

Gender Responsive Budgeting Guidelines

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“It is also in this way that we seek to establish and entrench the understanding among all our people, for all time, that we are building a system of justice that must define its justness by the extent to which it enriches our humanity”

The Honourable Thabo M. Mbeki

*President of South Africa, at the opening
of the new Constitutional Court Building*

**Department of Justice and
Constitutional Development**



Foreword

It gives me great pleasure to release this *Gender Mainstreaming and Gender Budgeting Package*.

I believe that the information in this package will contribute enormously to our efforts around gender transformation through which we seek to comply with the Constitution and our international human rights obligations in terms of CEDAW and related instruments.

In a way the package is based on looking back at what we did or did not do in the last decade with regard to addressing the gender imbalances that we inherited at the dawn of democracy.

The importance of mainstreaming gender in everything we do as a Department cannot be over-emphasised, otherwise we will continue to fail to meet the needs of some of those we seek to serve, especially women from disadvantaged communities. The National Gender Policy Statement states that the implementation of gender equality is first and foremost the responsibility of all the institutions in government. To achieve gender equality the government must embark on a rigorous gender mainstreaming strategy.

I call all members of the justice community to join me and my Department as we implement the *Gender Mainstreaming and Gender Responsive Budgeting* package. I sincerely hope that the lives of women and other disadvantaged groups will be improved as a result.

Ms Brigitte Mabandla, MP
Minister of Justice and Constitutional Development
Pretoria, August 2005

Acknowledgements

The *Gender Mainstreaming Reporting Protocol* is part of the *Gender Mainstreaming* package developed by the Gender Directorate within the Department of Justice and Constitutional Development (hereafter referred to as the Department or DoJCD).

The Gender Directorate is delighted to finally release the *Gender Mainstreaming* and *Gender Responsive Budgeting* package and believes it will assist all role players within the Department, particularly those in leadership positions, to understand the principles of *Gender Mainstreaming* and *Gender Responsive Budgeting*. This will facilitate the integration of gender considerations into all plans, policies and day to day implementation decisions.

The *Gender Mainstreaming* project was inspired by the Directorate's *Needs Assessment* which identified an immediate need to build capacity in the Department for both *Gender Mainstreaming* and *Gender Responsive Budgeting*. The target group for the package includes other role players who contribute to policy development, interpretation and implementation within the DoJCD.

The Directorate hopes that the application of the information and tools in the *Gender Mainstreaming* and *Gender Responsive Budgeting* package will accelerate the elimination of systematic gender discrimination in the Department, and contribute towards the achievement of gender equality in the Department and the society in general.

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Key Concepts and Acronyms

Key Concepts

Black Economic Empowerment

Black Economic Empowerment refers to the implementation of measures to advance black people in order to equalise economic opportunities between them and white people.

Black Empowerment

Black empowerment refers to measures that seek to advance black people in order to achieve equality between them and white people.

Disaggregate

Disaggregate means subdivide into constituent parts.

Employment Equity

Employment Equity refers to the process and outcomes relating to the equalisation of and enjoyment of all employment opportunities and benefits, and the ending of gender, racial, disability and other forms of disadvantage and (unfair) discrimination.

Equality

Equality refers to the equal enjoyment of all rights and freedoms. It entails the absence of direct or indirect (unfair) discrimination.

Gender

Gender refers to the power relations between women and men. It is a social construct that assigns roles and worth to each sex based on group culture.

