in half measures can be worse than doing nothing at all. For example, this could mean rethinking the social sector of the Expanded Public Works Program (EPWP), which was originally introduced in 2004.

In essence, the social sector of the EPWP programme, coordinated through the Department of Social Development, formalised the role of care work, especially within sectors such as Early Childhood Development (ECD) and Home-Community Based Care (HCBC) (Mohapi 2016). However, concerns about decent work remained glaring. The report on Public Employment Programme in the Care Economy in South Africa by the International Labour Organisation highlighted that the lack of a decent wage and the use of precarious contracts by an underfunded (and sometimes corrupt) NPO delivery system has created untenable cycles of precarity that demand rigorous engagement if such systems are to ensure that women particularly Black women, are not trapped into cycles of exploitation disguised as intervention mechanisms.

- Dr Sandy Africa and Lwanda Maqwelane are co-editors of Reflections on Women and Social Change in South Africa, MISTRA Collected Works. The book, which collates some of MISTRA's earlier research, provides a gendered analysis of how the contradictions in South African society have come about and how they can be challenged.

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