

Equality is not blindness to different needs

In the context of service provision that allows for differences based on gender, the National Commission for the Promotion of Equality (NCPE) states that such differences are justified when they address existing gender inequalities in society. Article 6 of Legal Notice 181 of 2008, covering discrimination on the ground of gender, states that: *“With a view to ensuring full equality in practice between men and women, the principle of equal treatment shall not prevent any person from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to sex.”*

The NCPE underlines that to achieve true equality in society we must recognise that different social groups experience different needs and challenges due to long-standing structural inequalities. The existence and experience of gender-based violence is one clear example of such difference. While both women and men can experience violence based on their gender, women are at a far greater risk of such violence in both the domestic and the public sphere.

It is common for women and girls, in their everyday lives, to experience sexist microaggressions, unwelcome sexual comments, and other forms of sexual harassment. They are also the primary victims of violence such as stalking and rape. This is the result of the imbalance in society whereby men hold more power than women; it is those social groups who are in a structural position of inequality that are more at risk of discrimination and violence.

Moreover, the social reality of violence against women strongly impacts women’s and girls’ perception of space and their feeling of safety and security. By recognising this social reality, one is not assuming that all men are aggressors. Indeed, most men are not. However, a service provision which seeks to create safer spaces for women and girls is merely taking cognisance of the undeniable fact that women and girls, in certain situations, tend to feel less safe with men due to the very real social experience of gender-based violence, especially if they went through personal experiences of such violence

Treating every individual as if they were the same when providing services, thus ignoring the challenges they experience because of their gender, perpetuates inequalities rather than avoids discrimination.

Service provision that seeks to mitigate the challenges faced by women and girls due to their gender will not eliminate deep rooted social inequalities. However, it is still a welcome step to improve their everyday lives - lives which are often disrupted by experiences of gender-based discrimination and violence.