Gender Analysis	A gender analysis or gender equality analysis refers to a systematic process which involves assessing the impact of or likelihood that each decision, policy, law, plan, programme, situation, process or activity will impact differently on women and men because of their diverse socio-economic or physical circumstances, with the effect of prejudicing one gender.
Gender Awareness	Gender awareness refers to the state of being conscious of inequality arising from the power relations between women and men.
Gender Balance	Gender balance refers to an equitable distribution of life's opportunities and resources between women and men.
Gender Bias	Gender Bias refers to any act that advantages or perpetuates an existing advantage of one sex over the other.
Gender Budget	A Gender Budget, also referred to as a <i>Gender Responsive Budget</i> , refers to a budget or expenditure arrangement which is structured in a manner that ensures that women and men benefit equitably from financial resources.
Gender Disaggregated Data	Gender disaggregated data means information subdivided in terms of women and men.
Gender Mainstreaming	<i>Gender Mainstreaming</i> refers to the integration of gender equality considerations in all policy, law, plans, programmes, administrative and financial activities, organisational procedures, processes and decision making, in order to effect profound organisational and ultimately, societal transformation, towards the realisation of <i>de jure</i> and <i>de facto</i> equality between women and men.
Gender Management System	A Gender Management System is a network of structures, mechanisms and processes that are put in place within an organisational framework to facilitate <i>Gender Mainstreaming</i> in pursuit of equality between women and men. (<i>Adapted from Common Wealth Gender Management System Handbook</i>).
Gender Responsive Budgeting	<i>Gender Responsive Budgeting</i> refers to the allocation of financial resources in a manner that not only ensures that women and men benefit equally from all resources but also reduces existing patterns of women's systemic inequality. Gender budgeting is one of the mechanisms of an effective Gender Management System.

National Gender Machinery	National Gender Machinery refers to a network of coordinated structures within and outside government which operate cooperatively in facilitating political, social, economic and other forms of transformation to dismantle systemic gender inequality and promote equality between women and men.
Per Capita	<i>Per capita</i> means the average per person. This is worked out by dividing total cost with the number of actual beneficiaries.
Practical Gender Needs	Practical Gender Needs refers to women's day to day needs that result from their subordinate position in society. Addressing Practical Gender Needs does not challenge or transform structural gender inequality but simply helps women cope better with their present position.
Preferential Procurement	Affirmative action in procurement.
Procurement Equity	Procurement Equity refers to the process and outcomes relating to the equalisation of enjoyment in all procurement opportunities and incorporates affirmative procurement.
Pro-women Programmes	Pro-women programmes refers to services and programmes for everyone but that are most likely to respond to the needs of women, for example domestic violence services.
Sex	Refers to the biological difference between women and men.
Sex Disaggregated	Has the same meaning as gender disaggregated. It means broken down according to women and men.
Strategic Gender Needs	Strategic Gender Needs refers to women's long-term needs relating to fundamental social transformation to end their subordination in society.
Unfair Discrimination	Unfair discrimination refers to the direct or indirect unfair denial of opportunities to or imposition of an undue burden on a person or group, on the basis of their gender, race, disability or some other difference, or combination of differences.
Women's Budget	A women's budget has the same meaning as a gender budget or gender responsive budget. 'Women' is used to emphasise the fact that women are the targeted beneficiaries of the budget reform that is entailed in gender budgeting.

Women Empowerment	Women Empowerment means establishing programmes that exclusively target women as a form of affirmative and positive action to empower them in order to equalise opportunities between women and men.
Women's Equal Access	Promoting women's equal access to mainstream services is about mainstreaming gender into all services to ensure that women and men benefit equitably.

Acronyms

ADR	Alternative Dispute Resolution (also referred to as Informal Dispute Resolution)
BBBEEA	Broad Based Black Economic Empowerment Act
BEE	Black Economic Empowerment
BPA	Beijing Platform for Action
CCMA	Commission for Conciliation, Mediation and Arbitration
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CGE	Commission on Gender Equality
DGPS	Departmental Gender Policy Statement
DOJCD	Department of Justice and Constitutional Development
DVA	Domestic Violence Act
EEA	Employment Equity Act
ERC	Equality Review Committee
GFP	Gender Focal Point or Person
GENMACC	Gender Mainstreaming Advisory and Compliance Committee
IDASA	Institute for Democracy in South Africa
IPOA	Integrated Plan of Action
MAGCOM	Magistrates Commission
MTEC	Medium Term Expenditure Committee
MTEF	Medium Term Expenditure Framework
NGPF	National Gender Policy Framework
OSW	Office on the Status of Women
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PFMA	Public Finance Management Act
PPPFA	Preferential Procurement Policy Framework Act
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SALRC	South African Law Reform Commission

