

# The Report of the Presidential Summit against Gender-based Violence and Femicide, 2018



PRESIDENTIAL SUMMIT  
AGAINST GENDER-BASED  
VIOLENCE & FEMICIDE



REPUBLIC OF SOUTH AFRICA

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# ACRONYMS AND ABBREVIATIONS

<b>Adv</b>	Advocate
<b>APP</b>	Annual Performance Plan
<b>BPFA</b>	Beijing Platform for Action
<b>CCMA</b>	Commission for Conciliation, Mediation and Arbitration
<b>CGE</b>	Commission for Gender Equality
<b>CPA</b>	Criminal Procedure Act
<b>CSO</b>	Civil Society Organisation
<b>DBE</b>	Department of Basic Education
<b>DoC</b>	Department of Communication
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>DoW</b>	Department of Women
<b>DPME</b>	Department of Planning, Monitoring and Evaluation
<b>DSD</b>	Department of Social Development
<b>DVA</b>	Domestic Violence Act
<b>ECD</b>	Early Childhood Development
<b>EU</b>	European Union
<b>FAMSA</b>	Families South Africa
<b>GBV</b>	Gender-Based Violence
<b>GBVF</b>	Gender-Based Violence and Femicide
<b>GBVAW</b>	Gender-Based Violence against Women
<b>GCIS</b>	Government Communication and Information System
<b>GFP</b>	Gender Focal Point
<b>GNC</b>	Gender Non-Conforming
<b>GRPBME</b>	Gender responsive planning, budgeting, monitoring and evaluation
<b>HEI</b>	Higher Education Institution
<b>Hon</b>	Honourable
<b>LGBTQIA+</b>	Lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual or allied, and other
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MEC</b>	Member of the Executive Council
<b>MP</b>	Member of Parliament

<b>MTSF</b>	Medium Term Strategic Framework
<b>NCGBV</b>	National Council on Gender-Based Violence
<b>NDP</b>	National Development Plan
<b>NGO</b>	Non-Governmental Organisation
<b>NPA</b>	National Prosecuting Authority
<b>OSW</b>	Office on the Status of Women
<b>PCO</b>	Parliamentary Constituency Office
<b>PEPUDA</b>	Promotion of Equality and Prevention of Unfair Discrimination Act
<b>PLWHA</b>	People living with HIV/AIDS
<b>POA</b>	Programme of Action
<b>POA: VAWC</b>	Integrated Programme of Action addressing Violence Against Women and Children
<b>PPP</b>	Public Private Partnership
<b>PSSS</b>	Psycho-social support services
<b>SAHRC</b>	South African Human Rights Commission
<b>SAMCO</b>	South Africa Multi-Country Office
<b>SAPS</b>	South African Police Service
<b>SABC</b>	South African Broadcasting Corporation
<b>SDG</b>	Sustainable Development Goal
<b>SETA</b>	Sector Education and Training Authority
<b>Stats SA</b>	Statistics South Africa
<b>TAVAW</b>	Technology-Assisted Violence Against Women
<b>TCC</b>	Thuthuzela Care Centre
<b>UN</b>	United Nations
<b>USAID</b>	United States Agency for International Development
<b>WHO</b>	World Health Organisation

## **FOREWORD BY THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES, MR RONALD LAMOLA, MP**

The Presidential Summit against Gender-based Violence and Femicide emerged with a glimmer of hope that, with government and the civil society working together, solutions against the scourge of gender-based violence and femicide (GBVF) can be found. For the first time in this democratic dispensation, the President of the Republic of South Africa, His Excellency President Matamela Cyril Ramaphosa, hosted a national summit for all women living in South Africa - across nationality, age, race, sexual orientation, disability, language, social origin, religion, belief and culture, in response to the demand of #TheTotalShutDown Movement. More than 1 200 women from civil society, government and indeed all walks of life converged to share with the President personal encounters with power-based crimes and the possible solutions on how women in this country can feel safe and have no fear of crime. The Summit also presented an ideal space for government actors and representatives in the criminal justice system to listen, think and plan together with civil society and the broader spectrum of our society.

With the staggering figures of gender-based violence cases and the unmatched spate of gruesome killings of women and girls in our country, something needed to be done urgently. The Department of Justice and Constitutional Development (DoJ&CD) was honoured to have been entrusted by the Presidency with the responsibility of leading the planning and the execution of this historic initiative. Through the platform of a multi-actor and multi-functional National Summit Planning Steering Committee, the Justice Department has succeeded in delivering an avant-garde Summit for all women of South Africa to re-think and re-engineer the agenda of GBVF in the country. Despite the frequent, yet inevitable and anticipated



differences, the common goal of achieving the desired outcome has emerged as the strong binding force. Everyone has maintained focus and produced the expected outcome. This was achieved in an exemplary manner and within extreme time constraints.

Not only the Department but the entire country is indebted to all the dedicated women of the Summit Planning Steering Committee who made it all happen. I will not do them justice if I don't specifically mention their organisations, institutions and government departments. I therefore thank the #TotalShutDown Movement, the United Nations Agencies, the Foundation for Human Rights, the Medical Research Council, the University of the Witwatersrand, LoveLife, the Centre for the Study of Violence and Reconciliation, the Commission for Gender Equality, and Government Departments of Social Development, Women, Youth and Persons with Disabilities, Planning, Monitoring and Evaluation, Basic Education, Higher Education and Training, Science and Technology, the Government

Communication Information System, the South African Police Service, and the National Prosecuting Authority.

I would also like to thank the former Speaker of the National Assembly, Ms Baleka Mbete, my predecessor, the former Minister of Justice and Correctional Services, Adv Michael Masutha (MP) and the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery (MP), the former Minister of Social Development, Ms Susan Shabangu, the former Minister of Higher Education, Dr Naledi Pandor, the former Premier of Northern Cape, Ms Sylvia Lucas, , Members of Parliament, diplomats, civil society and women of South Africa for having given this Summit the patriotism it deserved. . More appreciation goes to Dr Olive Shisana, the President's Special Advisor on Social Policy, for her the excellent guidance and support to the entire process, as well as to the representatives of the Office of the Chief Justice and all patriots who participated in the Summit programme. Lastly, I wish to thank our team in the Department for hitting a home run with its exceptional performance under the leadership of Adv Praise Kambula.

The Presidential Summit Declaration against Gender-based Violence and Femicide of 2019 will stand as a historic achievement of the Summit and the embodiment of the aspirations of women living in South Africa in their collective endeavour to build a South Africa *where women can walk freely in the streets and children can play safely outside*, as aspired by the National Development Plan, 2030.

The Department of Justice and Constitutional Development has begun to implement the Presidential Summit Declaration. The review of certain laws relating to GBVF is in progress. The aim is to tighten and make them more responsive. Work has also begun in our courts to provide a victim-centric justice system in matters relating to GBVF. The ultimate goal is to provide an even spread of Sexual Offences Courts where they are needed most to ensure that survivors of sexual offence receive a court experience defined by respect, dignity, compassion and effective justice.

I therefore urge all people living in South Africa to respond to the call of the President to take responsibility and support the cause of eradicating gender-based violence and femicide from our country.

This report is a summation of the collective activities of the Summit, culminating in the introduction of the first Presidential Summit Declaration against GBVF of 2019, which the President co-signed with the select civil society organisations on 29 March 2019. It is also a report co-drafted with and adopted by civil society organisations and the GBVF Interim Steering Committee. I therefore officially hand it over to the President of the Republic of South Africa, His Excellency President Matamela Cyril Ramaphosa, with humility and hope for a society free of GBVF.



**Mr Ronald Lamola, MP**

**Minister of Justice and Correctional Services**



# MESSAGE FROM CIVIL SOCIETY

Over the many years, feminists, social justice and gender equality activists, civil society organizations have worked tirelessly to bring about meaningful end to gender-based violence. They participated in dialogues, meetings, policy reviews and processes and law reform programmes aimed at addressing the scourge of gender-based violence and femicide in the country. That sheer grit, determination, dedication, tears and anger from the many South African women in their diversity to demand an end to the domination of women by force and the conscious process of intimidation that keeps women in the state of fear.

The #TheTotal ShutDown marches across the country in 2018 must be seen as significant mark of history, when women demanded an end to male violence against women and acknowledging that violence is inextricably linked to all acts of violence in our society that occur between the powerful and the powerless, the dominant and the dominated.

We fully support the outcomes of the summit deliberations and are more than ever resolute in our quest to forge bonds with those in our society that want an end to the normalization, tolerance and minimization of violence and harm inflicted on women.

A profound gratitude to the many activists and civil society organizations that participated in the summit and their unwavering fight and commitment to eliminating gender-based violence.

A special thanks to the team multisectoral committee that painstakingly and methodically planned and executed the Summit. We appreciate them for being generous with their time and expertise.

Deep thanks to the Department of Justice and Correctional Services ably led by Adv. Praise Kambula for agreeing to be the implementing agent on behalf of the President for the Summit and executing the mandate with precision and professionalism.

Special acknowledgement goes to the Summit scribes, rapporteurs and facilitators without whom this report will not be in existence.

Lastly, to President Cyril Ramaphosa for having the courage to lead and the boldness to spring to action and convene the Summit once he grasped the severity and the impact of gender-based violence on the country and the importance of finding workable solutions working closely with civil society. Your team in the Presidency showed courage and professionalism we thank them for believing and having the confidence in the process.

The outcomes of the Summit are a testament of our resolve to an end to impunity by perpetrators of violence against women and commitment to collectively challenge the norm of public silence and to disrupt how power operates- we only seek to produce profound change nothing less.



## ACKNOWLEDGEMENTS

A wide range of individuals and organisations contributed to the success of the summit, and the events that preceded it. Individuals from across sectors, including those located within civil society bodies and within the state, also played critical roles in the individual thematic area groups. While not all names appear in this report, it is essential that the contributions of all are acknowledged – recognising the significance of every effort towards the establishment of a future South Africa within which all feel and are safe.



# OVERVIEW AND EXECUTIVE SUMMARY: #SAFETYISAHUMANRIGHT

**“In 2030, people living in South Africa feel safe and have no fear of crime. They are safe at home, at school, at work and they enjoy an active community life free of fear. Women can walk freely in the streets and children can play safely outside.”**

## National Development Plan (NDP) 2030

*Gender-based violence and femicide (GBVF) remains a pervasive scourge that South Africans continue to face, on a daily basis. Instead of focusing on their future goals and aspirations, womxn<sup>1</sup> are forced to submit to, flee and endure violence within and outside their homes – with these realities compounded by structural violence driven by patriarchal systems that do not respect womxn’s rights and cannot provide the protection they are entitled to.*

*This report reflects the key questions, discussions, ideas, recommendations and decisions emerging from the Presidential Summit against GBVF, as held at St George’s Hotel, Irene, from 1 to 2 November 2018. The summit took place in response to the 24 demands submitted to the President of the*

*Republic of South Africa by #TheTotalShutdown movement, following the marches undertaken on a nation-wide basis on 1 August 2018, in protest against GBVF. Representatives from across society – including civil society, government, parliament, the judiciary, labour organisations, business communities, traditional healers, traditional leaders, sector-specific specialists, religious leaders, persons with disabilities, members of the LGBTQIA+<sup>2</sup> community, Gender Non-Conforming (GNC) persons, older persons, youth, survivors of GBVF, activists, womxn, academics, members of the media and South Africans from all corners of the country – came together for two days to listen to each other, engage, and establish a way forward, for a South Africa within which all its people feel and are safe.*

**The content of this report reflects the proceedings of the summit – including speeches, commission discussions and recommendations. It draws out the key messages, views and insights that emerged from the two days. Importantly, it seeks to reflect the voices of survivors who bravely shared their stories, highlighting the systemic violence that womxn continue to endure across South Africa.**

Full recordings of the summit discussions are available online [here](#). More online links to the summit’s associated recordings and materials are available [here](#).

In this report:

- Speaker inputs are summarised, while the full speeches are included in **Annexure Five**.

- The voices of womxn affected by violence reflect candid accounts of many womxn’s lived realities. Summarised versions of these stories and the emerging messages are included – in this way maintaining focus on the crux of the event, while also reflecting the survivors’ agency in calling for change.
- Some reference is made to the multi-

1 The term ‘womxn’ is used in this report to signify recognition of gender nonconformity – with this reflecting an important shift in acknowledging how gender identities are a critical aspect when addressing GBVF

2 Lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual or allied, and others



stakeholder pre-summit engagements, with these engagements confirmed as being critical in shaping the agenda for the summit, while also providing thought leadership on the key focus areas.

- The concluding section of the report outlines the key elements addressed within the declaration arising from the summit, with the final declaration included in full, in **Annexure Four**.<sup>3</sup>

**This report outlines key issues and agreements arising during the summit discussions. It also aims to simultaneously reflect on the spirit of activism present within the personal stories, dance, song, movement, advocacy efforts and within-summit protests – and the collective will of those who came together on 1 and 2 November 2018 to explore a revised Programme of Action against GBVF.**

**As such, the report is part of a broader story of the journey of activism that started prior to the summit – with its roots in movements such as #FeesMustFall, where the energy and activism of young womxn at the heart of such events signifies a visible move away from a passive acceptance of the status quo, towards a collaborative and powerful ownership of the future.**

The summit and its aligned declaration emerge as a result of a process aimed at breaking through the current impasse associated with the realities of GBVF in South Africa. To extend on the political will evident at the summit, the priorities identified within this report will need to be captured within a consolidated National Strategic Plan, with a clear Plan of Action and aligned log-frame, to support ongoing implementation, monitoring

and evaluation (M&E) and reporting – with the Presidency committing to these requirements and an ongoing focus on ensuring action post the summit.

In addition to serving as a reference base for consultation on the collective Plan of Action required, this report is also meant to provide a knowledge base and a link with other materials associated with the summit (e.g. the array of base documents associated with the thematic areas). The content included herein may need to be adapted and presented in other formats<sup>4</sup>, to allow for greater accessibility for different audiences.

The final set of commitments included within the declaration reflects the need for a multi-layered and multi-sectoral response to the complex challenge of GBVF. Amongst others, critical commitments include:

- The call for political, government, business and community leadership to take responsibility for and support the cause of eradicating GBVF
- The urgent establishment of an adequately funded interim structure, and subsequent to this, a national, inclusive, multi-sectoral coordinating body, to plan for, drive delivery on, and monitor and evaluate implementation of agreed actions
- The review of existing laws and policies applicable to GBVF (ensuring these are victim-centred and responsive), and finalisation of all outstanding legislative measures and policies relating to GBVF, and the protection of the rights of women and GNC persons
- Possible development of a regulatory framework to curb GBVF perpetrated through religious, spiritual and cultural institutions
- Effective delivery of anti-GBVF related laws, policies, programmes and interventions,

<sup>3</sup> The declaration arising from the summit was presented to and approved by delegates prior to the close of the event. Subsequent to this, the contents were reviewed from a legal, language and editing perspective – with the final version signed by all parties on 28 March 2019.

<sup>4</sup> E.g. Easy access, simple language two-page summaries, translated into all official languages.

through gender-responsive planning, budgeting, monitoring and evaluation (GRPBME)

- Comprehensive resourcing and capacity building of facilities that render support services to GBVF survivors; delivery of services free from secondary victimisation
- Strengthening and improvement of the existing national gender machinery and information and research databases, and integration of information databases across the justice system
- Consistent adherence by all communicators and media to a set of clear ethical guidelines or frameworks for reporting on GBVF incidents
- Introduction of improved prevention initiatives and responses to GBVF across all levels of the educating and training system – and delivery of new social behaviour

change programmes across society, to address patriarchal values, norms and structural drivers of GBVF

- Promotion of the economic development of women, GNC persons and other marginalised groups

While discussions across the course of the summit were often heated and robust, there was also a clear solidarity in the context of the fight against GBVF – with this reflected in the final stages of the summit, when delegates from across the age divide came together, unified in dance, as they sang the following words:

**Asoze aphele amandla.**

**Asoze aphele amandla.**

**Lelilizwe ngelabafazi.<sup>5</sup>**



5 "We will never give up/ lose power. This country is for the women."





NATIONAL SUMMIT

WOMEN AND GENDER



# CHAPTER 1: #THETOTALSHUTDOWN<sup>6</sup>

## CREATING A NEW REVOLUTION AGAINST GBVF

The Presidential Summit to end GBVF emerged from #TheTotalShutdown movement, which mobilised hundreds of womxn to march across all parts of the country, on 1 August 2018. This section reflects the call for action from the movement, and is taken directly from their website

### #TheTotalShutdown

SUMMARY: MEMORANDUM OF DEMANDS  
01 August 2018

**TO: His Excellency President Cyril Ramaphosa**

On the 1st of August 2018, women and gender non-conforming (GNC) people from all over South Africa will shut down the country and march in protest against gender-based violence. Lesotho and Botswana will also form part of the mass action.

This document sets out our list of demands to the state. It's an initial set of twenty four demands that represent each year that the state has failed to ensure our right to be free from violence since the establishment of our constitutional democracy.

We believe that an integrated approach to fight against the gender based violence (GBV) scourge, where different arms of government work together, has the ability to ensure better protection for women.

We understand that different arms of government have different powers and functions, it is not the intention of our memorandum to comprehensively set out which entity must do what. Our aim is to demand that the state must do everything within its powers, to enable us to realise our right to be free from violence, whether it emanates from public or private sources.



### WE DEMAND:

**Our right to be free from violence and an end to impunity for GBVAW – NOW!**

1. A strong message from the office of the President that gender based violence against womxn, GBVAW, is pervasive and widespread and that it cannot be tolerated at any level of society. This includes a commitment never to appoint any individual who has been implicated or minimises the causes and consequences of GBVAW to cabinet or to lead a state institution. Further, a commitment to establish and drive a multi-stakeholder and comprehensive process to address and reduce GBVAW and a commitment to announce the dates of a national gender summit before 30 August 2018.

**DEADLINE: 09 August 2018**

2. A review of past national action plans to end GBVAW with a view to understanding why they failed. The Ministry of Women in the Presidency

<sup>6</sup> <http://thetotalshutdown.org.za/2018/07/26/summary-memorandum-of-demands/>

be seized with the convening of a national process to lead the review. The terms of reference must include the participation of all relevant stakeholders including, relevant government departments and civil society formations. The process must also identify the individual and institutional causes of the failure and make recommendations.

**DEADLINE: 30 September 2018**

3. The development of a criteria and screening for appointing individuals who are tasked with leading efforts to end and respond to GBVAW. This includes the development of a criteria that seeks individuals who understand that GBVAW is a form of discrimination, it is overwhelmingly gender specific and it happens to womxn because they are womxn. It must also recognise that efforts to end GBVAW must be led by womxn and communities disproportionately affected by gender discrimination which includes transgender and gender non-conforming persons and who have worked on GBVAW issues; and have an understanding of the role that the state has to play in preventing violence from occurring and responding to violence once it has occurred.

**DEADLINE: 30 September 2018**

4. A development of a National Action Plan on Gender Based Violence (GBV) whose terms of reference will be determined by the review process envisaged under demand number two. The plan could be in the form of an update of the action plans that were not implemented. Furthermore, gender diversity as it relates to transgender and gender non-conforming persons must be integrated into the National Acton Plan on GBV to broadly combat and prevent GBV and hate crimes.

**DEADLINE: 30 October 2018**

5. Resuscitation of the Joint Monitoring Committee on the Quality of Life and Status of Women. A prerequisite for committee membership is a proven track record on working on GBVAW and gender diversity issues. The committee must develop a legislative schedule to assess the implementation of

current legislation aimed at combating GBVAW with a view to determining the role played by gaps in the law in the failure to implement the law. To the extent that there are gaps, undertake law reform process.

**DEADLINE: 30 October 2018**

6. The establishment of accountability and oversight mechanisms to ensure that an adopted National Action Plan is implemented. This includes the establishment of an independent Ombud on GBVAW, a special parliamentary oversight committee, and a specific enquiry mandate for the South African Human Rights Committee, Commission for Gender Equality and Commission for the Protection of the Rights of Cultural, Religious and Linguistic Communities.

**DEADLINE: 25 November 2018**

7. Focussing on the prevention of re-victimisation and re-traumatisation through the establishment of a national and properly resourced hotline that will enable survivors to request and receive information on support services. Parliament needs to pass the Combatting and Prevention of Hate Crimes Bill to recognise and afford greater legal protections to transgender and gender non-conforming people who are often survivors of hate crimes perpetrated against them based on their gender identity and/or gender expression.

**DEADLINE: 30 November 2018**

8. Provision of prevention services and information on GBVAW with a view to raising awareness on the different forms of GBVAW, preventing violence and changing attitudes. This includes, among other things, updating the school curriculum to include content that informs learners about GBVAW and gender diversity.

**DEADLINE: 25 November 2018**

9. Training for legislators to provide them with information on key features of drafting legislation on developing laws aimed at combating GBVAW and promoting



gender diversity and equality. The training programmes must include international human rights standards and model laws on legislating on GBVAW and gender diversity.

**DEADLINE: 30 November 2018**

10. Consistent sentencing and enforcement of existing laws in particular, the minimum sentencing legislation in sexual and domestic violence cases. The judiciary stops using harmful and negative gender stereotypes that reinforces secondary victimisation and legitimises practices like victim-blaming and slut-shaming. Furthermore we demand that sentencing guidelines be developed for both magistrates and High Courts including sexual offences courts.

**DEADLINE: 30 November 2018**

11. The prioritisation of the provision of legal aid to victims of GBVAW including those who want to hold the state accountable for its failure to protect them from violence and those who have been subjected to lawsuits for publicly naming perpetrators.

**DEADLINE: 16 December 2018**

12. Sensitisation and adequate training provided and sensitisation of resource providers regarding diverse gender identities and LGBTQIA\_ minorities on discrimination broadly and the causes and consequences of GBVAW in particular, for members of the judiciary and the programme, on appointment, and should be offered on a continuous basis. The programme must include emerging progressive human rights standards and jurisprudence on GBVAW and gender diversity, various manifestations and also highlight decisions that have failed to uphold women's rights to be free from violence.

**DEADLINE: 31 January 2019**

13. The provision of psycho-social support to victims and survivors of GBVAW including a publication of a referral list of the places where the service will be provided. If the state

is not able to provide the service, competent NGOs and CBOs should be provided financial support to offer the service.

**DEADLINE: 14 February 2019**

14. A commitment to beginning a process to develop a comprehensive law on addressing GBVAW. This includes engaging the South African Law Reform Commission to begin a consultation process. The law must include the provision of services, a clear legal and policy framework for protection and support services for victims and survivors of violence.

**DEADLINE: 27 February 2019**

15. Recognition that intersecting forms of oppression heightens women's vulnerability to GBVAW and that these factors are taken into account during investigation, prosecution and sentencing. These includes race, sexual orientation, gender identity, socio-economic status and nationality.

**DEADLINE: 01 February 2019**

16. The existing Thuthuzela Care Centres' resources developed and vacant posts filled. The TCC's established as places of safety and care for all gender identities being it cisgender womxn, transgender womxn and/or gender non-conforming persons who are survivors of GBV.

**DEADLINE: 21 March 2019**

17. Introduction of an automated national registry for protection orders.

**DEADLINE: 31 March 2019**

18. Provision of shelters and interim housing to enable womxn to escape abusive relationships. A list of shelters to be developed and confidentially shared with relevant service providers. Shelters are often places for discrimination and GBV especially as it relates to transgender womxn and GNC people who do not fit the gender binary model due to their legal gender identity. Government should review its current laws and policies to secure gender inclusivity that seeks to protect

transgender and GNC people from GBV and hate crimes.

**DEADLINE: 27 April 2019**

19. Registration of GBVAW cases in hospitals and the provision of information on support services available to survivors of GBVAW and ensuring that an effective referral mechanism between various service providers is in place. The support services include but [are...] not limited to legal, psycho-social and housing.

**DEADLINE: 01 May 2019**

20. Publication of a monthly list of police stations and police officers who have been reported to the Independent Police Investigative Directorate for failing to provide services to survivors of GBVAW.

**DEADLINE: 16 June 2019**

21. Adoption of a policy to make prosecutor led investigations of GBVAW cases compulsory in order to provide guidance and assist in the gathering of evidence in order to ensure that cases are taken to court.

**DEADLINE: 30 July 2019**

22. Publication of a national training schedule on GBVAW and gender diversity for all relevant government departments including home affairs, social development, justice, safety and security and health.

**DEADLINE: 30 August 2018**

23. A sustained media campaign for 365 days by all departments led by Government Communication and Information System providing information including awareness.

**DEADLINE: NOW!**

24. Transgender and GNC people also have different safety and security needs than that of cisgender womxn based on how laws, policies, practices and systems are conceptualised based on gender binaries for cisgender womxn and men as well as boys and girls. E.g. Transgender womxn and GNC people are raped in correctional facilities and detention centres in the criminal justice system by virtue of their legal gender marker. In combating GBV comprehensively, government should ensure that laws, policies, practices and systems are sensitive to gender diversity to protect the bodily and physical as well as the psychological and emotional integrity of transgender and GNC people from GBV. To secure this object, government should focus on reviewing and amending gender recognition laws, pass the Combating and Prevention of Hate Crimes Bill, pass the Draft Social Inclusion Policy for Higher Education Institutions and finalise the Comprehensive Sexuality Education Plan which all recognises transgender and gender non-conforming people and the challenges these demographics face aligned to combating and preventing GBV.

**DEADLINE: NOW!**

# CHAPTER 2: #CONTEXTMATTERS SUMMIT OBJECTIVES, PROCESSES AND LIMITATIONS

## CONTEXT TO THE SUMMIT: AN EPIDEMIC OF GBVF

**Safety is a core human right. Despite the fact that this right, and other associated rights such as the right to equality, dignity and life, are enshrined in the Bill of Rights as contained within South Africa's Constitution, the daily stories of GBVF faced by womxn and girls from all walks of life, across every part of South Africa's geography, reflect a crisis of epidemic proportions. This crisis – and the state of impasse reached in terms of its redress – prompted womxn from across South Africa to march together, as part of a call for urgent action.**

'Gender-based violence' is "an umbrella term for forms of interpersonal violence characterised by gendered power imbalances"<sup>7</sup>. It is "a phenomenon deeply rooted in gender inequality, and continues to be one of the most notable human rights violations within all societies. Gender-based violence is violence directed against a person because of their gender. Both womxn and men experience gender-based violence but the majority of victims are womxn and girls."<sup>8</sup> It can present in various forms, including, for example, physical violence, sexual violence, emotional violence, economic violence, domestic violence, forced marriages, human trafficking, hate crime and femicide<sup>9</sup><sup>10</sup>. Femicide is a particularly critical issue in the South African context, with "[p]opulation-based surveys show[ing] very high levels of intimate partner violence (IPV) and non-partner sexual violence (SV) in particular, with IPV being the most common form of violence against women. ... More than half of all the women

murdered (56%) in 2009 were killed by an intimate male partner."<sup>11</sup>

Reflecting on the factors underlying the GBVF pandemic, base documents prepared prior to the summit note that "...the GBVF pandemic is a result of multiple factors at play which can be attributed to cultural, economic and societal issues. In most instances, women and girls are the victims of GBVF. This situation is further perpetuated by gender discrimination and women's lower socio-economic status. Due to their lower socio-economic status women are less likely to avoid or escape abusive situations, or seek justice."<sup>12</sup> GBVF is further embedded through "systematic inequality, patriarchy, homophobia, sexism, [and...] other harmful discriminatory beliefs and practices"<sup>13</sup>.

Despite South Africa's efforts to implement enabling legislation, and its ratification of various global declarations, including Agenda 2030 and Sustainable Development Goal (SDG) #5, which specifically focuses on gender equality and empowerment of women and girls, GBVF remains

7 Prevention Commission (2018) *Prevention Sub-Task Team Base Document*. p. 2.

8 EIGE (European Institute for Gender Equality) (2019) "What is gender-based violence?" Available online: <https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence>

9 Communications Commission (2018) National Summit on GBVF: Communications thematic area base document.

10 Response, care and support Commission (2018) *Thematic areas for the summit*.

11 <https://www.saferspaces.org.za/understand/entry/gender-based-violence-in-south-africa> - cited in the National Womens' Rights Civil Society Organisations' submission to the National Summit on Gender Based Violence against Women (2018) p. 2.

12 Communications Commission (2018) National Summit on GBVF: Communications thematic area base document. p. 5.

13 Ibid.

rife. This is however not an exclusively South African phenomenon. Instead, it is a global scourge that is “complex and multidimensional...embedded within the broader socio-economic, political and cultural context...”<sup>14</sup>

**Shifting GBVF requires an epidemiological understanding of the challenge – including risk factors at an individual, inter-personal, community and societal level – with prevalence heightened “in situations of political, social and economic inequity and conflict; ...in patriarchal societies with rigid notions of manhood, weak institutions, poor access to information and poor reinforcement of human rights; [in] societies where violence is socially accepted as a means to settle inter-personal disputes”.**<sup>15</sup>

Feminist movement-building across the world, and efforts such as the #FeesMustFall movement, are increasingly shifting the narrative and providing new opportunities through which to

shape societal perceptions in relation to gender and power dynamics, while challenging GBVF and other forms of abuse. Across the continent, womxn are standing up to unjust, authoritarian and patriarchal governments and institutions. In South Africa, existing ways of organising and planning State-led responses to GBVF have also been disrupted – with #TheTotalShutdown movement (a movement “initiated through a social media post” and grown via Facebook<sup>16</sup>) taking to the streets of South Africa on 1 August 2018, with thousands of womxn<sup>17</sup> and GNC persons marching in all nine provinces<sup>18</sup>, with the intention of delivering a memorandum of demands to the three pillars of government (i.e. the Legislature, Judiciary and the Executive). Inspired by the women of 1956 who marched to the Union Buildings to protest against the apartheid government’s pass laws, members of #TheTotalShutdown delivered a memorandum of 24 demands to President Cyril Ramaphosa on the evening of 1 August 2018<sup>19</sup>. In response, the President committed to holding a Presidential Summit against GBVF – in line with Demand #1 – with this to serve as an opportunity for focused and in-depth multi-stakeholder and multi-sectoral engagement, and ultimately, the establishment of a collectively agreed plan of action through which to tackle GBVF.

## PRE-SUMMIT ACTIVITIES AND PREPARATION

Following receipt of #TheTotalShutdown’s memorandum of demands, the President appointed the Department of Justice and Constitutional Development (DoJ&CD) as the coordinating and implementing agent for the national summit – with participants in the planning and delivery process to include a broad range of stakeholders from all sectors. A National

Summit Steering Committee was established to support this process, with members drawn from the relevant government departments and entities, Civil Society Organisations (CSOs), #TheTotalShutdown movement, sector experts, and key role-players such as members of various development aid agencies.

14 World Bank (2009) Gender-Based Violence, Health and the role of the Health Sector. Available online: <http://web.worldbank.org/archive/web-site01213/WEB/IMAGES/AAGGBVHE.PDF>.

15 Ibid.

16 #TheTotalShutdown (2018) FAQ. Available online: <http://thetotalshutdown.org.za/faq/>

17 Both cisgender and transgender womxn

18 With a total of 19 marches held across the country

19 Ibid.

**In line with the collective approach to movement building taken by the #TheTotalShutdown movement, the pre-summit process as well the summit itself placed significant emphasis on bringing in all voices and pushing an agenda that is responsive to the needs of survivors. It is also important to emphasise that the process opened up the space for contesting views, and was characterised by robust debate and discussion, leading to consensus on key issues. This approach is one which is worth noting – and could create a good platform for future actions and initiatives.**

In the lead up to the summit, a number of pre-summit sessions were held, including a one-day pre-summit workshop, and a subsequent extended pre-summit workshop. Delegates were drawn from across the country, with emphasis also placed on ensuring inclusive stakeholder and sector representation. In addition, a two-day CSO Pre-Summit workshop was held from 18 to 19 October 2018, with the CSO Position Paper that was developed as an output from the session serving to influence CSO engagements at the summit itself. The CSO Pre-Summit Workshop Report is available [here](#), while the CSO Position Paper can be accessed [here](#).

The planning sessions anchored the agenda for the summit against the 24 demands included within #TheTotalShutdown's memorandum, in this way ensuring that all demands were addressed. These demands were ultimately distilled into six thematic areas, namely:

- Laws and policies
- Prevention
- Response, care and support
- Accountability and resources
- Coordination
- Communication

It was agreed that the above would be considered in commission format. 'Content and Programme Management Task Teams' were established for

each thematic area, with members of these task teams constituted carefully to reflect a range of stakeholders, including members from the public sector, non-governmental organisations (NGOs), CSOs, members of #TheTotalShutdown, and development aid agency representatives. Each thematic area was supported by a Thematic Area Leader, drawn from the government department responsible for the particular area of focus. A range of role-players, such as a facilitator(s), scribes and rapporteurs, also supported each team. The National Summit Steering Committee took a deliberate decision to include one CSO facilitator and one government facilitator for each of the thematic areas, while all scribes and rapporteurs were drawn from CSOs. Specifics in terms of Thematic Area Leaders are included in **Annexure One**, attached hereto. Thematic Areas Leaders were tasked with overseeing the development of a thematic area base document, to provoke and guide the commission discussions during the summit itself – with these documents addressing the following key questions in respect of the thematic area:

- What are we doing well?
- What has not worked out so well?
- What needs to be done differently?

It is important to acknowledge that significant work took place prior to the summit – with this leading to the development of substantial base documents in relation to each thematic area. These documents can be accessed [here](#).

Each commission-specific task team and Task Team Leader was given latitude to decide on the approach and manner in which they wanted to facilitate and manage commission discussions in respect of their specific thematic area, in order to promote open and critical participation. While some chose to use the base documents as the starting point for their discussions (e.g. through presenting a summary of key issues identified within these research documents), others did not communicate the content, instead only providing delegates with the documents in soft-copy format as a resource, on the day of the commissions. In some cases, participants asked the leaders to



allow engagement on the specific thematic area to take place without being 'influenced' by these documents – despite the fact that the documents were developed by a cross-cutting range of stakeholders as part of the pre-summit preparation process.

It is worth noting that during the pre-summit period, role-players focused on ensuring that those invited to participate in the summit reflected a representative range of sectors, stakeholder categories, geographical domains, and urban, peri-urban and rural contexts. Logistics and

planning for the summit was overseen by the Steering Committee for the National Summit on GBVF – with details of committee members included in **Annexure Two**. **Annexure Three** provides an overview of delegates attending the summit – including the range and variety of role-players, organisations and interests represented. It should be noted that the details provided are not intended to be fully exhaustive, but rather serve to demonstrate the range of role-players included amongst the 1200 delegates attending the summit's proceedings.

## SUMMIT OBJECTIVES, FORMAT AND PROCESS

### *Objectives*

Following his receipt of #TheTotalShutdown's memorandum of demands on 1 August 2018, President Ramaphosa publicly stated his commitment to hold a summit – with this serving as an opportunity for meaningful and focused engagement, for all stakeholders to collectively:

- Reflect critically on initiatives to date, and identify actions of improvement
- Outline a roadmap to a South Africa free from GBVF
- Align different initiatives to create mechanisms and processes for effective coordination and planning, beyond the summit

In its Concept Note for the summit, #TheTotalShutdown further defined the 'vision and goal' of the summit as follows: "To convene a multi-stakeholder gathering for developing, adopting and marshalling a comprehensive and solution based implementation plan to address [ ] gender based violence as outlined in the 24 demands delivered by TTS on 01 August 2018."<sup>20</sup> Envisaged outcomes as identified within the same document included the establishment of an agreed implementation process, for delivery on the demands, and a multi-sectoral GBVF Council.

### *Format and process*

The programme for the summit included the use of plenary sessions and commissions to unpack the challenges faced, engage on efforts to date, reflect on gaps, and develop recommendations. The first day included formal speeches by civil society and government. Womxn, and womxn's stories of GBVF, were placed at the centre – with this reflected most clearly through the voices of a group of survivors who took to the stage to share their own personal accounts of GBVF, and the ways in which they and those around them continued to be affected by their experiences. **The stories of these survivors anchored the summit, providing a human and personal perspective within which to frame the realities faced on a daily basis by womxn across South Africa.**

The survivors who shared their stories were provided with counselling and support prior to and post the summit – although it should be acknowledged that, regardless of this support, their brave choices to share their stories on a public platform brought with other consequences which have continued to manifest themselves after the close of the event, given South Africa's continued patriarchal realities.

Recognising that the stories shared could be triggering for both the survivors and others

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20 #TheTotalShutdown (2019) Summit on Gender Based Violence: Mapping 24 demands. Concept Note. p.1.

present, the organisers of the summit made provision for counsellors to be on hand to support those affected by both the stories, and the issues under discussion. **Across the course of the summit, many reflected on the powerfully emotional nature of the event. Stories of raw pain set the tone for the summit and provided a platform for all to understand the extreme levels of anger, stress and trauma – and the associated urgency for action.**

As noted by #TheTotalShutdown in its press report on the summit itself:

**“With over 1,200 delegates from diverse backgrounds representing survivors, activists, government, civil society, unions, traditional leaders, and many more who are working against and/or affected by GBV, the Summit opened with a powerful plenary. The plenary gave the President a frontline seat to listen to the voices of survivors who shared their painful personal experiences at the hands of violent men in this country and how justice also failed them and thus continuing their victimization and vulnerability.”<sup>21</sup>**

The commission breakaways following the formal plenary inputs provided the space for delegates to

engage on the status quo pertaining to the thematic areas, and to discuss initiatives undertaken to date (including successes and challenges), proposed actions/ different approaches needed to drive improvements, and game changers to be taken forward. A summary of points arising from each commission was shared in plenary on Day Two, with these inputs integrated into a final Summit Declaration, inclusive of commitments.

### **Accessibility**

The impact of the summit was extended through the active involvement of the media, as participants, supporters and as change agents, sharing the emerging calls for a different and safer reality for all. Proceedings were recorded and made freely available via accessible platforms such as YouTube. In addition, the mobilisation evident prior to, during and post the summit was confirmed by many as ‘powerful’, with the event emerging as a historic moment – with people from all walks of life and contexts coming together within one space, communicating openly and at a deeply personal level, with an urgency for action. These messages were emboldened by the commitments openly stated within the President’s keynote address – where these included, amongst others, confirmation of the need for an effective national Plan of Action against GBVF, appropriate allocation of funding to mechanisms such as the Thuthuzela Care Centres (TCCs), and the establishment of a national registry of protection orders.

## **LIMITATIONS**

The process leading up to the Presidential Summit against GBVF, the summit and the Summit Declaration all represent hopeful moves towards a changed future, where GBVF is no longer part of South Africa’s daily landscape. Some limitations are noted below, so that the outputs can be understood within this context:

- A number of voices were noted as missing from the event, including the voices of members of the business sector/ corporates, persons with disabilities, and women on farms (although a large number of rural women were in attendance, with their voices included within the

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<sup>21</sup> #TheTotalShutdown (2018) Media statement: Post National Presidential Summit on GBV. Available online: <http://thetotalshutdown.org.za/2018/11/05/post-national-presidential-summit-on-gbv-summit/>

commissions) – with these gaps to be consciously addressed in the period ahead. That being said, the summit was arranged within a very limited space of time and there has been agreement that continued engagement will take place with these groups in future.

- While the issue of femicide was highlighted in the framing of the summit, there was limited dedicated focus on this subject throughout the discussions. While a secondary ‘survivor’ shared her experiences, few other discussions centred on this crucial subject. As a result, there were no recommendations that focused specifically on this scourge.
- Findings from commissions are based on information received from each commission. Unlike plenary sessions that were video recorded, only some of the commissions were voice recorded.
- In some groups, there were changes in the participants involved in the thematic area task teams, in the pre-summit versus

summit period, with this necessitating a change in the approach taken to commission discussions (i.e. a variation from the approach identified during pre-summit discussions).

- The service provider appointed to develop the report was appointed after the summit, with the team therefore depending only on records maintained by those present (with these being of varying quality), presentations and the video recordings of plenary sessions, which were transcribed prior to the development of the report.

**Finally, it is important to acknowledge that, in spite of the limitations, the summit was effective in giving voice and agency to survivors, allowing for different views to be shared in a safe space and underpinned by a presidential commitment to act decisively against GBVF.**





# CHAPTER 3: #SPEAKUP

## OPENING SPEECHES

### A WORD OF WELCOME: MINISTER SUSAN SHABANGU

**“That is why we are gathered today – to say: ‘Where to – as South Africa? How do we change South Africa? How do we make this beautiful country to not just belong to some, but to belong to all of us, so that all of us can enjoy this democracy?’”**

Ms Susan Shabangu, Minister of Social Development, and Programme Director for Day One of the Presidential Summit against GBVF, opened the summit with an invitation for all present to “debate and discuss mechanisms and ... practical solutions that can take us forward ... [thereby] making sure that the women of this country and the girl children of this country can enjoy our democracy, and be free to walk in whatever path ... without fear”. She acknowledged the broad range of stakeholders represented amongst the more than 1,200 delegates present.