SMME	Small Medium and Micro Enterprises
UPP	Unfunded Priority Project
VAW	Violence Against Women

Needs Assessment Report

1. INTRODUCTION

The *Gender Responsive Budgeting Guidelines* contained in this book have been developed to assist the Department of Justice and Constitutional Development (herein after referred to as the DoJCD or the Department) to integrate gender considerations into all aspects of the Department's budget processes and programme planning, and at all levels of implementation. The ultimate goal is to make the budget of the Department equally responsive to women and men, as well as girls and boys.

The guidelines follow on from, and seek to address, gender gaps identified during a *Gender Responsive Budget Analysis* of the Department's budget.

The *Gender Responsive Budget Analysis* and the *Gender Responsive Budget Guidelines* are part of an initiative which seeks to strengthen efforts to mainstream gender in all aspects of the Department and related institutions.

The guidelines are premised on:

- The global consensus that has crystallised in the last few years regarding the effectiveness of *Gender Mainstreaming* as a strategy for bringing about meaningful transformation towards equality;
- The substantive notion of equality, which refers to equality in terms of not only the form or appearance of treatment that persons or group of persons may be subjected to, but also to

the outcome of such treatment. This idea of equality underpins the constitutional vision of a new South Africa, as reflected in amongst others, the founding values where it is stated that:

"The republic of South Africa is one sovereign democratic state founded on the following values:

- (a) human dignity, the achievement of equality and the advancement of human rights and freedoms; and*
- (b) Non-racialism and non-sexism."*

- The substantive notion of equality in the Constitution is also reflected in s9(2) thereof, which states:

"Equality includes the full and equal enjoyment of all rights and freedoms. To promote equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination, may be taken"

- The concept of Mainstreaming Gender or Gender Mainstreaming has become central to global strategies for promoting gender equality since its official endorsement at the Beijing Conference, which resulted in the Beijing Declaration and Platform for Action. In the Gender Mainstreaming Guidelines (2004), Gender Mainstreaming is defined as:

"Integrating gender equality considerations in all policy, law, plans, programmes, administrative and financial activities, organisational procedures, processes and decision making in order to effect profound organisational and ultimately, societal transformation towards the realization of de jure and de facto equality between women and men.

In practice, Gender Mainstreaming entails preceding all organisational decisions and activities with a gender equality analysis and implementation of corrective measures to prevent or alleviate prejudicial impact or the likelihood of such prejudice on either gender, and contemporaneously reduce existing disparities between women and men."

- The idea of an effective *Gender Management System* as envisioned in the *National Policy Framework for Women Empowerment and Gender Equality* (National Gender Policy Framework). A *Gender Management System* facilitates effective *Gender Mainstreaming* by providing an enabling environment, structures, mechanisms and processes for mainstreaming gender. Gender budgeting is one of the mechanisms within a *Gender Management System* that anchor an affirming environment for effective *Gender Mainstreaming*, thus accelerating progress towards the achievement of full equality between women and men.

2. WHAT IS GENDER RESPONSIVE BUDGETING?

Gender responsive budgeting refers to the allocation of financial resources in a manner that is equally responsive to the needs and interests of women and men and which ensures that each gender benefits equitably from services delivered through the use of resources.

If we imagined the budget to be a cake, gender budgeting would mean giving women and men equal amounts of the cake. However, this does not mean identical treatment for women and men where their circumstances differ. A Gender Responsive Budget takes into account material differences and deploys resources in a manner that accommodates material differences. In the context of a cake, it may mean giving each gender different amounts of parts of the cake according to their needs, but the sum total of such parts should be of equal value.

Gender budgeting involves preceeding all financial and resource deployment decisions and activities with a gender equality analysis. It means implementing redistributive measures to prevent or alleviate prejudicial impact, or the likelihood of such prejudice, on either gender, to contemporaneously reduce existing disparities between women and men.