A note of thanks was extended to the following, amongst others: the President of the Republic of South Africa, His Excellency Cyril Ramaphosa; Speaker of the National Assembly, Ms Baleka Mbete; Minister of Justice and Correctional Services, Advocate (Adv) Michael Masutha; Minister of Higher Education and Training, Ms Naledi Pandor; the President’s Special Advisor on Social Policy, Dr Olive Shisana; representatives from the United Nations (UN) family and its respective agencies; parliamentarians; members of the judiciary; labour organisations; business communities; traditional healers; traditional leaders; CSOs that specialise in GBVF; religious leaders; persons with disabilities; members of the LGBTQIA+ community; older persons; youth; survivors of GBVF; women and “South Africans from all corners of the country”. Special thanks were also extended to those from #TheTotalShutdown, given the movement’s role



in laying the foundation for the summit itself. Minister Shabangu reminded all that the event took place in response to the #TheTotalShutdown’s memorandum of demands, as handed over to the President on 1 August 2018, following nation-wide marches against the scourge of GBVF.

Reflecting on the context within which the summit took place, Minister Shabangu highlighted the need for all to build an understanding of where the justice system had failed – with the presence and proliferation of GBVF remaining a persistent feature in a reality where “even our homes are not safe”, despite the delivery of positive legislation in the post-1994 period. Delegates were requested to actively engage and make unpopular decisions if necessary, in order to shift the status quo, and start to give the vulnerable in South Africa hope.

# SUMMIT BACKGROUND, OBJECTIVES AND PROCESS:

## MINISTER MICHAEL MASUTHA

Adv Michael Masutha, South Africa's Minister of Justice and Correctional Services, framed the context within which the summit took place by sharing the National Prosecuting Authority's (NPA's) most recent statistics on the number of reported sexual offence cases committed against women and children between 2014 and 2018. These totalled 117,811, with more than half of these committed against children – with no evidence of a decline in the number of cases over time. Delegates were advised that the NPA started collating statistics on femicide as a specific category from 2017 onwards, with 79 femicide convictions secured during the 2017/18 financial year (a 98.8% conviction success rate), and 27 out of 28 finalised cases resulting in convictions. However, Adv Masutha also acknowledged that it was likely that the number of reported cases represented only a few of the sexual offences cases experienced, given the wide-spread understanding that very few cases are reported – with women who are subjected to GBVF frequently being pressurised by community members, friends and family to not report such incidents.

**“Women and girl children live under the shadow of violence and death at the hands of men who claim to love them”**

Minister Masutha highlighted the importance of improving the efficiency and performance of the criminal justice system through addressing all aspects – starting with policy, the collection of evidence, and the way in which women are treated across the process. He reflected on the multiple dimensions of GBVF, and the need to intervene at various levels, with these levels reflected via the thematic areas identified for commission discussions during the summit itself, i.e.:

- Laws and policies
- Prevention
- Response, care and support



- Accountability and resources
- Coordination
- Communication

The Minister raised a number of specific questions and areas of enquiry, inviting all to:

- Examine the multiple causalities that give rise to the various forms of violence against women and children – with the argument made that statistics appear to point towards a deep social malice
- Reflect on a number of fundamental questions - e.g.:
  - Why is the scourge of GBVF so evident in South Africa, manifesting itself “in such an ugly fashion”, more than in any other country?
  - Why do such significant numbers of sexual crimes and cases of femicide occur between family, friends, acquaintances and known members of the community?

- o Are there specific structural factors within South Africa that fuel the crisis?
- o If women were freed and enabled to participate fully in economic activities, what impact would this have in terms of their vulnerability to abuse?
- Discuss the role of patriarchy, and the influence of gender roles as a structural factor of social relations

Building on the above, Minister Masutha argued that efforts to counter patriarchy required “a society that is aware and sufficiently intolerant to discriminatory social practices which negate social progress”. Those present were called on to use the summit as an opportunity to participate in collectively finding successful and lasting solutions to the multi-levelled challenges faced.





## CHAPTER 4: #ALUTACONTINUA VOICES OF CIVIL SOCIETY

**“On the 1<sup>st</sup> of August, civil society activists gathered under the banner #TheTotalShutdown. We marched in all nine provinces and we presented 24 demands. We are here today because of activism. We are here today because of defiance. We are here today because of women coming together and speaking truth to power.”**

Ms Nyiko Shwikwambane, representing the voice of civil society, asked delegates to reflect on why South Africa was so ineffective in addressing issues of GBVF. She argued that the answer lay in South Africa’s inheritance of colonial institutions that favour patriarchal leadership, culture and decision-making – “institutions that cannot understand our positionality and our oppression”. She noted that in response, civil society had created its own institutions of learning, outside of colonial institutions – with civil society as a space becoming “our school... our way of learning – spaces in which we have created a language and culture for ourselves through movement building and through organising”. #TheTotalShutdown movement was framed as such a space, with this providing an opportunity within which all could learn – extending on the work of the young women and GNC persons who marched in the streets from 2015 and 2016, under the banner ‘Fees must Fall’.

Building on the interrogation to which Cheryl Zondi was subjected by the defence lawyer in the recent Omotoso case – and framing the discussion as “a place of learning”, Ms Shwikwambane asked the question: “How many centimetres long is the political will to end the scourge of violence against women, against children, against gender non-conforming persons?” To address the crisis, she called for “patriarchal suicide, in leadership, in decision making, in who decides which ministries or Chapter 9 Institutions get allocated what kind of budgets”.

Civil society’s position for the summit was summarised, with the demands reflected drawn from the 24 demands submitted to the President



on 1 August 2018. Ms Shwikwambane closed by highlighting civil society’s position for the summit in the context of the following specific demands:

- Appoint a National Council against GBVF immediately – to develop a National Strategic Plan, with associated costing and budget
- Commit and plan towards a ring-fenced budget to address GBVF, as part of broader national gender responsive budgeting plan approach
- Roll out a national public campaign to raise awareness in communities on how to fight violence against womxn, and educate and train all public servants, political; religious and traditional leaders, and those who work with survivors of violence, on womxn’s rights and gender sensitivity
- Grant parole to womxn who were jailed for killing abusive partners in self-defence, or as a result of psychological distress
- Prioritise and fast-track the decriminalisation of sex work

# CHAPTER 5: #IMASURVIVOR

## VOICES OF SURVIVORS

Ms Anne Githuku-Shongwe, UN Women South Africa Multi-Country Office (SAMCO) Representative, moderated a discussion with a panel of survivors, each of whom bravely chose to share their personal experiences of GBVF. In addition to sharing their stories, each survivor was also asked to reflect on a game changer that would make a difference for them personally, in the context of their own stories, and South Africa's GBVF pandemic.

Many of those who chose to share their personal stories of pain – and their calls for change – now serve as activists, although the mere process of choosing to openly discuss their experiences locates them firmly in this space. The experiences shared reflect the personal stories of survivors of GBVF who could be 'categorised' as follows:

- Womxn as child survivors of femicide
- LGBTQIA+ community members as survivors of GBVF
- Womxn as survivors from harmful traditional practices
- Surviving as a womxn with a disability, following GBVF

## SURVIVORS' VOICES

### *Womxn as child survivors of GBVF*

**Avela** was 14 years old when her mother was raped and killed by a group of perpetrators, which included her adopted brother and his friends. Some of her mother's body parts were sold for muthi, with the family unable to gain some form of closure through burying her. More than twenty years later, the perpetrators are still free. Avela's hope is for the justice system to finally hold those responsible for her mother's death to account – with the delivery of justice seen as the one step that would bring closure to her and her siblings.

- Migrants as survivors of GBVF
- Survivors of GBVF as perpetrators – taking the law into their hands in response to GBVF
- Survivors of rape
- Survivors of sex trafficking

Before opening to each of the survivors and their stories, Ms Githuku-Shongwe highlighted the importance of understanding, first hand, their lived experiences – so that decisions of how to respond are framed accordingly.

While a conscious decision was made to use the summit as a platform for survivors to share the very human element of GBVF through their personal stories, recognising that this is often lost in the sanitised way in which these violations are reported, the content below focuses primarily on the key issues and questions arising from each story. Emphasis is also placed on each of the survivor's proposals for change – in this way serving as a reminder of these individuals' agency, reflected also in their choice to speak out publicly and call for a different reality.

When asked to reflect on the game changer(s) that would make a difference, she called for:

- Consistent sentencing and enforcement of existing laws – given that perpetrators currently do not fear the justice system
- Traditional leaders, in their role as community leaders, to take a stand against muthi killings
- Adoption of a policy to make prosecutor-led investigations of GBVF cases compulsory, to guide and assist the systematic gathering of evidence, thereby

ensuring that cases can be taken to court, with successful sentencing of perpetrators (in line with Demand 10)

- Prioritisation of justice in such cases, with this viewed as a critical step in providing some form of closure for children who are affected by GBVF and frequently left to fend for themselves

### **LGBTQIA+ community members as survivors of GBVF**

**Siya** is trans-gender – she presents herself as female, and has always identified as female, but was born in a male body. She was raised by her grandmother, who supported and accepted her gender identity. In contrast, her experiences in school, at university and in society more broadly have been filled with judgment and discrimination, and the ongoing pressures of a society that expects individuals to conform to gender stereotypes. Following the death of her grandmother, she was ostracised by others in her family. She was homeless, living on the streets – where she was raped, and then suffered the trauma of reporting her case to police officers who did not take it seriously, given her gender identity. Her search for work was also characterised by discrimination, with prospective employers not understanding why she presented as female when her identity document classified her as male – with many viewing this as fraud. While her realities changed for the better after taking up a place as a full-time post-graduate student, she and many other students still faced the daily challenge of being homeless – with the university only able to provide temporary accommodation during exam time.

When asked about game changers, Siya highlighted the following:

- Address the fact that there are insufficient shelters for members of the trans-identity and LGBTQIA+ community
- Ensure that Correctional Services and role-players within the criminal justice system (including the police to whom cases are reported) take cases of violence against womxn and members of the LGBTQIA+ community seriously

- Facilitate a “buffer” into the economic sphere for womxn and members of the LGBTQIA+ community, given that there are insufficient platforms for access to employment opportunities – with these members of society remaining side-lined in all sectors, including within the State

**“There is no one in government representing our people... There is no one who I can say represents me in Parliament... This is the time to embrace and bolster the induction of LGBTQIA as well as women into these spaces.”**

Siya’s experience highlights the reality that cases involving gender identity are often accompanied by further forms of discrimination and violence, most times at the hands of the state.

### **Womxn as survivors from harmful traditional practices**

**Hilda** was on her way home from school when three men kidnapped her from her community. A 14 year old, she was held against her will for two weeks – and was drugged and physically and sexually abused. The person who arranged for her kidnapping checked on her on a daily basis to see if the muthi she was fed had worked in ‘brainwashing’ her to love him. After finally being convinced that his efforts were unsuccessful, she was released – amidst threats of harm to her family if his actions were reported. Despite her family eventually discovering what she had been through, they however chose not to report the case, given that the perpetrator and his family were seen as dangerous, and were feared by the community.

In terms of potential game changers, Hilda highlighted the Bill of Rights included within South Africa’s Constitution, where this includes, amongst other rights, the right to choose the person you see fit to be your life partner, and the right of any individual to decide who they choose to associate with. She called on the President to look at the harmful culture of Ukuthwala, which violates these

rights. Hilda's decision to talk openly about her case arose out of the work she now does – helping girls and womxn who continue to be taken:

**“Look at it, because it is still happening. Lots of women are still suffering ...and cannot report these cases, as it is not taken seriously... Their cases...don't go to court, because it's a culture thing. It goes under the tree. There is one lady I am working with... She's got three kids from that man. After 20 years, everything came back to her [with questions of]: 'What am I doing here? 'Who is this man?' ... Now, that woman is on the street. She left those three kids, to stay in the street. Some of the girls have killed themselves... That's why I came out for the first time, to share this story.”**

### ***Surviving as a woman with a disability, following GBVF: A call for access to justice***

**Sarah** was not born in a wheelchair. In 2011, Sarah's boyfriend stabbed both Sarah and her child numerous times, leaving them to die. She awoke later in hospital to the knowledge that she would never be able to move, care for herself, or hold her children again. She highlighted the unjust nature of the 'justice' system through her own attempts to access redress:

- Despite the fact that the perpetrator was arrested and sentenced to twenty years in prison, he would only serve five years of his sentence, as a result of the parole system
- While Sarah attempted to challenge the perpetrator's release through the parole process, she received no help, with the system seemingly working against rather than supporting survivors (with those at the office of the Minister of Justice and Correctional Services telling her "...that we

as the victims must not say anything...”, while the chairperson of the parole board advised that “even if I can say anything, there is nothing that is going to be done”)

- Despite submitting an appeal on hearing that the perpetrator was due to be released, feedback is still not forthcoming

Sarah views the enforcement of the survivor's right to challenge the release of perpetrators on parole as the game changer that would make the most significant difference for her – and other survivors of GBVF.

### ***Surviving GBVF in a context of xenophobia: A migrant's experience<sup>22</sup>***

**Nobuhle** came to South Africa in search of work, leaving the dire economic conditions of her home country not out of choice, but because there was no other option. While she managed to get a job, her work shifts ended late in the evening, and with no official transport provided, and without pay for her first month, she and her colleagues resorted to hitching a lift to get home. They were all robbed, while Nobuhle was also gang-raped, and then thrown out of a moving vehicle. When she regained consciousness, she was in hospital, surrounded by nurses who called her derogatory names, rather than offering care and support. She was ill-treated, called a 'foreigner', and denied emergency post-exposure HIV-treatment – with the latter only given when the attending doctor checked to see if she had in fact received the prescribed medication. Her attempt to get justice for her rape was also unsuccessful:

**“The case was brushed aside... My parents are back in Zimbabwe. I'm all alone here. The only people I can trust is the system in this country. Unfortunately the same system... doesn't want to hear us, doesn't want to save us.”**

22 Please note: quotes have been translated and presented here in English.

When asked about a game changer solution, Nobuhle addressed the President, asking him to “embark on a ...large education campaign to educate people and change their perception of what migration is ... who migrants are ... what their rights are.... [and] to ensure their migrants rights are gender-sensitive.”

### ***GBVF survivors as perpetrators, incarcerated after taking the law into their own hands***

**Martha** was married for a number of years before her husband started to abuse her – with the assault continuing across the course of their relationship, including when she was pregnant. She sought help through various avenues: via family members, her priest, marriage counsellors, the Child Protection Unit, Families South Africa (FAMSA) and the Family Violence Unit. Despite reporting the abuse to the police, she never opened a case against her husband – with her husband remarking: “they can do what they like – it’s a family matter”. Her attempts to get help from others were unsuccessful, as were her attempts to leave the relationship. In a context of ongoing abuse, and with no clear way out, she took the law into her own hands, killing her husband. She was arrested in 2003, and sentenced to a life sentence in 2005.

**“When I was arrested, my last born was 4 years old. She is now 19 years... Every day she asks me, ‘Mummy, when are you coming home?’”**

When asked about potential game-changers that would make a difference for other women who find themselves in abusive relationships, Martha addressed her inputs to the Minister of Justice and Correctional Services:

- “If such things happen, and a person reports the matter to the Family Violence (sic), ....follow up [with...] that family” – given that when these women go home, their husbands, and family and friends will try to convince them to drop the case

- “If you sentence a person [who has taken the law into their own hands], don’t just think about that person. Also think about their children.”

### ***Accessing justice after the violation of rape***

**Phindile** was gang-raped by eight ‘school boys’ who lived in her neighbourhood. They boasted that even if they were arrested, they would not remain in jail. The perpetrators acted with impunity at each stage – even standing in a threatening way outside the magistrate’s court after her first attempt to have the case heard. In her efforts to find justice, Phindile took her case all the way to the High Court, with court appearances spread over a five-year period. She faced numerous challenges – with the matter starting from scratch many times. While the perpetrators clearly knew and did not fear the system, Phindile experienced it as confusing and disempowering. No one explained why the matter was struck from the roll when it was first taken to court, or that the parole system meant that even though they were eventually sentenced to sixteen years in prison, they could be released after serving four years. She felt humiliated and ridiculed during cross-examination in court – with the process of being questioned by a total of eight defence lawyers leading her to conclude that “lawyers ...[who] go to court to represent perpetrators are killing us...We are not protected inside the courtrooms.” Apart from the emotional trauma of both the incident and her subsequent efforts to find justice, Phindile also experiences significant physical pain, and has been through numerous operations. Her experience has left various scars – including psychosocial ones. She is also no longer able to visit her mother, given that the perpetrators are back on the streets. In her appeal for change, she called for the sentence handed out to perpetrators of rape to be increased significantly. She asked the President to do away with parole – given that lives of survivors are placed at risk, with many living in fear following the early release of those who violated them.



**The term 'survivor' is a complex one, with not all who have experienced GBVF feeling that this term applies to them personally. In an interview held during the course of the summit, Phindile clarified:**

**"I'm a rape victim. I didn't survive anything. I live their lives. I am not a survivor."**

### ***Survivor of GBVF and sex trafficking***

Griselda was sex trafficked by a 'best friend' – tied up, subjected to injections of crystal meth and turned into an addict, unable to escape the cycle of craving that then trapped her in the sex trade for ten years. Even when those in positions of authority were aware of the abusive context within which she worked, no one took action. When she fell pregnant, she was forced to abort. Her subsequent efforts to refuse work resulted in her being beaten, with the care givers and security personnel she met when in hospital further abusing and ridiculing her, rather than providing care. Finding a safe place to stay thereafter was difficult. To survive, she drove a shipment of drugs down to Cape Town on behalf of a church – learning through this experience how many "so-called 'churches'" launder money through church accounts, and traffic drugs and girls, with their foreign 'pastors' marrying South African women to allow them to open bank accounts under their wives' names.

When asked to identify a game changer that would make a difference to others trapped in sex trafficking, Griselda called for an active approach to be taken in using intelligence and raids to counter this crime.

**"We need the [police] intelligence to make sure that they understand what happens in districts and communities. We need SAPS to stop being an airline of pimps when they see an under-eighteen year old. We need them to go and raid districts and communities when they see higher levels of crime, abuse and drug use, and that's how we will reduce this."**

The stories shared highlight the multiple factors that need to be taken into account in addressing the scourge of GBVF. Each serves as a reflection of the psychosocial impact of this form of violence – with ongoing consequences for individuals, families and communities. They also highlight the importance of fixing a dysfunctional justice system, which is experienced by many as serving the interests of the perpetrators. Questions emerge from each case:

- Why are there inconsistencies in sentencing – with those who have protected themselves in cases of abuse, such as Martha, subjected to harsh sentences, without parole, while many perpetrators walk free?
- Is the justice system meant to be rehabilitative or punitive? If it is meant to be reformatory, what needs to change to achieve this outcome?
- What does the justice system see as its role within the context of violent homes, and violent communities?
- What needs to be changed in the justice system, to shift the reality where many who face GBVF are further failed by a system that should ideally protect them, and provide them with some form of closure?

# PROPOSALS FROM THE PERSPECTIVE OF FRONTLINE SERVICE PROVIDERS

The session closed with insights on changes required, from the perspective of 'frontline technical support providers'. Ms Kay Mahonde from the Initiative for Strategic Litigation in Africa (where she works in the criminal justice space) and Ms Mandisa Monakali, Founder and Executive Director of Ilitha Labantu, shared recommendations based on their experiences of providing survivors with support and assistance.

Ms Mahonde offered the following solutions and game changers in terms of the justice system:

- Ensure that South Africa's legislation recognises and addresses the lived realities of those affected by GBVF
- Establish more sexual offences courts, and staff these with competent prosecutors
- Hold all actors in the system accountable for upholding and reinforcing patriarchy and gender stereotypes
- Provide sentencing guidelines which include and address the issues raised
- Ensure that judgements arising from the judiciary acknowledge the scourge of GBVF in society, and acknowledge that womxn face multiple forms of discrimination
- Demonstrate, via judiciary decisions, that the judiciary is part of the solution

Ms Monakali of Ilitha Labantu was asked to share game changers from her perspective, given her more than 30 years' experience in providing shelter, counselling and other forms of support to survivors. Recommendations were as follows:

- Review national legislation, practices and customs like Ukuthwala, particularly in light of the upcoming celebration of Beijing+25, and the question of progress made

- Recognise that GBVF does not have a colour – and “do not put a face on GBVF, as it affects everyone” – with this view raised in light of the frequent and problematic portrayal of black African womxn only, as survivors
- Improve the quality and accessibility of services in areas where access is difficult (e.g. within the townships)
- Recognise that GBVF is a cross-cutting issue, with associated responsibilities located within each ministry – and with success hinging on all “talking to each other”
- Enforce the law – making sure womxn are able to access the police and receive legal advice, and that the response to violence is immediate and coordinated
- Ensure accessibility of the courts and justice systems, including through providing survivors with assistance in understanding the language and terms used
- Provide funding to organisations that offer assistance to survivors, recognising that foreign aid and other forms of funding is difficult to access, and that CSOs provide a valuable service – and ensure that civil servants understand the role that NGOs and CSOs play in South Africa, why they emerged as role-players in the fight against injustice, and that their contribution matters
- Stop lawyers from victimising survivors in court
- Place the same level of importance on all cases of GBVF, regardless of the race or class of the survivor



Ms Githuku-Shongwe closed the session, acknowledging those who chose to speak out:

**“Your voices have been heard. Your voices are not in vain. From today, this conference is going to deliberate, and will not forget the voices ...the issues that you have raised... Mr President, there was a big request from the civil society organisations and the steering committee that organised this, to ground this conference in the real lived experiences and voices of women. So there you have heard them. These are not women who represent other women. These are women who are merely a sample of the experiences of women across South Africa.”**



# CHAPTER 6: #ALL-IN

## INPUTS FROM THE JUDICIARY, PARLIAMENT AND THE EXECUTIVE

The personal accounts shared by survivors of GBVF were followed by speeches delivered by leaders from the three branches of government – i.e. the Legislature, Judiciary, and the Executive – represented, respectively, by:

- Justice Mandisa Maya, President of the Supreme Court of Appeal of South Africa
- The Honourable (Hon) Baleka Mbete, Speaker of the National Assembly of South Africa
- His Excellency Cyril Ramaphosa, President of the Republic of South Africa

A summarised version of each of these inputs is reflected below, with the full version of the speeches, as presented, included in **Annexure Five**.

### IMPROVING THE JUDICIARY’S ROLE IN ENDING GBVF: JUSTICE MANDISA MAYA

**“I am truly ashamed that I am part of the society and the justice system that visited these unspeakable acts and pain upon you. I am immensely proud of (your) courage and bravery.”**

With these words, Justice Maya confirmed both the pain and resilience evident in the survivors’ personal accounts, as shared with delegates during the panel discussion. She also noted the many others whose cases remain undocumented. An acknowledgement of the scale and nature of the problem was seen as the first step in the journey of finding solutions, and establishing some level of healing.

Justice Maya highlighted mechanisms and tools within South Africa’s arsenal in the fight against GBVF, with these including:

- Provisions within the Constitution that illustrate South Africa’s commitment to a society that is free from violence
- of any nature, and which target the protection of an array of rights, including the foundational rights that are guaranteed through Sections 10, 11 and 12 (guaranteeing human dignity, life, and freedom and security of persons, respectively)
- A range of statutes established to address the challenges faced<sup>23</sup> – with the volume of these statutes, and the regular introduction



<sup>23</sup> Including: the National Crime Prevention Strategy (NCPS) of 1996, which raised the status of crimes of violence against women and children as matters of national priority; the Criminal Law Amendment Act 105 of 1997; the Criminal Procedure Second Amendment Act 85 of 1997; the Domestic Violence Act 116 of 1998; the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007; the Criminal Law (Sexual Offences and Related Matters) Amendment Act 6 of 2012; the Maintenance Act 99 of 1998



of new or altered statutes, seen as a reflection of government's recognition of the seriousness of the challenges faced, alongside an acknowledgment of the gaps and shortcomings in existing tools

- The Sexual Offences Courts, introduced to support the expeditious adjudication of cases involving crimes and transgressions of a sexual nature – with these courts no longer in operation due to resource constraints, despite the value that they provided

It was noted that despite provisions such as the above, shortcomings within the judicial system remain – with these including:

- The over-burdened nature of the criminal justice system, with this status quo exacerbated by the closure of the Sexual Offences Courts
- The reality that the criminal justice system and those who operate within it are often inadequately equipped to deal with GBVF – with changes need to ensure that:
  - o All role-players (e.g. the police, the prosecution, health-care providers, and social services) operate in an integrated manner, combining their efforts in order to guarantee justice for victims of these crimes (with failure often arising when one link in the chain does not deliver on their constitutional duty e.g. when police officials tasked with investigating the crimes do not exercise due care)
  - o Victims understand the remedies that are available to them (e.g. in cases where offenders are released back into society, following a failure of the criminal justice system)
  - o The courts, which are guided by a set of principles that are fundamentally adversarial in nature, support the delivery of fair

outcomes – balancing the need for a 'just sentence' for offenders whose guilt has been proven, with the delivery of sentences that communicate a clear message through which to deter future offenders

The resurgent nature of GBVF was pinpointed as an indication that would-be offenders remain undeterred by the life imprisonment sentences regularly metered out by the justice system. This was noted as highlighting the need for holistic and systemic counter-GBVF efforts that include multi-levelled interventions.

**“It demands a structured attack by various sectors of our society, as we have here, starting in our homes where we raise our children, especially our boy children, and where the moulding of their world view begins.”**

The efforts of the courts in addressing GBVF were acknowledged, with these reflected within:

- Various judgments that have clearly delineated the obligations imposed, by both the Constitution and the law, on role players such as the South African Police Service (SAPS) and members of the prosecution, in protecting the rights of all persons, and women, in particular (e.g. through ensuring that justice is metered out against offenders, and that all persons are free from domestic violence)
- A number of important cases which emphasize the rights of victims of GBVF – and which send out a strong message that GBVF is unacceptable, and that the State will be held accountable for upholding the rights of women (e.g. *Omar v Government of the Republic of South Africa & others*<sup>24</sup>, which upheld the provision for protective orders in the Domestic Violence Act; *Van*

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24 *Omar v Government of the Republic of South Africa & others* (CCT 47/04) [2005] ZACC 17; 2006 (2) BCLR 253 (CC); 2006 (2) SA 289 (CC) (7 November 2005).

*Eeden v the Minister of Safety and Security*<sup>25</sup>, which found the Minister responsible for damages in a rape case involving three off-duty police officers; *Carmichele v the Minister of Safety and Security & another*<sup>26</sup>, which held the Ministers liable, in a case of rape, for negligence in that the State did not take measures to protect the victim, as the prosecutor failed to inform the presiding officer that the accused had previously physically assaulted the victim, so that he was not afforded bail)

- The Constitutional Court’s decision to uphold the High Court’s ruling in the case of *Levenstein & others v Franke*<sup>27</sup>, which ruled that the Criminal Procedure Act should be amended to abolish the prescription period of 20 years for sexual offences and other forms of GBVF – i.e. enabling the State to deliver on its international obligations to prohibit all gender-based discrimination, and to provide survivors of all forms of sexual assault (including forms other than rape or compelled rape) with the right to pursue a charge, regardless of when the offence was committed<sup>28</sup>
- Minister Masutha’s confirmation that Criminal Procedure Act would be reviewed to address the above (amongst other things)

Justice Maya reflected on the fact that, while South Africa’s legal framework and jurisprudence is viewed by many as pioneering, further work is needed to alleviate the scourge of GBVF. She argued that:

- The courts need to be reminded how, as the final arbiters in matters involving GBVF, they have the power to protect

abused women and to effectively punish offenders, in this way sending a clear message to perpetrators

- The courts need to deliver on their ‘inherent ability’ to ensure that courtroom policies and procedures are sensitive to victims<sup>29</sup>, with emphasis placed on removing all possible sources of secondary trauma (e.g. ensuring victims who present themselves to testify are not subjected to harsh, humiliating and unnecessary cross-examination)
- There is a need to confront the reality that judges are themselves creations of their societies and carry all sorts of prejudices and stereotypes, of which they may not even be aware – with, as noted by Justice Cameron, their “built-in and often strongly held sets of values, pre-conceptions, opinions and prejudices... invariably expressed in the decisions they give, constituting ‘inarticulate premises’ in the process of judicial reasoning”
- All role-players within the judicial system, including judges, prosecutors, defence lawyers and relevant court personnel such as interpreters, should be provided with training (including social context training), so that matters are handled in a sensitive manner
- The courts should standardise the norms associated with the way in which victims are treated in cases involving GBVF – in this way ensuring that all cases and survivors are addressed with appropriate care and sensitivity, rather than relying on the sensitivity of individual judges and judicial officers

25 *Van Eeden v Minister of Safety and Security* (176/01) [2002] ZASCA 132; [2002] 4 All SA 346 (SCA) (27 September 2002).

26 *Carmichele v Minister of Safety and Security & another (Centre for Applied Legal Studies Intervening)* 2001 (4) SA 938 (CC).

27 *Levenstein & others v Estate of the Late Sidney Lewis Franke & others* (CCT170/17) [2018] ZACC 16; 2018 (8) BCLR 921 (CC); 2018 (2) SACR 283 (CC) (14 June 2018).

28 With this decision applied retrospectively to 27 April 1994 – i.e. to the start of South Africa’s democracy.

29 While the term ‘survivor’ is viewed by many as the preferred phrase when referring to those who have been exposed to GBVF, given the sense that it is affirming and empowering, in contrast with the term ‘victim’, this is not a unanimous view across all who have experienced GBVF – with some still choosing to refer to themselves as ‘victims’, for various reasons. Across the course of this report, these terms are included as per the approach adopted by the respective speakers.

Justice Maya confirmed the magnitude of the challenges faced – alongside the reality that the success of initiatives hinged on the collective effort of all role-players, and delivery against clear, achievable plans – particularly from the executive sphere of government. A call was made for delegates to share ideas on how the courts and

the legal system as a whole could be improved, to ensure effective adjudication of GBVF-related crimes. The wide range of role-players and ‘minds’ present, alongside the demonstration of collective will, and the President’s commitment to serve in fighting the scourge of GBVF, were all noted as factors that boded well for successful deliberations.

## **ADVANCING WOMEN’S RIGHTS AND SAFETY IN A DEMOCRATIC SOUTH AFRICA: MS BALEKA MBETE**

Hon Baleka Mbete, Speaker of the National Assembly of South Africa, opened by reflecting on the personal accounts of GBVF shared by the survivors present at the summit – observing that they helped build an understanding of “why women are so angry”. She noted that there was a need for this anger to be used positively, avoiding the risk of the cycle of abuse being extended through anger being taken out on the children for whom women care. She acknowledged that the panel session was difficult because of the very raw nature of the pain expressed – with issues placed out in the open, in front of the nation.

Observing the steps that led to the establishment of the summit, the Speaker thanked President Cyril Ramaphosa for his part in listening to those women of #TheTotalShutdown campaign who marched to the Union Buildings on 1 August 2018, and who refused to leave before handing over their demands to the President. She also paid tribute to #TheTotalShutdown movement and its members, who successfully carried out a national campaign, protesting across the nation to declare that ‘enough is enough’ – with the summit ultimately arising in response to this campaign.

Ms Mbete noted that many of the issues due to be addressed via the summit were not new, with it also being likely that some of the solutions that would emerge would be ones that had been tried previously. She cautioned all to look at the issues afresh, rather than dismantling everything that had not worked to date. Failure was often a result of the manner in which implementation took place, rather than a consequence of inadequate policies, programmes and budget. Delegates were



reminded that the current gender machinery in place was not always there – with this created over time, alongside the Gender Focal Points (GFPs) within each department. Those present were asked to reflect on the details of implementation – considering questions such as whether the right people were being deployed, whether they were empowered, whether they were capacitated with the right skills, whether people were being held to account, and whether implementation was taking place in line with the appropriate ‘rules’. In the context of the GFPs, a specific question was raised as to whether these were set up to successfully address priority issues, or whether they had been established in a manner that meant they simply served as ‘event organisers’. A request was further

made for all commissions to break down the issues at hand, identifying challenges and the actions needed for optimal implementation and delivery.

Outlining the steps viewed as necessary in order to advance the rights and safety of women, Ms Mbete highlighted the following issues, calling for these to be taken into consideration during the commission-specific deliberations:

- The reality that, while South Africa's constitutional framework and its Constitution is world-renowned for its emphasis on equal rights, advancing women's rights hinges on ensuring that all have been educated on, understand and are conscious of their rights, and that they do not have to suffer under 'culture', religion and other practices
- The need for everyone to fight the culture of GBVF together, with collective planning and action being key – and with all Members of Parliament (MPs), regardless of their political affiliations, needing to recognise that the responsibilities that come with the role include a focus on making a difference in the lives of women in society
- Her view that the 267 Parliamentary Constituency Offices (PCOs) located across the country should be seen as a space where women can go to be listened to, and receive advice, help and direction – with a request made for the PCOs to be optimised as a resource in the fight against GBVF
- The observation that there is often an impatience to change arrangements when they do not instantly deliver results – as reflected in the establishment and subsequent dismantling of the National Council on Gender-Based Violence (NCGBV)
- A request for delegates to use the opportunity to analyse delivery to date, while also making use of instruments such as the emerging Plan of Action on GBVF and the Legacy Report of the Sixth Parliament (with these laying the basis for

a plan of action for the next five years), and through this, identifying ways in which to drive improvements and determine 'what is possible' from the side of parliamentarians, Parliament and the related institutions and structures

In terms of the 24 demands, demands # 5, 6, 7, 9, 10 and 14 were noted as touching on the work of Parliament, with a commitment made to participate in the commissions, scrutinise possible actions and propose these as part of the way forward. Alongside this commitment, there was an acknowledgement that regardless of the emerging agreements, success would hinge on implementation, supported by the right skills.

The Speaker's final inputs were noted as recommendations for the President. She emphasised the need for the following:

- Discipline and integrity
- Deployment of large numbers of appropriately skilled civil servants "with the right mind-set and ...understanding of what this battle is about" into strategic positions – including into positions within the apex offices of all three arms of the State
- A targeted effort to change societal culture at its core:

**"This is not only about us, but about the country; about society. We need a change of mind-set and culture. This thing of thinking that assault is normal, and a reflection of love: we need a concerted campaign focusing on young people in that regard. We need the right messages to be put out in the public space. ...with messages ...in various forms – songs, stories, poems – with the right message that changes the understanding and views of people in society, and in our communities."**



# A CALL TO ACTION – KEYNOTE ADDRESS: PRESIDENT CYRIL RAMAPHOSA

President Ramaphosa opened his address with a reflection on the context within which the summit took place, with GBVF identified as a crisis that was “steadily tearing society apart, impacting every community and affecting the lives of most families, in one way or another”.

**“Gender-based violence is an affront to our shared humanity as South Africans. The unrelenting murder of women in our country – for no reason other than that they are women – is steadily corroding the soul of our nation.”**

Reflecting on the impact of GBVF, the President noted how survivors of sexual violence and abuse (be it physical, psychological or economic) often live with the negative consequences for a long time – with the sense of betrayal and damage viewed as even more significant when the abuse takes place within a context of trust (e.g. within a family, school or religious institution setting). He thanked the “brave women” of #TheTotalShutdown campaign who had embarked on marches across the country on 1 August 2018 – with their activism serving to highlight the scourge of GBVF. It was this activism that led to the President’s commitment to convene the summit, for all stakeholders to collectively engage, listen and plan.

### ***The necessity of a multi-sectoral, multi-pronged approach***

President Ramaphosa confirmed the need for a multi-sectoral and multi-pronged approach, with broad-based interventions required to tackle both the causes and effects of GBVF. In line with this, he acknowledged the presence of members of the judiciary at the summit, noting the importance of conversation and collaboration with various role-players and institutions. He assured all that the



proposals received would be acted on, with steps to include, amongst others, a review of budget and structures through which to counter GBVF. He further confirmed that the steering committee established within his office and led by Dr Olive Shisana was already engaged in the process of identifying how these proposals could best be addressed.

### ***A summit focused on listening, learning and responding***

The summit itself was highlighted as an opportunity for all to engage with and listen to one another, hear the stories of survivors and the lived experiences of women and children, learn, and collectively develop a national plan of action – informed by the insights arising. The President assured the women of South Africa that their stories and voices were not falling on deaf ears – with efforts underway to shift the challenges faced.

### ***A context of unprecedented violence against women***

While President Ramaphosa acknowledged GBVF as a global challenge that required cooperation at both a national and global level, he emphasised

the need to focus primarily on local realities, so as to address the negative impact of GBVF on the daily lives of South Africans. The President made reference to the World Health Organisation's (WHO's) 2013 statistics, which reflect that 35% of women worldwide have experienced either physical or sexual intimate partner violence or non-partner sexual violence – with South Africa's statistics exceeding this already-alarming figure. Based on WHO's 2016 data, South Africa's femicide rate was 12.1 per 100,000 – almost five times higher than the global average of 2.6 per 100,000. The SAPS Crime Statistics Report of 2018 detailed an 11% increase in femicide over the previous two years, while Statistics South Africa (Stats SA) reported that 138 per 100,000 women were raped in the previous year – the highest rate in the world. It was within this context that President Ramaphosa called on members of the summit to collectively reflect and reach decisions on the steps needed to end GBVF.

**“We cannot, we should not, and will not, rest until we have brought those figures down to zero. Our objective must be to bring this number or rate to zero. We must aim for a femicide rate of zero per 100,000. We want to reach a point where no woman..no child..no man has to experience the violence, the violation, the trauma of rape.”**

***A call for constant, consistent condemnation of GBVF – and an end to patriarchy***

President Ramaphosa observed that women are frequently violated, abused and killed at the hands of their intimate partners – often within the privacy of their homes, in a context where men feel entitled to exert power and control. He cautioned against this being normalised, with efforts to address this requiring vigilance, constant condemnation, the prosecution of perpetrators, and the establishment of a criminal justice system that meaningfully supports and protects women. He emphasised that violence against women and children should not be tolerated, and argued that there was a need to:

- Fundamentally address societal issues of patriarchy, with parallel focus needed on shifting economic relations and the way in which gender relations are viewed
- Bring an end to patriarchy – with patriarchy giving men the sense that they can exert economic and other forms of power over women, and that they can own them – with current conditions resulting in situations where women may tolerate the injustices perpetrated against them and remain in dangerous relationships, simply because they have inadequate economic or emotional resources to exit
- Change social perceptions about the roles of girls and boys, and shift preconceived notions of how women and men should behave, given the harm that these pose to the development of children
- Improve the way in which “we raise our children” – with President Ramaphosa voicing agreement with #TheTotalShutdown's demand for the roll out of an awareness campaign, starting within each home, and built on a culture of respect (with emphasis also placed on teaching young men to respect women and to understand, at a fundamental level, that violence against women is unacceptable)
- Raise boys and girls with the knowledge and understanding that no person has the right to treat them as inferior or to harm them in any way, and that boys and girls are equal in all respects – with parents across South Africa also needing to demonstrate this in the way they treat their children, while actively rejecting notions of control over, and violence against women
- Name and shame those who perpetrate violence against girls and women

***Equipping and capacitating delivery partners, law enforcement agents and educators***

The training, capacitation and sensitisation of delivery partners involved in the domain of GBVF (whether through their role in providing

preventative support, or through responding to cases of GBVF) was identified as a key area for action. President Ramaphosa called for:

- Law enforcement officers (including prosecutors, police officers and others) to be suitably trained to investigate cases of GBVF effectively, maximising the prospect of convictions while also demonstrating appropriate sensitivity and professionalism
- Interventions that respond to the understanding that children who have experienced violence are more likely to experience further abuse or become perpetrators in adulthood – with:
  - o The Department of Basic Education (DBE) to complete its curriculum transformation programme (including an audit of learning materials, checking these for latent sexism and racism), and roll out psycho-social support programmes to vulnerable learners
  - o Officials and educators to be trained so that they are able to recognise the signs of possible abuse, with training of this nature to be mainstreamed into the pre-service training curriculum
- Delivery of improved policies and programmes through which to prevent substance abuse, given that alcohol and drug abuse is recognised as a major risk factor associated with GBVF

### ***Shifting GBVF through empowering women – economically, socially and culturally***

President Ramaphosa emphasised the need for GBVF prevention efforts to include a focus on the empowerment of women – with studies conducted within South Africa demonstrating a decline in intimate partner violence in cases where interventions focused on both economic and social empowerment. In a context where women are often pressurised by families and friends to not press charges against abusers, or to withdraw such charges, strategies that support economic,

social and cultural empowerment have assisted in enabling women to extricate themselves from abusive situations. The President also called for further research to support the development of evidence-based interventions through which to end GBVF. In addition, interventions through which to economically empower women were highlighted as critical – with a number of government programmes designed in line with this understanding.