The outcome of gender budgeting is gender balanced distribution of resources and benefits. This presupposes that current budgets are gender biased in favour of men and their circumstances. This is a legacy of the fact that public life and public institutions were fashioned by and against men's lives and needs.

Over the years formal laws and policies that (unfairly) discriminated against women with regard to full participation in and benefit from public life, including decision making, have been removed. However, the

accumulated disadvantage which emanates from the social and economic consequences of previously legalised injustice, continues to define the lives of most women. What this means is that in most instances women approach public institutions from a position of disadvantage.

Furthermore, most aspects of public institutions, including those within Justice, have not sufficiently shifted from the historical assumption of the ideal user or beneficiary as an adult male of European descent. This makes the institutions not only *gender biased*, but also racially biased.

The ending of discrimination and achievement of equality accordingly, requires the acknowledgement and accommodation of material difference, and redressing disadvantage. To achieve this a paradigm shift towards an ideal beneficiary/user who is diverse in terms of gender, race, disability and other factors or combination of factors, is necessary.

Although women are the key beneficiaries of a gender responsive budget exercise, the outcome of the exercise brings about benefits for all. Firstly, the exercise ensures targeted budgeting. Secondly, all resources are to be directed at problems identified through service feedbacks and towards clearly defined outputs and outcomes. This is in line with, and accordingly, goes a long way towards taking forward the government's zero budgeting initiative. Ultimately all diverse beneficiaries of public expenditure stand to benefit more realistically in the context of gender budgeting, with no group monopolising the lion's share.

3. WHY GENDER RESPONSIVE BUDGETING?

Gender Responsive Budgeting is a strategy for accelerating institutional transformation to eliminate structural inequality between women and men. Like *Gender Mainstreaming*, upon which it is rooted, gender budgeting involves targeting mainstream budgeting and resource deployment processes, to ensure that women and men are given a fair share of the budget and related resources.

Gender Responsive Budgeting focuses on the entire budget, ensuring that women and men benefit equally from every aspect of the budget and consequent expenditure or resource utilisation, including paid-time for personnel or consultants. It moves from the premise that the current budgets are gender biased in favour of men, and sets about to transform this reality so that both women and men may benefit equally. The result is a gender balanced budget.

Gender Mainstreaming, including *Gender Responsive Budgeting*, has become a mandatory requirement under various international instruments that are binding on South Africa and accordingly, the Department. There are a number of instruments that provide guidance on gender budgeting. This includes the *Beijing Platform for Action* (BPA) and the *Convention on the Elimination of All Forms of Discrimination* (CEDAW). It is also inconceivable that the constitutional vision of a non-sexist South Africa, based on the equal enjoyment by all of all rights and freedoms, can be possible without mainstreaming gender equality considerations into everything.

4. WHO SHOULD APPLY GENDER RESPONSIVE BUDGETTING?

The *Gender Responsive Budgeting Guidelines* are primarily directed at all managers and financial practitioners. However, all personnel should eventually be acquainted with, and required to adhere to the principles underpinning the guidelines.

Gender Responsive Budgeting is the responsibility of all senior managers involved in the budget process or expenditure control. However, since financial planning is primarily in the hands of financial practitioners, particularly those in the Office of the Chief Financial Officer, their involvement is critical.

It is important that people involved in financial planning and control understand the power of budgeting to create or undo inequality. They are strategically placed to use such knowledge effectively, and to redirect resources to redress gender and other historical imbalances. This is required in terms of *Batho Pele*.

It is also an assumption that underlies the constitutional vision on the achievement of equality. The constitutional vision of equality, which incorporates redressing gender and other imbalances, is carried forward in the *Promotion of Equality and Prevention of Unfair Discrimination Act (2000)*, *Employment Equity Act (1998)*, *Broad Based Black Economic Empowerment Act (2003)*, *Preferential Procurement Policy Framework Act (2000)* and related laws.