In addressing the social and cultural empowerment of women, attention was also placed on the need for education programmes that target boys and men (e.g. through school-wide programmes focused on shifting social attitudes) – with these confirmed, via research, as being impactful in reducing peer violence. It was argued that there was a need for education programmes to be used more effectively to shift attitudes and social dynamics.

### ***Delivery of a coordinated, impactful, responsive approach to GBVF***

While South Africa's efforts to address GBVF are supported by progressive laws and the nation's formal commitment to international instruments such as the Convention for the Elimination of All Forms of Discrimination against Women, and the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, delivery on the ground remains ineffective and uncoordinated. President Ramaphosa raised this as a disservice to those affected by GBVF – with the systems that are meant to empower women frequently causing further harm or requiring unnecessary effort on the part of survivors (e.g. with survivors often needing to re-apply for protection orders when moving to different provinces, despite protection orders being enforceable nationwide). In line with this, he called for focus to be placed on the establishment of a national registry of protection orders, to counter the current challenges faced.

Delegates were advised that, in an effort to improve South Africa's response to GBVF, government was already addressing two of the demands submitted as part of #TheTotalShutdown's memorandum of demands – namely, the review of national plans

to end GBVF, and the development of a National Action Plan on GBVF. The President confirmed that the latter was being developed by the Minister of Social Development and the Minister of Women in the Presidency, in conjunction with members of civil society. The review of the Integrated Programme of Action (POA) addressing Violence against Women and Children (POA: VAWC) was highlighted as complete – with a revised POA to be launched in 2019, and implementation to involve the active participation of civil society. Linked to this, the President reflected on the significant and positive levels of collaboration experienced to date at the Presidency level, in the work being carried out in conjunction with civil society, with a request made for this to continue on an ongoing basis, with the benefits of this approach already evident.

**“I would like to believe that this summit will give us that great opportunity of people talking and having a dialogue about what is working and not working. We need to hear about where we need to improve. And colleagues, the door is open. We don’t need to break this door down. This door is open, and we must work together to end gender-based violence.”**

As part of this process, a request was made for:

- Those who interact with the criminal justice system to share their experiences, so that improvements and support mechanisms can be put in place accordingly
- Open engagement on a range of issues raised, and identification of the most appropriate approaches through which these could be addressed – with examples of pressing issues emerging including:
  - o Poor capacity, capability and levels of sensitivity within the police and court system – where this may result in survivors of GBVF suffering secondary abuse, or never seeing their cases successfully prosecuted

- o The need to strengthen and ensure ongoing capacitation of and improved operations across all of the TCCs – recognising that while these one-stop, integrated response centres are one of the more effective interventions established to reduce secondary victimisation, improve conviction rates and reduce the cycle time for case finalisation, some centres are not functioning optimally
- o The establishment of a central, national coordinating structure for dealing with GBVF – with delegates requested to engage on the best form of this structure, its mandate, constitution and related considerations

In terms of the latter issue which formed one of the 24 demands, the President noted the Department of Social Development’s (DSD’s) efforts in identifying possible models and assessing their associated levels of effectiveness and efficiency. With agreement on the need to establish such a structure, delegates were asked to review proposals from all role-players, to establish a shared route forward.

### ***Changing the discourse on violence against women and children***

President Ramaphosa outlined a further area for action – calling for a shift in the way in which violence against women and children is discussed, with the discourse itself reflecting societal norms and the extent to which blame, judgement and responsibility for cases of abuse is placed with the survivor instead of the perpetrator. The President argued that these expressions of patriarchy make it even harder for survivors of GBVF to seek justice, given that their requests for help are often first met with blame. As such, he applauded those who are courageous enough to publicly testify against perpetrators.



**“As a society, we must express our deep gratitude to women like Cheryl Zondi for leading the way in the struggle against sexual violence, and affirm our commitment to support and protect them.”**

Delegates were called on to pledge their commitment to change the way all communicate about GBVF and sexual assault – with the language used needing to “empower and support the voices of survivors”. Building on this, those participating in the commission focused on addressing issues of communication were asked to reflect on how to best educate both the media and society at large, to ensure gender-sensitive communication.

#### ***A call to collective action***

The President centred his final comments on the need for all to engage in meaningful and respectful dialogue to address the contentious and difficult issues faced – with the capacity to do so noted as being within the nation’s DNA. All present were asked to put aside divisive issues at play, instead working together for the greater good and the development of an agreed way forward, inclusive of multi-faceted and society-wide responses.

**“I call on all South Africans to become champions of the fight against gender-based violence and femicide. This is a societal problem. It should never be seen as a problem for women alone. It is our collective problem – men and women – all of us, as South Africans.”**

The path ahead was confirmed as one that could best be described as a ‘process’ or ‘journey’ (i.e. rather than an event) – with all role-players needing to participate. The President provided his personal pledge that “government is here, and we are listening, and we will continue to respond to your concerns, and ... to your demands”. Reflecting on the issue of the decriminalisation of sex work,

he argued that while all South Africans may not share the same view on this matter and various other issues, the most important step was that of dialogue – with this laying the foundation for all to understand different points of view. In finalising his input, the President highlighted his hope that the summit would provide clear direction on a comprehensive national response on GBVF. He closed with the following words:

**“I am convinced that by working together, by confronting all these difficult issues, and by mobilising all South Africans, we shall create a society where women and children feel safe and are safe at all times and in all places ... I invite you therefore: let us walk this journey together. Let us get all South Africans moving in the same direction, so that we can eradicate GBV in our country once and for all. I invite you to join all of us in this journey.”**

#### **Mini-protests calling for change**

At various points in the summit, groups of participants highlighted the scourge of GBVF, and the urgency of change, through powerful mini-protests. One such moment took place at the start of President Ramaphosa’s address, when a group of womxn stood, silently, displaying underwear on which they had written stories of abuse, alongside calls for action and change. Similarly, following the stories shared by survivors, protesters rose and called on the State, and the President, to “Release Martha now!”

These protests echoed the activism that led to the summit itself – and served as a reflection of the power individuals and collectives are able to bring, when standing up for their beliefs.

# CHAPTER 7: #GAMECHANGERS

## THEMATIC AREA INSIGHTS, PROPOSED ACTIONS AND GAME CHANGERS

A significant part of the summit was spent in the commissions, with this creating space for collective engagement and discussion. There were six commissions, with each addressing one of the following thematic areas:

- **Laws and policies**
- **Prevention**
- **Response, care and support**
- **Accountability and resourcing**
- **Coordination**
- **Communication**

The following individuals served as Thematic Area Leaders for each of the commissions:

- Laws and policies: Ms Kamogelo Lekubu-Wilderson (DoJ&CD)
- Prevention: Ms Dululu Hlatsheni (DBE)
- Response, care and support: Ms Siza Magangoe (DSD) and Ms Gogie Itumeleng (DSD)
- Accountability and resourcing: Ms Josephilda Hlope (DPME)

### LAWS AND POLICIES

The Laws and Policies commission made use of the thematic area base document, as developed before the summit, with a brief overview of this document shared with delegates prior to commission discussions. The analysis contained in the base document was derived from a review of existing laws and policies, real-life case studies collected from CSOs engaged with and involved in assisting survivors of GBVF in their everyday work, and a comparison of legislation and policies vis-à-vis experiences on the ground. One of the key messages arising from this review related to the fact that despite the enactment

- Coordination: Ms Esther Maluleke (DoW)
- Communications: Ms Phumeza Bangani (GCIS)

Within each commission, delegates discussed the status quo pertaining to the specific thematic area – and initiatives undertaken to date (including successes and challenges), before focusing on proposed actions/ different approaches needed to drive improvements, and game changers to be taken forward.

Ms Mmabatho Ramagoshi, Programme Director for Day Two, invited each commission to provide feedback in respect of their deliberations, framed in relation to the following questions:

- **What are we doing well?**
- **What has not worked out so well?**
- **What needs to be done differently?**
- **What are the five critical game changers that must be taken forward as resolutions?**

Plenary feedback in respect of each thematic area is reflected on below.

of valuable legislation, implementation thereof remained the critical challenge. Recommendations reflected within the base document included a call for a multi-sectoral approach, inclusive of all relevant stakeholders and supported by a national strategy, to shift implementation. Structural interventions proposed for delivery via a partnership arrangement between government and CSOs included a focus on enforcement and compliance, and delivery of “mass education and awareness raising in communities of the laws that protect women against GBV”<sup>30</sup>.

30 Laws and Policies Commission (2018) Laws and Policies Thematic Area Base Document, p. 3.

The commission's responses to each of the questions addressed are included below.

**a. Taking stock: What are we doing well? What has not worked so well?**

<i>What are we doing well?</i>	<i>What has not worked so well?</i>
<p>Positives highlighted included:</p> <ul style="list-style-type: none"> <li>• <b>The existence of progressive laws</b> – including the Domestic Violence Act, 1998 (No 116 of 1998) (DVA), the Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA), the Criminal Procedure Act, 1977 (Act No 51 of 1977) (CPA), the Children's Act, 2005 (Act No 38 of 2005), Older Persons Act, 2005 (Act No 13 of 2006), the Criminal Law (Sexual Offences and Related Matters Amendment Act, 2007 (Act No 32 of 2007) and the Protection from Sexual Harassment Act, 2011 (Act No 17 of 2011), and the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No 7 of 2013)</li> </ul>	<p>Challenges highlighted included the lack or poor implementation of, and challenges associated with, existing laws:</p> <ul style="list-style-type: none"> <li>• <b>Domestic Violence Act:</b> <ul style="list-style-type: none"> <li>o Does not take into account the cycle of abuse</li> <li>o Womxn are killed whilst they are in possession of protection orders</li> </ul> </li> <li>• <b>Protection orders:</b> <ul style="list-style-type: none"> <li>o The burden of proof rests with the victim rather than the perpetrator</li> <li>o The system enforces waiting for visible harm to occur</li> <li>o Protection orders are currently addressed as a civil matter – where they should be shifted to become criminal procedure matters, rather than a civil remedy</li> <li>o Police officers at front desks are not properly trained to assist people who seek help with these matters; front desk staff are not knowledgeable about domestic violence and broader GBVF, or how to treat people who present with complaints</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• <b>A good Constitution, and a solid human rights framework</b> (with this noted, alongside the existence of gaps)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Sexual harassment and victimization of womxn in the workplace:</b> <ul style="list-style-type: none"> <li>o This remains a challenge – especially for womxn who are non-unionized workers (i.e. those who are left to their own devices, without access to legal representation)</li> <li>o GBVF in the workplace creates structural violence</li> </ul> </li> <li>• Secondary victimisation: Exacerbated through: <ul style="list-style-type: none"> <li>o A lack of post-trauma support for survivors after being failed by the criminal justice system (i.e. institutionalised secondary victimization)</li> <li>o Womxn and children with intellectual and/ or severe communication disabilities are inadequately supported when needing to testify in court (with questions raised as to how the law protects them)</li> </ul> </li> </ul>

What are we doing well?	What has not worked so well?
<ul style="list-style-type: none"> <li>• <b>Existing foundations and frameworks</b> on which to build – with no need to reinvent the wheel, and with implementation highlighted as the main priority in the period ahead</li> </ul>	<ul style="list-style-type: none"> <li>• <b>TCC model application is inconsistent:</b> <ul style="list-style-type: none"> <li>o A positive model, although application from one centre to the next is inconsistent, particularly across provinces – with very different levels of care, impact and efficacy</li> <li>o An absence of regulation – with the need to roll out more TCCs and drive institutionalisation</li> </ul> </li> <li>• <b>Comprehensive rape care framework:</b> Currently absent – with a framework needed to ensure consistency for every case, from entry into a TCC/ police station, through to the day that issues of parole are discussed (with a thorough approach also needed to support survivors in healing)</li> <li>• <b>Lack of legislation and/ or funding to support victims:</b> With policy or legislation required to coordinate this support</li> <li>• <b>Sexual Offences Courts legislation:</b> While in existence, the date of the implementation of the Amendment Act is still pending the finalisation of the Regulations for the Sexual Offences Courts. There is need for more of these specialised courts- supported by persons with specialised skills.</li> </ul>

**b. What needs to be done differently?**

The commission identified the following as changes required in respect of the thematic area:

- **Change from an adversarial to an inquisitorial system for GBVF cases:** With the established system defined as ‘adversarial’ – while being experienced by survivors as aggressive – with a more informal, inquisitorial approach considered to be more appropriate in facilitating survivors in providing a better account of GBVF cases, while also reducing secondary victimization via cross-examination
- **Implement Sexual Offence Courts:** Finalise the development of the Regulations for the Sexual Offences Courts to ensure the speedy implementation of the new Amendment Act, which recognises the Sexual Offences Courts. More Sexual Offences Courts must be established as they offer the most needed victim-support services in the court system.
- **Teach law at Higher Education Institutions (HEIs) in a manner that is sensitive to GBVF, gender and sexuality:** Promote a legal philosophy that is sensitive to gender and sexuality (with emphasis at this level, across all HEIs, to support different approaches in legal practice)
- **Decriminalise sex work:** With the process of decriminalisation needing to be finalised (with the commission reflecting on the President’s comment that while everyone does not need to feel the same way about legitimising sex work, this is not the same as decriminalising sex work)
- **Train police officials and others on social context skills:** Extending training beyond the current focus on the police, prosecutors, and members of the judiciary, to include all players in the system
- **Legal aid to represent womxn in civil cases:** E.g. in matters linked to the Commission for Conciliation, Mediation and Arbitration (CCMA), and divorce and domestic violence matters) – recognising the need to look at the limitations associated with existing support where,



for example, no legal representation is available for womxn at the CCMA, even though matters may relate to GBVF or sexual harassment

- **for Police and the Department of Community Safety:** Ensuring that these are enabled with the necessary powers required, so that they are able to respond to cases of police misconduct (e.g. a failure to arrest perpetrators), with empowerment to include the ability to independently investigate matters, and to deal with misconduct with sufficient 'teeth', when

service providers do not deliver on their mandate

- **Disaggregated data:** Establish an accurate base of statistics and records of GBVF cases, so that coordinated responses can be planned accordingly – with research requirements to be supported by appropriate budget allocations
- **Costing of plans/ implementation of legislation:** Ensure that costing aligns with and supports delivery requirements

### c. **Critical game changers to be taken forward within the summit's resolutions**

Game changers identified by the commission are included in the box below.

- 1. Change the system for GBVF cases:** Move away from an adversarial to an inquisitorial system
- 2. Costing and budgeting of plans/ activities related to GBVF programmes:** Include the establishment of a joint venture between government and private business to fund GBVF-based NGO work, including victim support
- 3. Implementation/ Implementers:** Hire the right people who are skilled and experienced in working with GBVF legislation, to ensure that there is implementation; Ensure that there are consequences for non-delivery of GBVF-related plans and priorities – e.g. aligning the conditions for performance bonuses with delivery
- 4. Finalise the decriminalisation of sex work**
- 5. Law reform:** Revisit all outstanding GBVF-related laws e.g. the Criminal Law (Sexual Offences) and Related Matters Amendment Act, 2007 (Act No 32 of 2007) and the Domestic Violence Act, 1998 (Act No 116 of 1998), and bail laws; Implement the new Amendment Act for the Sexual Offences Courts; Extend the operationalisation of the National Register for Sex Offenders to womxn; Expand laws to include Technology-Assisted Violence Against Women (TAVAW) and conduct social context training to reduce exposure to secondary victimisation, particularly at service points.
- 6. Disaggregated data/ strategic research:** Conduct research to inform policy in relation to statistical data regarding GBVF-related legislation and its implementation; Provide disaggregated data, particularly of survivors.
- 7. Ensure that HEIs respond appropriately:** Ensure that these institutions are driven, via a suitably strong mechanism, to respond to GBVF as a criminal offence – recognising that while HEIs may have policies and procedures in place to guide the management of cases, not all are appropriate; Ensure that funding is available to enable students to access to housing at HEIs (to counter the vulnerability of students, who may enter abusive relationships just to access accommodation)
- 8. Institutionalise post-rape care, including via standardised TCCs:** Ground the TCC model in legislation and policies – with a consistent one-stop centre format country-wide; Institutionalise TCCs via legislation and policies – with implementation supported by political commitment; Ensure that TCC's are rolled out nation-wide, with a TCC per municipality

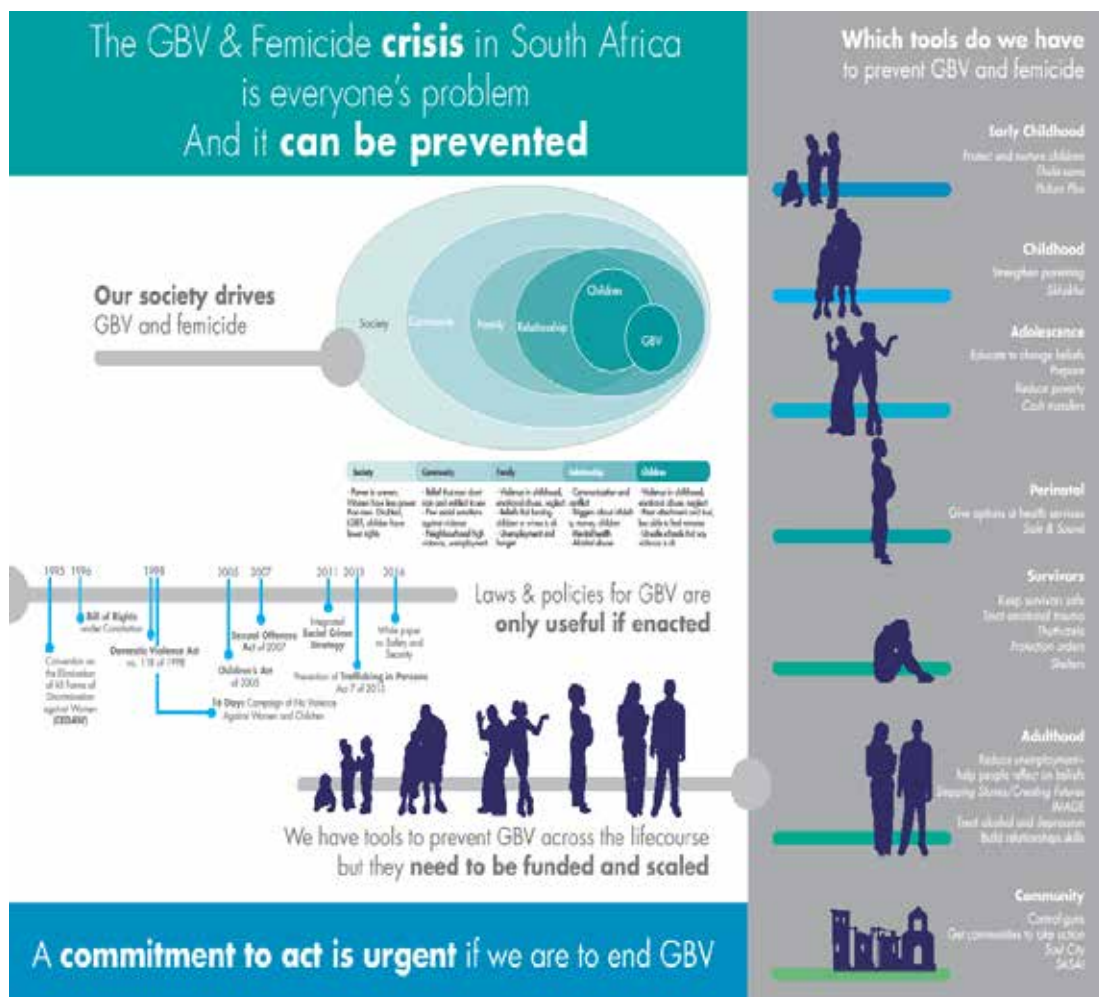
# PREVENTION

Prior to commencing their discussions on the thematic area, delegates of this commission were provided with an overview of the preliminary analysis included in the base document prepared prior to the summit – with this then serving as a foundation for discussions. The causes of GBVF were outlined, with the patriarchal nature of society located at the core. Three levels of prevention-related interventions were outlined: primary prevention, referring to interventions aimed at addressing GBVF prior to any incidents occurring; secondary prevention, focused on efforts undertaken immediately post the

experience of GBVF (e.g. the provision of treatment and counselling to deal with short-term effects); tertiary prevention, emphasising the use of long-term interventions that prioritise ongoing/lasting impact (e.g. perpetrator counselling interventions<sup>31</sup>). Potential interventions were framed in relation to:

- The human life-cycle (i.e. with interventions identified for different stages of life)
- Risk factors for GBVF at the level of the individual, family, school, community, institution and society

The following schematic was shared as the framing for the commission’s feedback:



31 [https://www.unicef.org/southafrica/SAF\\_resources\\_violenceprevmodel.pdf](https://www.unicef.org/southafrica/SAF_resources_violenceprevmodel.pdf), cited in Prevention Sub-Task Team Base Document, p. 2.

The commission's responses to each of the questions addressed are included below.

**a. Taking stock: What are we doing well? What has not worked so well?**

<i>What are we doing well?</i>	<i>What has not worked so well?</i>
<p>Positives highlighted included:</p> <ul style="list-style-type: none"> <li>• <b>South Africa's progressive Constitution and legislative framework</b> (with this often used as a reference point by womxn from other countries, when writing their own laws), and the fact that womxn occupy some of the highest offices (although it was noted that this had not translated into tangible victories for womxn, as yet)</li> <li>• The <b>emergence of political will among the leadership</b> – and the establishment of improved connectivity of different sectors at the summit (with the commission also reflecting appreciation that “for the first time, it seems like there is political and ideological clarity on what the issue is” with the President’s speech reflecting an understanding “that there is a pandemic of GBV” – with this to be matched by a commitment to follow-through on delivery)</li> <li>• <b>A strong womxn’s rights sector</b>, reflected within #TheTotalShutdown movement which mobilized towards the summit (with acknowledgment of the historical nature of the summit, and the fact that it has arisen as a result of the mobilisation under the #TheTotalShutdown)</li> <li>• The <b>presence of institutional mechanisms</b> (e.g. the rule of law) – albeit with improvements needed</li> </ul>	<p>Challenges highlighted included:</p> <ul style="list-style-type: none"> <li>• <b>Poor implementation of the POA:</b> Many are not aware of the POA for GBVF; POA implementation has been ineffective (with this driven as a solo-initiative by government– with the summit viewed as significant, given that government has indicated, for the first time, that they cannot deliver it alone, with not all sectoral expertise located within government); sectors have been excluded; interventions undertaken were not developed on the basis of evidence</li> <li>• <b>The weak nature of black working class womxn’s movements</b> (despite the presence of strong worker organisations) – with successful implementation of the POA requiring civil society and other role-players to provide support in mobilising working class womxn</li> <li>• <b>A gap in ideological clarity, commitment, skills and resources</b> within government structures officially mandated to lead the programme – e.g. the Department of Women (DoW) and DSD</li> <li>• DoW and DSD have not fulfilled their <b>GBVF-related mandates, with no consequences</b> for the leadership of these departments – despite non-delivery</li> <li>• <b>Interventions often treat womxn as a homogenous group</b>, neglecting the needs of persons with disabilities and LGBTQIA+ persons, rather than developing interventions with an awareness of the many varied needs that exist</li> </ul>

## **b. What needs to be done differently?**

The commission identified the following as changes required in respect of the thematic area:

- **Drive more effective cross-sector coordination of interventions:** Despite much work and large budgets being spent on womxn's rights efforts, the outcomes do not reflect this – with this gap in results seen as a function of a lack of coordination and accountability
- **Establish gender-responsive public services:** With plans for and reports on service delivery and budgets not reflecting an understanding that womxn have different needs from men, and that a turnaround in relation to the pandemic of GBVF will require the prioritisation of womxn's needs
- **Improve coordination of organisations within the CSO sector:** With the CSO sector in South Africa, particularly in relation to womxn's rights, acknowledged as being vibrant, but facing a challenge in terms of coordination, given the absence of a single structure or coordination mechanism that speaks for and draws all

role-players together at forums such as the summit, and the Council

- **Revisit the resurrection of the national gender machinery:** Reviewing why the decision was taken to dismantle what many saw as an effective gender machinery, and what needs to be done to restore it
- **Deliver targeted public messaging about non-patriarchal values** across all platforms
- Ensure **gender budgeting and accurate gender data** across all departments
- Adopt a **conscious intersectional approach**
- Ensure plans include an **explicit targeting of the needs of persons with disabilities and LGBTQIA+**
- **Develop a research agenda that produces good evidence, to inform interventions:** Enrol the support of academic, research and other institutions to track and provide data, including data on patriarchy and the prevalence of patriarchal norms and values (in addition to data on GBVF)

## **c. Critical game changers to be taken forward within the summit's resolutions**

Game changers identified by the commission are included in the box below – with a focus on shifting values highlighted as a non-negotiable, despite the fact that the impact of these efforts would only be evident after a period of time. It was argued that any plans that did not include change at this level would limit the success of all other anti-GBVF initiatives.

1. **Roll out a public education values campaign for all:** With this needing to focus on shifting and actively reshaping the prevailing societal norms away from their current "conservative and misogynistic" nature, ensuring that they align more closely with the progressive values reflected in South Africa's Constitution, and its emphasis on women's rights, equality, Ubuntu and solidarity (e.g. through enrolling all leaders who take to public platforms, regardless of the nature of the event, to comment on GBVF as a way of mainstreaming the crisis)



- 2. Deliver a targeted non-patriarchal values campaign for all civil servants:** With emphasis particularly placed on training those civil servants who are tasked with delivering programmes that address issues of GBVF (e.g. officers of the court, police officers, doctors and nurses), so that they build an understanding of the impact and consequences of their behaviour on citizens, and women in particular (e.g. when nurses treat survivors poorly, or when survivors are subjected to secondary victimisation)
- 3. Review South Africa's economic model, targeting the establishment of a women-centred economic empowerment model:** Shifting away from the prevailing economic model which supports the marginalisation of women, positioning them as an easily dispensable class of workers within a capitalist system – with a call made for a) public conversations about the economic role of women, and b) the revision of the NDP, to include an economic model that places working class black women at the centre of economic empowerment
- 4. Deliver interventions targeted at traditional leaders (at CONTRALESA level), religious institutions and the clergy:** Recognising that misogyny is reproduced within many of these spaces
- 5. Establish a special investment fund:** With the urgent establishment of a fund by corporate South Africa and development donors viewed as necessary to enable implementation of the national strategy on GBVF, given the increasing difficulties faced by CSOs and NGOs in accessing resources, even though they provide much-needed GBVF-related support that would traditionally fall within the mandate of government
- 6. Invest in the review and creation of an effective criminal justice system:** With access to justice only being feasible in a context where the justice system functions smoothly
- 7. Sound research to produce the accurate information on GBVF statistics and prevailing gender values:** With this confirmed as an essential ingredient in tracking of progress and identifying/ informing evidence-based interventions
- 8. Ensure plans include an explicit focus on persons with disabilities and LGBTQIA+:** With this emphasis based on the critical understanding that different sections of the community have different and specific needs that must be planned for and addressed

## RESPONSE, CARE AND SUPPORT

As with the previous commission, the ‘response, care and support’ thematic area discussions opened with a presentation of the key messages contained within the base document. In defining the rationale for the thematic area itself, it was noted that where GBVF contributes to widespread insecurity and heightened fear amongst all sectors of the population, mechanisms focused on response, care and support can aid in mitigating (or, where poorly managed, exacerbating) this insecurity and fear – while also limiting further violence. As such, services that recognise and respond appropriately, and in a non-judgmental, compassionate, and equitable manner, to the needs of those affected by GBVF may assist in halting the cycle of GBVF, while also building a culture of respect. The focus areas addressed under the banners of ‘response’ and ‘care and support’ were as follows:

*“Response services focus on immediate intervention once violence has occurred and must be [provided] within 24 hours. The aim is to support and help survivors of violence in a variety of ways (for instance medical help, psychosocial support, and placement*

*in a shelter). Response services can in turn contribute towards preventing violence from occurring or reoccurring and ... must be timely and efficient to end a culture of hopelessness and impunity, and foster a culture of justice and support.... Care and support aims to prioritize safety, well-being and long-term empowerment of women and children, while ensuring the accountability and rehabilitation of perpetrators, to reduce re-offending (diversions)”<sup>32</sup>*

Commission feedback was preceded by an acknowledgement of the nation’s pain – with this pain seen as evident and witnessed during plenary and commission deliberations across the course of the summit itself. To this end, the commission noted that its report set out to reflect the pain experienced, alongside the response mechanisms viewed as necessary to immediately address existing challenges, and to eliminate GBVF within South Africa.

The commission’s responses to each of the questions addressed are included below.

### a. **Taking stock: What are we doing well? What has not worked so well?**

<i>What are we doing well?</i>	<i>What has not worked so well?</i>
<p>Existing facilities/ services acknowledged as reflecting good practice models included:</p> <ul style="list-style-type: none"> <li>• <b>TCCs:</b> One-stop support services</li> <li>• <b>Khuseleka Care Centres:</b> One stop support services in rural areas, which also offer skills development support</li> <li>• <b>White and Green Door Centres:</b> 72 hour ward-based response service centres</li> <li>• <b>Clinical forensic services:</b> Providing specialised services for survivors</li> </ul>	<p>Challenges highlighted included:</p> <ul style="list-style-type: none"> <li>• <b>Inconsistent funding</b> of services across the country</li> <li>• An <b>absence of designated GBVF staff</b> within government departments</li> <li>• <b>Non-operational victim friendly rooms</b>, due to sub-optimal collaboration across sectors</li> <li>• <b>Protection order related challenges:</b> Protection orders are not addressed on a nation-wide basis; execution is not standardised; system is paper-based</li> </ul>

32 Response, Care and Support Commission (2018) Thematic areas for the Summit: Response, Care and Support Base Document. pp. 8-9

<i>What are we doing well?</i>	<i>What has not worked so well?</i>
<ul style="list-style-type: none"> <li>• <b>Command Centre and Lifeline:</b> Offering quick turnaround times with regards to call management, and accessible support after hours and on weekends</li> <li>• <b>Family Violence Child Protection and Sexual Offences Units:</b> Offering round-the-clock support from specialised investigation officers, expertise in evidence collection, and quality investigations – while also aiming to reduce potential secondary victimisation</li> <li>• <b>Sexual Offences Courts:</b> Responsible for dealing specifically with sexual offences</li> <li>• DSD funding of CSOs: Supporting survivor empowerment, via funded CSOs</li> <li>• <b>National Emergency Response Team:</b> Providing mobile trauma counselling</li> <li>• CSOs: Offering psycho-social services and shelter</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Non-SETA (Sector Education and Training Authority) accredited nature of skills development programmes in shelters,</b> limiting potential impact/ benefits</li> <li>• <b>Competition among stakeholders</b> for resources, recognition and ownership</li> <li>• <b>High levels of secondary re-victimisation</b> of survivors by frontline workers (e.g. hospital staff, court officials, police, social workers)</li> <li>• Minimal co-ordination of services in various settings</li> <li>• <b>Minimal court preparation and legal advice</b> for survivors</li> <li>• <b>Inadequate funding</b> for GBVF</li> </ul>

**b. What needs to be done differently?**

To deliver the expected response, care and support, commission members called for the following actions:

- **Develop and implement a ‘coordination model’** for improved service provision
- **Advertise, market and disseminate information** on response and support initiatives

The above was viewed as necessary to optimise response, care and support services, and to facilitate sharing of resources. To deliver, it was argued that:

- Use should be made of locally-coordinated GBVF structures that report to provincial and national role-players
- Communication and referral pathways should be strengthened
- Knowledge management should be enhanced, through building on best practices, case studies, research and referrals

**c. Critical game changers to be taken forward within the summit's resolutions**

Game changers identified by the commission are included in the box below.

**1. Service optimisation – with focus placed on:**

- Provision of efficient services in shelters; targeting inclusivity in all shelters, to accommodate the LGBTQIA+ community
- An inter-departmental response to shelters, to ensure that these are effective
- Urgently expanding the reach and quality of psycho-social support services (PSSS) available to survivors
- Creating a fully-comprehensive municipal-level database of PSSS available for survivors, with information prepared for every municipal area, across the nation
- Ensuring that the National Hotline/ Command Centre serves as a crucial resource in the struggle against GBVF
- Establishing a 'Complaints Line' for people who are not satisfied with the Command Centre
- Ensuring that counselling is provided for all affected

**2. In terms of traditional healers and spiritual leaders:**

- Regulating the PSSS offered by traditional healers and spiritual leaders, to prevent secondary victimisation; ensuring that a Code of Ethics and a Code of Conduct applies to these role-players

**3. 'Care for carers' – for all frontline service providers:**

- **Providing debriefing and trauma counselling for frontline service providers**

**4. Capacity building for frontline workers:**

- **Ensuring training and retraining of those already in service, to build capacity and sensitivity**

**5. Private Public Partnership (PPP) funding:**

- **Crowding-in business to contribute towards the GBVF response**

**6. Education:**

- **Establishing a standardised policy framework for addressing GBVF across all HEIs**
- **Developing age-appropriate interventions, starting from Early Childhood Development (ECD) levels through to tertiary education**
- **Developing a GBVF curriculum across all tertiary education institutions**



# ACCOUNTABILITY AND RESOURCING

The commission report-back opened with a reflection on what accountability meant, when looked at in the context of GBVF. Delegates were advised of the importance of viewing this as ultimately being about ‘accountability to womxn’ (rather than, for example, accountability to a forum of government). As such, a call was made for responses to GBVF to be framed in relation to womxn, with the personal accounts presented across the course of the summit reflecting some of the lived realities in respect of which accountability and adequate resourcing was required. Accountability was demanded in a context where those affected by GBVF have to also regularly contend with missing dockets, secondary victimisation within South Africa’s courts of law, corruption within the police services, and poor treatment at the hands of those tasked with care-giving – e.g. nurses and doctors.

The commission highlighted the importance of driving accountability at all levels:

- Individual accountability – in relation to the Constitution and the rule of law (with this also including a call for “better and more accountable men, who respect women”)

- Institutional accountability (e.g. improved accountability of civil servants to officials, their principals, Ministers, Premiers and the President)
- Legislatures and Parliament as accountability structures – with Ministers, provincial Members of the Executive Council (MECs), accounting officers and departments accountable to provincial and national oversight committees
- Social accountability – through active citizenry, with citizens needing to play their part in holding government and other role-players to account)
- Accountability via Chapter 9 Institutions – e.g. the Commission for Gender Equality (CGE); the South African Human Rights Commission (SAHRC); the Auditor General
- Accountability of the criminal justice system

The review of accountability and resourcing took place in the context of this understanding.

## ***Taking stock: What are we doing well? What has not worked so well?***

Responses to the above questions were as follows:

<i>What are we doing well?</i>	<i>What has not worked so well?</i>
<p>Positives highlighted included:</p> <ul style="list-style-type: none"> <li>• The fact that “we are not starting from a clean slate” – <b>a gender machinery is already in place</b>, although it needs to be strengthened, so that it is more potent (i.e. empowered with “teeth, to bite”)</li> <li>• A <b>rise in social accountability and active citizenry</b> (as represented via #TheTotalShutdown movement) – with the summit itself seen as a reflection of the strength of grassroots accountability</li> </ul>	<p>Challenges highlighted included:</p> <ul style="list-style-type: none"> <li>• An <b>inadequately resourced gender machinery</b>: weakened over time; insufficient budget; an inappropriate structure to deliver on its mandate</li> <li>• <b>GBVF interventions are inadequately resourced</b> (e.g. police have no vehicles; TCCs do not have the necessary staffing and resources) – with financial commitment needed to counter GBVF</li> </ul>

<ul style="list-style-type: none"> <li>• <b>Funding is available</b>, with the contribution from the fiscus acknowledged – although the amount of funding is inadequate to effectively target GBVF, with GBVF-related budgets needing to be further prioritised</li> <li>• <b>Political will and commitment is evident</b>, with a sense of comfort that there is also political will to address and implement the 24 demands</li> <li>• <b>Some pockets of excellence</b> are evident in terms ensuring that accountability is driven at various levels (with emphasis needing to be placed on learning from these positives)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Non-exemplary leadership</b>, with a further challenge being the absence of a framework against which to hold individuals in government, civil society and business accountable (leaders must walk the talk)</li> <li>• Multi-sectoral approach is hampered by the <b>failure of government departments to hold each other accountable</b>, resulting in a fragmented response (with this necessitating an overarching GBVF Council/ structure, chaired by the President)</li> <li>• <b>No national plan, resulting in fragmented programming and resource allocation</b>, including donor funding – with the overarching approach seen as weakened as a result of the absence of opportunities for various stakeholders, including civil society, to input into a common Plan of Action</li> <li>• <b>Critical policy gaps and challenges</b> – e.g. there is no legislation that mandates government and each of its respective departments to implement GRPBME, where such an approach would ensure that planning and budgeting is addressed through a gender lens, and would allow for monitoring thereof</li> </ul>
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**a. What needs to be done differently?**

The commission identified the following as changes required in respect of the thematic area:

- **In terms of accountability:**
  - o Government to declare GBVF a national priority
  - o Establish a stronger and more potent gender machinery
  - o Leadership at all levels to reflect, in their behaviour and conduct, that GBVF is unacceptable (with appropriate punishment for cases of transgression)
  - o Increased individual and institutional accountability, to uphold the Constitution
  - o Increased parliamentary oversight of gender mainstreaming
- o All sectors to implement sound sexual harassment policies and programmes in the workplace – recognising that violations happen in all spaces, including on the streets, in the home and in the workplace
- **In terms of resourcing:**
  - o All government departments to prioritise the emerging Plan of Action, and to allocate the necessary resources to implement it (determining costs and budget gaps, so that these can be addressed)
  - o All government departments to mainstream GRPBME

- o All external funding to align to the national Plan of Action (with funds received from outside government to be used in a manner that is aligned with the identified priorities specified within the Plan of Action)
- o Focus to be placed on driving the availability of more disaggregated data, to guide planning, resource allocation, and M&E

**b. Critical game changers to be taken forward within the summit's resolutions**

Game changers identified by the commission are included in the box below.

**1. Strengthen (retain, resource and reinvigorate) the gender machinery** (e.g. DoW, CGE, Offices on the Status of Women (OSWs), GFPs, the Women's Caucus in Parliament) – ensuring that role-players such as GFPs are provided with the right levels of authority

**2. Establish an overarching multi-sectoral, multi-level GBVF structure** to drive accountability at the highest level:

- Ensure that this is empowered through legislation, and chaired by the President
- Develop a costed five-year Plan of Action, with clear priorities and periodic reviews, supported by M&E
- Develop and implement a Code of Conduct for public officials and all leadership, with clear consequences for cases where this is breached (rather than the status quo where, for example, transgressors involved in sexual harassment scandals are often simply moved to different offices/ roles) – and drive a shift in practices across all sectors (e.g. with businesses to improve workplace programmes, taking their employees' social contexts into account, and facilitating safe transport in cases when the working day ends late in the evening)

**3. Mainstream GRPBME** to ensure the GBVF response, as articulated in the Plan of Action, finds expression within relevant policy cycle and planning documents such as the Medium Term Strategic Framework (MTSF) and Annual Performance Plans (APPs) – with the Department of Planning, Monitoring and Evaluation (DPME) taking responsibility for M&E

Finally, the commission argued that GBVF should be declared a national emergency, so that it can be adequately prioritised and receive the urgent attention required. This was seen as essential in a context where the behaviour of so many, including

members of the police service, civil service, civil society organisations, and the country's political leadership, including members of Cabinet, suggests that GBVF is currently not taken seriously by role-players across society.