Since compliance with law and policy is the responsibility of every manager and government employee, gender budgeting, as a means to comply with policy and legal obligations, is a critical part of their responsibilities.

5. HOW IS GENDER RESPONSIVE BUDGETTING IMPLEMENTED?

Various best practices on *Gender Responsive Budgeting* have been developed over the years. At the international level, the Commonwealth has been the main pioneer in this regard. Australia is one of the leading Commonwealth countries that have successfully adopted gender budgeting as a mandatory government policy and standard practice. A number of African countries have joined, including Tanzania and Mauritius.

Closer to home, the Institute for Democracy in South Africa (IDASA), working with various gender specialists and economists, including Debbie Budlender, Renosi Mokate, Neva Maketla and Pregs Govendor, have done extensive pioneer work on the Women's Budget initiative. Over the years, the Women's Budget initiative has developed into a gender budget exercise which has been adopted by various government components, amongst them the Gauteng Provincial Government.

A simplified way of approaching *Gender Budgeting* has emerged from the above and other best practices. This involves dividing the budget into the following:-

- **Women Empowerment or Women's Programmes** refers to special programme funding or preferential measures that exclusively target women to empower them in order to equalise opportunities and access to resources between women and men.
- **Pro-Women Programmes** refers to programme funding or resources that are spent on services or activities that mostly benefit women or actively contribute towards the promotion of gender equality.
- **Ensuring Women's Equal Benefit from General Programmes** refers to the extent to which women and men benefit from resources spent on general services or activities, and action taken to equalize women's benefit from general programmes. This includes inquiring into resources allocated towards equalising women's and men's benefit from mainstream services and related budget allocations.

To conduct the above analysis on the budget and redirect resources to ensure that women receive their fair share of public resources, gender disaggregated beneficiary statistics are required. Furthermore, those involved in financial planning need to have planning data that reflects, amongst other things, current needs in respect of each gender. With regard to women, it is important to distinguish between, and address both, practical gender needs and strategic gender needs.

6. GETTING STARTED

6.1. What do you Need?

An effective gender budgeting exercise has a number of prerequisites.

These include:

- Unwavering leadership commitment to the process;
- Core participation and process ownership by the Office of the Chief Financial Officer and the office responsible for Strategic Planning and Policy Compliance;
- Understanding of Gender Budgeting principles;
- Gender disaggregated beneficiary/user statistics for each key service reflected in the attached Service Map (Annexure A). This must include per capita expenditure per service. To work this out, divide amount spent per service by number of beneficiaries served or intended to be served; and
- Needs of each gender as reflected in results of the most recent Service Feedback Survey Covering External and Internal Customers, and disaggregated by gender, race and other critical categories that coincide with the major social, economic and cultural cleavages in society.

6.2 Conducting the Gender Budgeting Exercise

The following Ten Steps are proposed for implementing gender budgeting effectively:

- Step One** **Issue a Written Statement of Intent** to ensure that every person in the organisation or unit is aware of leadership commitment to and is ready to play a role in the gender responsive budgeting exercise.
- Step Two** **Assign Responsibility** for process coordination.
- Step Three** **Appoint an Intra Departmental Technical Support Team** involving all components falling within the scope of the Department.
- Step Four** **Conduct a policy scan** within which budgeting has to comply. This should look at general policies, including laws and specific gender policies and related international obligations. Prepare a Legal and Policy Compliance Check List at the end of this step.