# COORDINATION

The team providing feedback on the thematic area of 'Coordination' opened by noting their excitement with the President's public commitment to the establishment of a multi-sectoral GBVF coordination structure, with the nature and form of this structure forming the central focus of the commission's work. A definition was provided of the emerging understanding of what 'coordination' should encompass, with critical elements identified including a focus on:

- Sharing experiences and determining direction

- Networking and support
- The provision of a safe space to encourage all voices to move forward together
- Advocacy for improved impact; co-existence, collaboration, and collective action
- Access to resources, and the promotion of joint responsibility, relationship building, facilitation, communication and joint planning

## a. *Taking stock: What are we doing well? What has not worked so well?*

Responses to the above questions were as follows:

<i>What are we doing well?</i>	<i>What has not worked so well?</i>
<p>Positives highlighted included:</p> <ul style="list-style-type: none"> <li>• <b>Involvement of different stakeholders</b> (within and external to the State) in the area of GBVF</li> <li>• <b>Acknowledgement of the state of crisis</b>, and the issues that need to be urgently addressed</li> <li>• <b>A strong research base</b> that clarifies the problem, and how it needs to be addressed</li> <li>• <b>Existence of good infrastructure</b> that can support and facilitate coordination</li> <li>• An <b>enabling legislative and policy framework</b> that speaks to GBVF, and gender and womxn's rights</li> </ul>	<p>Lessons learnt (reflecting on what has not worked so well):</p> <ul style="list-style-type: none"> <li>• The <b>importance of involving more stakeholders, and as diverse a range of stakeholders</b> as possible (integrating the efforts of diverse stakeholders)</li> <li>• The <b>need for a multi-sectoral response</b> to adequately address the national crisis of GBVF</li> <li>• The need for coordination structures to include <b>improved geographical representation</b></li> <li>• The importance of <b>strengthening accountability</b></li> <li>• The importance of <b>working from the bottom up, strengthening coordination at a local level</b> (building from local to provincial, to national level)</li> </ul>



<ul style="list-style-type: none"> <li>• <b>Experience base within the country – and the associated lessons emerging</b> from this (with insights and lessons available from previous/ existing structures that have sought to coordinate interventions relating to GBVF)</li> <li>• <b>A demonstrable level of political commitment to address GBVF</b> – as reflected in the summit, and the fact that South Africa is a signatory to and has ratified a number of key international and regional instruments</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Using existing coordinating structures</b></li> <li>• The need to <b>strengthen civil society coordination and funding of CSOs</b></li> <li>• <b>Effective costing and budgeting</b> for coordinating structures</li> <li>• The need for <b>clear accountability lines</b></li> <li>• <b>Locating structures appropriately</b> within the Presidency, to demonstrate political will and ensure adequate ‘clout’</li> </ul>
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**b. What needs to be done differently?**

The commission identified a set of principles to guide the establishment of the national coordinating structure, as committed to by the President – with these identified, in part, through a reflection on past experiences and the associated insights.

**Proposed principles for establishment of the national coordinating structure** included the following:

- **Responsibility for coordination to be located within the highest political office – within the Presidency:** With this sending out a clear message that GBVF is a political priority that will be supported and addressed with the necessary authority
- **Ensuring a multi-stakeholder format:** With all sections of society to be involved in shaping a response, drawing on their different experiences and expertise to build consensus on the required interventions, services and plans to maximise impact
- **Institutional independence and autonomy:** With the structure needing to be independent of and from undue control and influence over its operations, programmes and actions by other institutions (with emphasis on integrity and autonomy, with this assisting in ensuring delivery on its multi-sectoral role)
- **Dedicated budget and staff/ secretariat** – supporting effective delivery
- Enabled via a **dedicated GBVF Fund**

- Serving as **custodian of the National Strategic Plan**
- Operating through a **bottom up approach:** from local to district, provincial and national
- Built on the principle of **accessibility by all, across all geographies:** Allowing for reach and meaningful representation of the issues and needs confronting rural communities
- Enabled through **government and civil society working in meaningful partnership, towards a common goal**
- **Entrusted** with the space to determine strategic direction, engage, collaborate and support
- Functioning in a manner that reflects **transparency, inclusivity, pro-active and responsive delivery, presence, reliability and passion**

The purpose of the national coordinating structure was defined as: “primarily focused on **amplifying the national response to GBV** across response, care and support and prevention to **facilitate a strengthened human-centered, survivor-focused, resourced and coordinated strategic response** that **optimally harnesses** the knowledge, experiences and roles of respective stakeholders **towards a common agenda** of ending [GBVF] in South Africa, building womxn’s agency, holding perpetrators accountable and healing our country”. This definition of purpose

was supported by further input on proposals for the structure's core functions, its make-up (i.e. in terms of stakeholders/ role-players to be included, and the criteria for their nomination/ inclusion), and initial priorities.

Specifics in this regard were presented in plenary, and are included in the box below, with the decision to include this detail based on the fact that this was one of the points of focus within #TheTotalShutdown's demands.

## **PROPOSALS RELATING TO THE NATIONAL GBVF COUNCIL**

### **Format:**

- *Chaired by President/ Deputy President*
- *Championed at a national level by the President, at a provincial level by premiers, and at a regional, local and community level by mayors*
- *Geographically represented, nationally, and across all nine provinces and 52 districts*

### **Purpose:**

- *Set strategic direction and agenda, to address GBVF in an impactful way*
- *Coordinate different sectors, geographies and existing structures, to ensure synchronicity and alignment towards a common vision*
- *Strengthen political accountability in terms of GBVF*
- *Serve as custodian of National Strategic Plan, and as a consultative body*
- *Provide oversight and advice in terms of programmes, policies and resourcing, drawing on M&E mechanisms*
- *Represent the interests and needs of survivors*
- *Ensure effective resourcing for GBVF funding model*
- *Serve as the link across different levels, internally (local, district, provincial, national) and externally (regional, continental and global)*
- *Play an advocacy and awareness role*

### **Key functions:**

- *Establish the national agenda for responding to GBVF through, inter alia, the development of a National Strategic Plan and process to engage all stakeholders*
- *Set priorities every three years (to address short, medium and long-term priorities)*
- *Facilitate programming and resourcing coherence around respective pillars*
- *Develop proposals around integrated responses*
- *Assess performance, impact, resourcing and reprioritisation at regular intervals (with the support of M&E initiatives, and associated reprioritisation)*
- *Review policy and develop a regulatory framework, as and when required*
- *Develop a GBVF funding model*

**Overall priorities:**

- Finalise the National Strategic Plan, taking into account reviews, work to date, and summit inputs
- Establish a cross-departmental Implementation and M&E plan
- Review all government department policies and employment policies, ensuring these are gender sensitive and inclusive
- Ensure budgets are addressed at all relevant points across all government departments, aligned to a plan (rather than receiving focus at mid-term only)
- Develop a ring-fenced GBVF Fund
- Establish an Innovation Lab, with research/ other resources in a repository, for knowledge creation
- Establish a Data Observatory, enabling access to integrated data (with research and data relating to GBVF located centrally)

**In terms of representation and criteria for inclusion:**

- Majority representation by womxn (with pre-determined quota for men); inclusion of members with a deep understanding of the issues
- Geographic, demographic and targeted and marginalised group representation
- Representative of civil society (especially those that are membership based), social movements and organised labour
- Representation from specific sectors – including survivors, womxn with disabilities, children's sector, LGBTQIA+, those living in inner cities, rural womxn, the religious sector, academics, research institutions; womxn in business, womxn in media, people living with HIV/AIDS (PLWHA), rehabilitated perpetrators, private sector role-players
- Inclusive of representative from all government departments (given the cross-cutting nature of, and crisis levels associated with GBVF) and Chapter 9 institutions

**Criteria for appointment:**

- Knowledge and expertise: gender and womxn's rights; policy and legal frameworks; grounded in lived experiences skills
- Experience: gender activism, movement building, grassroots organizing, coordination
- Skills: feminist research facilitation, fundraising and M&E skills
- Individuals who meet the following: Integrity; humility; mental health screening; no criminal record; rural experience/ base; accountability; integration of values (equality; walking the talk); security vetting / clearance

**Proposals for establishment of structure:**

- Driven by the Interim Structure emerging from the summit; established through a consultative/ inclusive process: workshops cascaded to provincial and local level
- Built on lessons from previous experience – e.g. location (where), constitution (who), resourcing (budgets, people, technology), principles of operation (how)
- Tips for delivery: focus on being practical; benchmark; identify African-centred solutions; guide via a clearly defined roadmap, with clear timeframes and ear-marked resources (with crisis necessitating resources being made available); integration of work into all strategic platforms, championing by political/ other role-players

### c. **Critical game changers to be taken forward within the summit's resolutions**

Game changers identified by the commission are included in the box below.

#### **1. Interim Structure to establish a National GBVF Council within six months** (with the support of a clear road map for the six month period), with key steps to be undertaken including:

- Development of the Terms of Reference/ legal mandate for the structure, through a process of extensive consultation (with provincial consultations and workshops) – while also drawing on previous experiences and associated insights, and the proposed principles for establishment (included above)
- Establishment of a National Strategic Plan, and an implementation and M&E plan
- Establishment of a GBVF Fund and related funding models
- Revisiting of policies and guidelines
- Identification of members of the National GBVF Council, in line with the final set of confirmed criteria
- Pronouncement of the national coordinating structure during the State of the National Address (SONA) – after which the final national structure should be launched

## COMMUNICATION

Communication was acknowledged as one of the most critical thematic areas under discussion – with communication and mobilisation leading to the establishment of the summit itself.

**“The biggest game changer is us being here. This conference is the first time that any president anywhere, let alone in our country, has called a conference of GBV. That is the game changer. Today, we are re-writing the narrative of GBV, and if we don’t seize this momentum, this moment, to rewrite the narrative, then we will have missed our biggest opportunity. So this is the game changer. And we are all part of that.”**

Communication was also identified as a critical factor that would need to be addressed when taking the work of the summit forward – e.g. ensuring that the messages reach all South Africans, beyond the 1200 delegates present.

The commission focused on the following issues during their discussions:

- Reporting of GBVF – and the manner in which the media depicts crime
- Objectification of womxn by the media
- How communication can be used as a catalyst for behaviour change

These issues were discussed within the context of a set of sub-themes: marketing and advertising; content production (television); government communications; media. During the commission, focus was also placed on the following, across the four sub-themes: advocacy; children; communication for social and behaviour change.



**a. Taking stock: What are we doing well? What has not worked so well?**

Responses to the above questions were as follows:

<i>What are we doing well?</i>	<i>What has not worked so well?</i>
<p>Positives highlighted included:</p> <ul style="list-style-type: none"> <li>• <b>In terms of marketing and advertising:</b> Some brands have become more open to the social responsibility of advertising</li> <li>• <b>In terms of content production, advocacy, social and behaviour change communication:</b> With South Africa’s vibrant, creative media, love of entertainment, and real delivery in this space, there is a good opportunity to change the narrative</li> <li>• <b>In terms of the media:</b> Language has changed – slightly more sensitive in its coverage of GBVF</li> <li>• <b>In terms of government communication (via GCIS<sup>33</sup>):</b> Current mechanisms provide a significant opportunity for communicating issues/ messages arising from the summit: <ul style="list-style-type: none"> <li>o Community outreach is the most effective form of communication, with mechanisms for significant reach in place – with government communicators in every province, providing support in every language</li> <li>o <b>Government segmentation model</b> uses appropriate language to address various audiences – e.g. rural, city-seekers, metro, suburban, capital</li> </ul> </li> </ul>	<p>Challenges highlighted included:</p> <ul style="list-style-type: none"> <li>• <b>Overarching challenges:</b> <ul style="list-style-type: none"> <li>o Coverage of GBVF is limited to court reports and high-profile cases, with male voices dominating; language is not gender/ survivor sensitive</li> <li>o Challenges in co-ordination of various government services, messages and funding</li> <li>o Challenges in explaining policy complexities to communities</li> <li>o Need for transformation in media, and across all media houses</li> <li>o Communication does not highlight womxn’s success, nor the presence/ challenges of patriarchal systems, and consequences thereof on womxn</li> </ul> </li> <li>• <b>In terms of the media:</b> <ul style="list-style-type: none"> <li>o Limited GBVF coverage (1% of all coverage)</li> <li>o Experiences of womxn are trivialised; Men are still the primary source of information on GBVF</li> <li>o Stories are told in abstract: real experiences are not heard (despite the power of real stories)</li> <li>o Limited communication via political speeches (often limited to ‘16 Days of Activism’)</li> <li>o No information within the media on where to go for help</li> </ul> </li> <li>• <b>In terms of government communication:</b> <ul style="list-style-type: none"> <li>o Engagements surrounding issues should be meaningful, rather than simply being ‘events’</li> <li>o Personalities are championed, over principles: Engagements should focus on issues, not Ministers</li> <li>o Interdepartmental communications are ineffective, limited and disjointed</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>o No-overarching content holder (each department holds its own content) Government claims to be a development communicator, yet communicates corporately</li> <li>o Government calendar of events is stale (e.g. 16 Days of Activism; Women’s Month): no meaningful change</li> <li>o Representation of LGBTQIA+ and GNC womxn is lacking: messaging does not reflect the laws; language needs to change</li> <li>o Finance: budgetary cuts hinder communication (with communication efforts requiring a meaningful budget, if they are to impact)</li> </ul>
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**b. What needs to be done differently?**

The commission identified the following as changes required in respect of the thematic area:

- From **an overarching perspective:**
  - o GCIS to co-ordinate regular inter-sectoral engagements to inform and debate key issues to be communicated throughout the year (with this to be supported by strong commitment)
  - o Leverage on brand social consciousness of companies/ private sector role players (e.g. Dove, Unilever, Nike)
  - o Re-socialise through the development of new images, writings, performances and content for ‘soapies’ (i.e. using edutainment as an opportunity for change)
- In terms of **content production, advocacy, social and behaviour change communication (i.e. challenging patriarchy through telling stories):**
  - o The South African Broadcasting Corporation (SABC) and other media houses to put gender frameworks in place for all programming
  - o Promote female content producers and implement quotas, given that more feminist content producers will tell a different story from what is currently seen on screen – with this automatically creating a change from the patriarchal lens that all know and learn from television
  - o All content producers to drive a sustained campaign for 365 days
  - o Journalism schools to address gender consciousness through teachings, and through reflection on inherent bias
  - o Target transformation in the media and all media houses – including improved gender consciousness among media players such as the Daily Sun, through rolling out gender consciousness training with all employees
  - o Use the media to provide young children with education and tools, and to build awareness of the risks of perpetrators

- o Make use of EduTV as a platform to teach children to tell their own stories; give them the tools
- o Children's radio forum: Start these initiatives again, and keep them going
- o Tap into the efforts of NGOs, seeking advice and information from NGOs involved in specific areas and ensuring the necessary research, to support efforts to make films and programmes responsible
- In terms of **the media**:
  - o Carry out regular media monitoring, and provide feedback to the media
  - o Ensure that the media provides information on where to go for help
  - o Ensure ongoing on-the-job training for media
  - o Establish and implement ethical guidelines
- In terms of **government communication**:
  - o Pitch information appropriately – for the correct audience, in the right places (supported by a coherent plan); strengthen community media so it reaches people in the right language
  - o Address communication through an integrated approach between various government departments
  - o Ensure government representatives engage in more dialogues (i.e. two-way communication)
- o Develop community radio stations (as per prior government mandate)
- o Target more communication at grassroots level
- o Establish a database of speakers on topics, as per the calendar – with stronger partnerships with civil society to facilitate this
- o Include the media (and the public broadcaster, specifically) in sensitivity training
- o Ensure that the boy child is not left behind
- o Bring community media representatives into the spaces where commercial media is present, recognising that community media reaches people who would not otherwise be reached
- o Improve co-ordination efforts in respect of government communication, with this improving the manner in which government resources are deployed
- o Use and implement communication best-practice from HIV advocacy work, in the context of GBVF
- o Decide on and adhere to financing model
- o Ensure appropriate language use on issues of GBVF – recognising that it is not the victim, but rather the perpetrator who is on trial

### **c. Critical game changers to be taken forward within the summit's resolutions**

Game changers identified by the commission are included in the box below.

#### **1. Communication sector to implement a 365 day campaign, with:**

- The President and all ministers to mention GBVF/ the GBVF action plan in every speech over the next 365 days, offering solutions, and communicating through development communication platforms like outreach (with two-way communication) and through community media (drawing on the lessons from the fight against HIV/AIDS, where narratives shifted with leadership from the front)
- All content producers to implement a sustained campaign; SABC to run a GBVF visibility campaign, with news readers wearing the white ribbon for 365 days
- Rebranding of the '16 Days of Activism' to '365 Days', rethinking the 'Act Against Abuse' message to establish a more powerful message – and checking this for efficacy in line with the principle of "those who feel it know it"; rethink the strategy of jointly addressing violence against women and children, given the different messages and realities applicable (women are agents; children are dependents)
- Developing a comprehensive GBVF message grid/ booklet to ensure synergies in communication across all stakeholders

#### **2. Convention of all communicators on GBVF to adopt ethical guidelines**, with participants to engage on and agree on language use and approaches for sensitivity (supported by a social media package)

#### **3. Implement social context training for all communicators/ journalists as part of tertiary training, and for media/ public servants/ health workers as part of capacity building:** With media training institutions/ journalism schools to address gender consciousness through a compulsory gender and gender diversity module

#### **4. All media** (including advertising and media houses) to **implement gender consciousness training and diversity training**

#### **5. The SABC, as public broadcaster, to visibly implement gender sensitivity through:**

- Walking the talk – making the internal sexual harassment inquiry report public, and acting on it (ensuring that practice is based on a sound GBVF policy, and leads the way in providing a clear message on gender equality)
- Developing and implementing a gender framework for all programming – with the Department of Communication (DoC) to factor in GBVF issues within broadcasting policies, to ensure implementation and monitoring by all broadcasters

#### **6. Promote female content producers:** Implementing quotas to ensure that female content producers are commissioned to create gender-sensitive content and bring about a shift from the patriarchal lens

#### **7. Target children's programming and books:** Addressing the current content, where most characters are male and violence infiltrates programmes; building awareness among children of the risks of perpetrators – via use of the media; using EduTV to teach children to tell their own stories; institutionalising the children's radio forum to address gender consciousness among children

## CHAPTER 8: #ACTIONNOW SUMMIT RESOLUTIONS AND OUTCOMES

The final presentation on resolutions and outcomes arising from the summit was preceded by input and words of support. Dr Nardos Bekele-Thomas, the UN Resident Coordinator in South Africa, provided a set of insights and observations on behalf of the UN, while the Swedish Ambassador to South Africa, Ms Cecilia Julin, shared a statement of support on behalf of the European Union (EU), members of the development parties, and members of the gender coordination group – comprising the EU, the EU member states, the United States Agency for International Development (USAID) and Canada. These inputs are addressed below.

### ENDING VIOLENCE AGAINST WOMEN, AND GBVF: INPUT DR NARDOS BEKELE-THOMAS



The UN's Resident Coordinator in South Africa, Dr Bekele-Thomas, framed her contribution by reflecting on the fact that she was present at the summit not only as the Head of the UN in South Africa, but as "a child of Africa, and also as a women, a mother, a grandmother". It was in this context that she acknowledged the emotional nature of the summit's discussions. However, while many of the engagements had been difficult, they were also "historic, and ... necessary", in that they highlighted the gravity of GBVF in South Africa. Such forms of violence were described as "the most pervasive violations of human rights in the world", while also being one of the least prosecuted, ultimately threatening lasting peace and development. Statistics and reports on GBVF were noted as often removing the personal element behind such crimes, or the

multiple ways in which incidents such as those shared during the course of the summit result in lives being devastated – with one act of violence against a woman ultimately destroying a family, a community, and a nation, given that women "are effectively the rocks upon which our families, our communities and our nations are built".

**"I would personally like to thank the brave and courageous members of #TheTotalShutdown movement... I would also like to thank all the women who have participated at this summit ... In particular,... those who have stood up and said 'No more'. We should not take for granted the courage required for you... to stand in front of an entire nation, to share your pain. Especially when those testimonies are streamed live through various media, and you know that the perpetrators are watching. When all the cameras have been switched off..., we must continue to find other ways to work with and protect you, courageous women, from any further violence that may come your way because of your brave testimonies. You are the leading legends, and we bow to you."**



**Ms Bekele-Thomas shared the following key points and reflections with delegates, noting that many were already addressed within the work and outputs of the commissions – with her observations serving to underscore the emerging messages:**

- GBVF in South Africa can be classified as a ‘social problem’, given that it meets all four conditions associated with this classification: the cause of the condition is social; the social condition is wide-spread, harming large numbers of people across society; the condition harms the growth and continuation of society; there is widespread agreement that the condition is wrong, that it is a threat to society, and that it must be changed. In South Africa, however, GBVF has escalated from a ‘social problem’ to a ‘social crisis’ – a national crisis that deserves a commensurate emergency response. In line with this, there is a need to establish a multi-disciplinary rapid response deployment team to provide support in times of emergency – responding efficiently and in a manner that aims to “end a culture of hopelessness,... corruption and impunity”, while “foster[ing] a new culture of value-based justice and support for all women and children”. This approach also holds the potential of bringing closure for survivors affected by GBVF, including those who shared their stories at the summit.
- There is a need to fundamentally review and change the core systems and institutions tasked with supporting survivors – given that evidence reflects that these consistently result in further “victimisation of the victimised” as a result of bureaucracy, corruption, impunity, patriarchy, and insufficient capacity.
- GBVF is a societal crisis that requires everyone in society to act together. Efforts such as the ‘He for She’ campaign (a partnership between the UN and the Catholic Bishops Conference) that focus on the training of men to take a zero tolerance stance to GBVF recognise that there would be a significant difference if men from all facets of society took responsibility. Collective thought and activism is required from all, within the context of a coordinated approach, with the UN committing to work “hand in hand” with South Africa on various initiatives focused on ending domestic and family violence, sexual and GBVF, harmful practices, femicide and trafficking.
- Many harmful acts of GBVF are driven by embedded behaviours and attitudes held by men towards women – with this highlighting the need for prioritised education and behavioural moulding of the young boy and girl child (with specific attention given to young boys), with emphasis on negating the patriarchal consciousness that shapes their thinking. Parents have a critical role to play in this process.
- The following is needed to effectively implement change: transformative leadership at all levels; capacity; attitude; and cooperation. President Ramaphosa’s focus on committing resources and capacity to the TCCs is significant, alongside the appeal for all those with negative experiences of the justice system to speak out, to enable improved performance by the State. Others need to also reinforce and build the capacity of the TCCs, while government needs to ensure that national gender mechanisms and their focal points are well-trained and resourced, and that gender-sensitive PBM&E is mainstreamed across all departments.
- Civil service performance contracting should be effectively implemented – with all role-players held responsible, and performance of civil servants gauged *vis-à-vis* the defined results.