- Step Five** **Conduct a Social Context Analysis** which involves examining the position of women and men (within and outside the Department), their needs and gender disaggregated data on justice service beneficiaries/users, both targeted and actual users, in the past two years. Data should be disaggregated in terms of intersectional categories such as race, disability, socio economic status and language.
- Step Six** **Audit current budget and expenditure patterns** against policy compliance checklist and social context analysis results.
- Step Seven** **Divide all budgets for services or activities into Women Empowerment, Pro-Women and General Programmes** and indicate figures and the percentage of the budget in respect of each service or activity, as done in the *Gender Responsive Budget Analysis Report*. (Procurement and Employment benefits are also to be covered.)
- Step Eight** **Prepare a Gender Budget Statement** indicating the impact of each budget item (illustrated with rands and cents, as well as gender disaggregated beneficiary statistics) on all women and men from diverse socioeconomic, age and cultural backgrounds. For each planned expenditure the *statement* must indicate the *planned intervention*, intermediate *gender outputs*, intended long-term *gender outcomes or impact*. The *statement* must also indicate budget implications for the intersection of gender, race and HIV/AIDS, disability, age and rural life.
- Step Nine** **Cascade the process to all levels.** This should happen both at the level of inputs for the Departmental Budget, including the Medium Term Expenditure Framework (MTEF), and component budgets. It is important that budgets reflect the unit cost per service, in addition to the broad programme allocations.
- Step Ten** **Enforce compliance strictly.** This includes changing budget and expenditure approval mechanisms to integrate enforcement of gender budgeting commitments.

The following matrix is recommended for presentation of the gender responsive budget statement:

PROGRAMME/ SERVICE	PLANNED INTERVENTION	ALLOCATED AMOUNT	PERCENTAGE OF TOTAL	OUTPUT INDICATORS	IMPACT	STATUS

7. MEASURING SUCCESS

It is important to integrate monitoring and evaluation of gender budgeting into mainstream compliance enforcement mechanisms and mechanisms that track progress. This information includes reporting on and regularly disseminating progress indicators against agreed targets.

The following should also be part of the monitoring and evaluation mechanisms:

- Requiring a gender impact statement as a mandatory feature of every budget or expenditure report;
- Requiring all memoranda or similar documents relating to financial planning or expenditure, to include a gender impact clause; and
- Rewarding performance and sanctioning noncompliance.

8. USEFUL RESOURCES

1. Strategic Framework, DOJCD, 2003
2. Gender Policy Statement, DOJCD, May 1999
3. MTEF Submission, DOJCD, 4 August 2003
4. Presentation (speech) by the Director General of DOJCD, 10 September 2003
5. Vote 22 and 24; MTEF Submission, DOJCD, 2001/2002

6. Service Level Agreement (service contract) between CFO and MD Court Services, DOJCD
7. Project RE AGA BOSWA, Design and Implementation of the Decentralized Court Services Model, DOJCD, December, 2002
Progress to Date, Key Challenges and the Road Ahead, 15 August 2003
8. South Africa's National Policy Framework for Women Empowerment and Gender Equality, The Office of the Status of Women
9. Court Services, Three Year Strategic Plan (2003 to 2005), DOJCD
10. Business Plan, Office of the CFO; DOJCD, May 2003
11. Mid year Strategic Evaluation Report on the Performance of DOJCD
12. Gender Needs Assessment Report, DOJCD, October 2003
13. Annual Report, Legal Aid Board, DOJCD, 2002/3
14. Gender Format, Allocations for Women and Gender Equality, Debbie Budlender
15. Commonwealth Gender Briefs, Commonwealth Secretariat Issue No 9, February 2002
16. Fourth Conference of the International Budget Project, www.internationalbudget.org/conference/mexico.htm. March 10, 2003
17. Commonwealth Gender, [www.thecommonwealth.org/gender/htm/what we do/activities/macro.../budget.htm](http://www.thecommonwealth.org/gender/htm/what%20we%20do/activities/macro.../budget.htm), September 2003
18. Gender Responsive Budget, UNIFEM, [www.unifem.undp.org/gender budgets](http://www.unifem.undp.org/gender%20budgets), October 2001
19. Gender Management System Handbook, Commonwealth Secretariat, June 1999
20. Gender Mainstreaming Implementation Guidelines, DOJCD, April 2003
21. Gender Mainstreaming Reporting Protocol, DOJCD, April 2003
22. The Second Women's Budget, IDASA, 1997
23. Gender Responsive Budget Analysis Report, DOJCD, December 2003