- South Africa has signed its commitment to delivery on the Sustainable Development Goals (SDGs) by 2030, where these include a clear commitment towards eradicating all forms of violence against women. This commitment is also reflected in South Africa's NDP, as one of the central pillars of the country's development objectives. GBVF should not be understood outside of its inter-connections and linkages with other social problems, with the indivisibility of all development challenges needing to be acknowledged, and supported by a holistic view of the development of women in society.
- The President's confirmed commitment to establish a GBVF coordinating framework and commensurate structure to oversee, guide, resource and monitor the POA: VAWC is critical, as is the role of Parliament in overseeing and monitoring delivery on the POA. The targets defined within the NDP and the POA are the responsibility of all government departments, civil society and other duty bearers – with the UN committing to provide its collective support within this common framework.
- For government to be held accountable, research needs to be undertaken on a regular basis to establish the true prevalence of GBVF. This needs to take into account the experiences of the many silent survivors of GBVF. It is not possible to rely on SAPS' data on femicide, sexual offences and assaults, given that such data depends on survivors' faith in the justice system – with recent research undertaken by the UN in South Africa highlighting the reality that survivors believe that they will be in a more vulnerable position if they report their violent partners to the police, given that their partners may only need to pay a small bribe before they are back home, with the survivors in more danger than before. An intelligent system needs to be established, that allows for the inspection of hot spot areas, and subsequent reporting.
- As the commissions' reports highlighted, government needs to lead by example and be held accountable. There is need for every service provider to commit to a Code of Conduct, so that implementation is carried out without patriarchal or hierarchical systems preventing its enforcement. Similarly, government needs to enforce the Code of Conduct and Whistle-Blower Policy for all civil servants with immediate effect – with particular focus on frontline health workers, police and magistrates. This will allow the State to lead by example and set standards for others (e.g. business and civil society) to follow, thereby establishing safe workplaces for every employee.

Ms Bekele-Thomas observed that “behaviour change starts with you and me and everyone in this country, to ensure everyone is free from fear”. She appealed for all activists to focus on “the true subject” (of GBVF), rather than their associated anger and emotions, given that through targeting the subject, there would be a greater chance of positive change.

In closing, Ms Bekele-Thomas confirmed that all members of the UN development system within South Africa (i.e. the 17 UN agencies present locally) were committed to supporting efforts focused on addressing GBVF. She called on all to view the process, at its core, as one that required a concerted effort to change behaviour – with engagement needed with each individual household and community. She emphasised the importance of working closely with civil society, “because it is civil society that can help us reach the millions we need to reach” – with South Africa's civil society movement being “courageous enough to end impunity, in fighting against sexual abuse”. A call was made for stronger action to be taken going forward – with this being critical for the “silence on violence against women and children, and the impunity with which this happens” to be broken.

**“If I must leave you with one key message, it is this: our determination, our resolve of these last two days needs to be translated into action and implementation. This could only happen with an effective leadership – and we demand this leadership at all levels. Because we know we are going forward. The motto is go forward, never backwards. The struggle continues until no one is left behind.”**

### **Reflecting on the common enemy: Observations by Ms Mmabatho Ramagoshi**

While waiting for the team to finalise the Summit Declaration, Ms Mmabatho Ramagoshi, serving in the role of Programme Director, reminded delegates of the primary focus:

*“We need to continue saying we are fighting patriarchy. Our common enemy is patriarchy. ...Because patriarchy has perfected the strategy of making women ...fight each other... keeping us busy while they are raping, they are killing, they are maiming, they are harassing women. ...If we lose that sight, we will come back here again in twenty years. ...At the moment, we are a group. We are going to go back to our different areas. And they are waiting. They have already marked you... [identified] that you are active. They keep you in their pocket. They do it every day in politics. They continue doing it in GBV. So we should never allow patriarchy to divide us as women. ...Our war is eradicating GBV, period. Yesterday we brought survivors here. We didn't bring them as a show. We brought them because they are carrying the lives of ...millions of women.... Yesterday we cried. We cried because their stories are our stories.*

*However, their stories are not going to end here.... our cries stop today. We demand action today. ....Yesterday we cried, the nation cried. And it stops today.”*

Ms Ramagoshi highlighted a few of the calls arising across the course of the summit, including:

- Denial of parole for perpetrators of GBVF
- Delivery of justice for those who have suffered as a result of GBVF – with the imprisonment of those responsible, and a focus on ensuring that the manner in which imprisonment takes place serves as a deterrent
- Presidential pardons for women who have been incarcerated for taking the law into their own hands, after being subjected to GBVF at the hands of their partners
- Regulation of churches, and an end to churches using their structures as “dens of sexual violence and abuse” – with the partnership that exists with churches and traditional leaders to not be a partnership of abuse

## STATEMENT OF SUPPORT ON BEHALF OF THE EU: MS CECILIA JULIN

The Swedish Ambassador to South Africa, Ms Cecilia Julin, congratulated all present, including Ministers, representatives from Parliament and Chapter 9 Institutions, and members of civil society (with particular acknowledgement of representatives of #TheTotalShutdown) – for a successful and enriching summit. Speaking on behalf of the EU, members of the development parties, and members of the gender coordination group (comprising the EU, the EU member states, USAID and Canada), she confirmed the ongoing commitment of these development partners to working closely with South Africa to promote gender equality and curb GBVF.

**“Violence against women and girls remains one of the most systematic, wide-spread forms of human rights violations around the world. We know it affects all societies, cutting across generational, socio-economic, educational and geographic boundaries. Violence against women and girls has a profound impact on individuals, households, communities and society overall.”**

Ms Julin acknowledged the global nature of GBVF, while also emphasising the extreme levels of prevalence in South Africa – with these levels equated to GBVF witnessed in countries that are in conflict. With four times as many women killed by their intimate partners locally, in contrast with the global average, and statistics pointing to a dramatic increase in violent crimes against women over recent years, she noted concern that violence seemed to be socially normalised, legitimised and accompanied by a culture of silence and impunity that needed to change. She called for justice to be rendered – both in relation to those who shared their “strong, brave and courageous testimonies” during the course of the summit itself, and in relation to the high prevalence of domestic and sexual violence against women, girls, and LGBTQIA+ persons in South Africa.



Delegates were reminded of the commitments made by governments, globally, to Agenda 2030 and its SDGs, especially Goal # 5, which calls on governments to “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation”. Ms Julin confirmed, on behalf of the development partners represented, their commitment to joining South Africa in prioritising the fight against the daily violence experienced by women and girls – acknowledging that a successful outcome would depend on collaboration between many stakeholders and across various sectors of society.

**“If we do not collectively put an end to this scourge of violence, South African women, girls, children, and LGBTQIA+ persons will not be able to realise their basic human rights, their sexual and reproductive rights, and their full and invaluable contribution to the socio-economic improvement of the country, as embedded in South Africa’s NDP 2030.”**

Recognising the importance of joint action, Ms Julin reflected on the hope that the summit had provided the necessary space for the establishment of consensus on key priorities, while also laying the path for improved leadership and coordination between the many actors involved. She confirmed that the development partners would align their support<sup>34</sup> to the jointly established priorities, objectives and plans, and would, under the leadership of the South African government and through the gender coordination group, continue and improve the coordination of their actions, to collectively address GBVF. Emphasis was placed on the importance of all role-players taking mutual accountability in the collaborative fight against GBVF – with the following noted:

- The need for all parties to openly raise issues requiring improvement on either side
- The development partners' commitment to engage transparently, while also hoping to be kept informed and, if possible, involved in the follow-up process on the outcomes of the summit, as well as progress and policy implementation
- The importance of all development partners, including members of the private sector, joining the fight against GBVF
- The hope that joint efforts, such as those agreed to during the summit, would help change attitudes and establish new values, while ultimately leading to the implementation of locally responsive interventions that promote gender justice and equality, and a society free from violence

Ms Julin argued that the success of everyone's efforts would ultimately be judged by the women and girls of South Africa, in terms of the extent to which they reduced or possibly eliminated GBVF. She concluded with a quote by Sweden's Foreign Minister, Margot Wallström, from a recent debate at the UN Security Council on Women, Peace and Security: "No woman needs to be 'given a voice'. Everyone has a voice. What is needed is more listening."

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<sup>34</sup> This includes programmes and projects that encompass prevention, rights awareness, care and support services, reforms, as well as related programmes in sexual and reproductive health rights, and economic empowerment, all of which are intertwined with GBVF and gender equality. Support takes various forms, including the exchange of experiences, sharing of best practices, and funding to government and civil society.



# KEY OUTCOMES AND PRIORITY ACTIONS: A DECLARATION FOR A SOUTH AFRICA FREE FROM GBVF

Ms Lulama Nare, Commissioner for the CGE, presented the Summit Declaration – with the contents thereof drawn from the summit’s proceedings, and the inputs and proposed game changers put forward by each of the thematic area specific commissions.

It was agreed that after the summit, the declaration as presented would be reviewed, to ensure that the content was sound from a legal and language perspective, and that any critical omissions identified were addressed. Delegates at the summit confirmed satisfaction with this process, and moved to adopt the final Summit Declaration.

It is important to note that the essence of the final Summit Declaration – as reflected in **Annexure Four** of this report and signed on 28 March 2019 by the President and a cross-section of stakeholders, including members of #TheTotalShutdown – remains aligned to the content agreed to during the final stages of the summit itself.

## KEY MESSAGES REFLECTED WITHIN THE SUMMIT DECLARATION:

- An **acknowledgement of GBVF as a national crisis** that requires urgent collective action, if it is to be addressed
- **Reaffirmation of the commitment by all** to a “united, comprehensive and effective prevention and response” to GBVF in South Africa”
- **An endorsement by the summit’s delegates of President Cyril Ramaphosa’s call** for all South Africans to prevent and respond to GBVF, to establish a multi-sectoral coordinating structure, to allocate the necessary resources required, and to develop and implement a national strategy
- **An appreciation of the pledge made by President Cyril Ramaphosa** to listen to womxn, to respond with urgency to issues of GBVF, and to make financial resources necessary to address GBVF

## AGREEMENT THAT:

1. **Political, government, business and community leadership must take responsibility** for and support the cause of eradicating GBVF
2. **Political, government, business and community leadership must be held accountable** for actions and omissions that are contrary to the achievement of a South Africa free from GBVF (e.g. through a Code of Conduct)
3. An **adequately funded interim structure must be immediately established**, with the aim of implementing the actions included in the Declaration, including the establishment of a national multi-stakeholder coordinating body
4. A **national, multi-sectoral coordinating body must be established within six months of the signing of the Summit Declaration** – with this body to be: championed by the President of the Republic of South Africa; resourced adequately to ensure optimal functioning; governed by a suitable statutory framework; inclusive in its representation – with representatives appointed in a transparent manner

5. The **coordinating body will develop a National Strategic Plan against GBVF within six months of its establishment** – with this to be: adequately costed and resourced; inclusive of indicators, to be complied with by all stakeholders; monitored and evaluated regularly
6. **Existing laws and policies applicable to GBVF must be reviewed** through a fast-tracked process, to ensure that these are victim-centred and responsive – with legislative gaps addressed promptly
7. Consideration must be given to the **development of a regulatory framework through which to curb GBVF perpetrated through religious, spiritual and cultural institutions**, under the guise of religion and culture
8. **All outstanding legislative measures and policies that relate to GBVF, as well as the protection of the rights of women and GNC persons, must be fast-tracked** – including the Prevention and Combatting of Hate Crimes and Hate Speech Bill, the Victim-Support Services Bill, and the policy relating to the decriminalisation of sex work
9. All laws and policies, programmes and interventions must be adequately planned, costed and resourced across government, in line within the **gender-responsive planning, budgeting and monitoring evaluation** framework
10. There must be **comprehensive costing and resourcing for the effective management of facilities that render support services to survivors of GBVF** – including Thuthuzela Care Centres, sexual offences courts, family courts, Khuseleka Centres, and shelters that respond to the needs of all people, including persons with disabilities and LGBTQIA+ persons
11. **Existing national gender machinery** must be maintained, resourced, strengthened and reinvigorated
12. **Information and research databases must be continuously strengthened** to develop effective, coordinated evidence-based policies and programming that is inclusive of persons with disabilities and the LGBTQIA+ persons
13. **Support services to GBVF survivors must be improved** through ongoing capacity building, regular trauma debriefing programmes, specialization and strengthened coordination, informed by legislation, policies, protocols, norms and standards on GBVF
14. All **services offered to survivors of GBVF must be free from secondary victimisation**
15. In view of the link between GBVF and HIV infections, there is a need for **existing interventions to be evaluated, resourced and strengthened** to meet the competing demands of this crisis
16. The **integration of systems for optimal data management throughout the justice system must be finalised urgently** – with this to include the collection of disaggregated data relating to survivors and the offenders, from the entry point into the justice system, to the point of exit, with unique identifier functionality
17. **All communicators and institutions of communicators must develop, adopt and execute ethical guidelines or frameworks** for reporting GBVF incidents – to promote fairness, respect for dignity and privacy, and also introduce social context training as a requisite for the media sector
18. The **existing education and training system must be evaluated**, with a view to strengthen prevention initiatives and responses to GBVF, across all levels of education

**19. New social behaviour change programmes must be introduced, and existing programmes strengthened,**

to address patriarchal values, norms and structural drivers of GBVF – with such programmes targeting all people living in South Africa (including those strategically placed to influence attitudes, behaviours and practices) and supported by an effective, resourced communication strategy

**20. There is a need to promote the economic development of women, GNC persons and other marginalised groups**

**Annexure Four** includes the full Summit Declaration, the content of which was confirmed for signature following a final review by members of the Steering Committee for the National Summit on GBVF.

The content of the declaration was further confirmed by the set of panellists who took part in a press briefing at the close of the summit. Participants included:

- Ms Susan Shabangu, Minister of Social Development
- Prof Olive Shisansa, the President’s Special Advisor on Social Policy
- Adv Praise Kambula, Head: Promotion of the Rights of Vulnerable Groups, DoJ&CD
- Adv Brenda Madumise and Ms Onica Makwakwa of #TheTotalShutdown

The press briefing was used as an opportunity to share the resolutions reached during the course of the summit, and to reflect on a range of other successes, and the next steps to be taken in driving implementation. The historic nature of the summit was also highlighted – with government and civil society collectively committing to fight GBVF.



## CONCLUDING REMARKS

While the majority of this report has reflected on the substantive content of the summit, it is important to also comment on the summit process, and the associated insights arising. Summit discussions were emotionally charged, with multiple perspectives, interests, concerns and needs represented amongst the delegates attending. These varied views and emotions were also evident within in-summit occurrences, such as via mini-protests staged by groups of participants at various points in the proceedings (e.g. during the President's address, when activists held up underwear with personal messages of GBVF – alongside calls for action).

The complexity of GBVF was further reflected via an incident that provided a clear example of 'Technology Assisted Violence against Women' (TAGAW) – where one of the survivors who had shared her personal story of GBVF was subjected to secondary victimisation when a delegate took a photo of her as she showed the audience her scars, and shared this via social media. Reflecting on the incident, a call was made for participants to use the space to "learn from our mistakes as we move forward", leaving as a united voice of womxn of South Africa. In addition, the incident highlighted the need for an agreed code of conduct for such events, and an ongoing awareness of the importance of consent and mutual sensitivity.

The robust and complex nature of some of the conversations and events taking place during the course of the summit serve as a direct window on the experiences of women and GNC persons in South Africa, and reflect the significant and varied work still needed to establish a society free from GBVF. Within the context of these complexities, there was however agreement that the summit, and the events that led up to it, represented "a historical turning ... [in] provid[ing] an opportunity for government, civil society and social movements to work together constructively with a common goal of eradicating gender-based violence and femicide in South Africa<sup>35</sup>". Despite moments of

discord, the summit provided an opportunity for all voices present – including "...survivors of gender-based violence; ...the government of South Africa; and ...South African society at large, ...coming from all walks of life, without any distinction in terms of race, colour, age, sex, gender identity, sexual orientation, disability, marital status, HIV status, language, ethnic or social origin, geographical location, political or other opinion, religion, conscience, belief, culture, birth, and nationality", to build on and own the indignation and activism that led to the summit.

**A golden thread ran through the events that led to, and continued across the course of the summit: the activism and agency of womxn as they stood up to say 'enough is enough'. This was even more evident in some of the summit's final moments, where delegates from different generations and ideologies came together in unison, singing and dancing powerfully in song, to the words:**

**"Asoze aphele Amandla. Lelilizwe ngelabafazi"<sup>36</sup>.**



35 Presidential Summit Declaration against GBVF. p. 5

36 "We will never give up/ lose power. This country is for the women."

# ANNEXURE ONE: COMMISSION-SPECIFIC ROLE-PLAYERS

## **Thematic area leaders:**

1. Laws and policies: Ms Kamogelo Lekubu-Wilderson (DoJ&CD)
2. Prevention: Ms Dululu Hlatsheni (DBE)
3. Response, care and support: Ms Siza Magangoe (DSD) and Ms Gogie Itumeleng (DSD)
4. Accountability and resourcing: Ms Josephilda Hlope (DPME)
5. Coordination: Ms Esther Maluleke (DoW)
6. Communications: Ms Phumeza Bangani (GCIS)

A range of role-players, serving as facilitators, secretariat and rapporteurs, further supported each individual thematic area task team – with each of these individuals playing a critical role in supporting and guiding engagements, and taking the process forward. Members of the task teams were drawn from across the various sectors and stakeholder groups – representing civil society, government, donor organisations, NGOs and other bodies.



## ANNEXURE TWO: MEMBERS OF THE PLANNING STEERING COMMITTEE FOR THE PRESIDENTIAL SUMMIT ON GBVF

<i>Name</i>	<i>Department/ organisation</i>
Adv Praise Kambula	DoJ&CD
Dr Olive Shisana	The Presidency
Ms Desmoreen Carolus	The Presidency
Adv Brenda Madumise	#TTS
Ms Sibongile Mthembu	#TTS
Ms Mmabatho Ramogoshi	#TTS/ SAWID
Ms Esther Maluleke	DOW
Ms Dululu Hlatshaneni	DBE
Ms Philile Ntuli	DOW
Ms Gogi Itumeleng	DSD
Ms Carina Coetzee	NPA
Ms Josephilda Hlope	DPME
Ms Phumeza Bangani	GCIS
Ms Lisa Vetten	WITS
Dr Pat Watson	DBE
Ms Nwabisa Shai	MRC
Dr Linda Naidoo	UN
Ms Phumzile Zulu	SAPS
Prof Mzi Nduna	WITS
Ms Tamara Braam	Independent
Ms Ntuthu Fuzile	LOVELIFE
Ms Anne Githuku Shongwe	UN WOMEN
Ms Sinah Moroane	UNICEF
Dr Abbey Hatcher	WITS
Ms Bikitsha Ntomboxolo	Independent
Ms Sibanda Nonhlanhla	CSVR
Ms Spino Fante	DHET

## ANNEXURE THREE: MINISTERS AND SUMMIT DELEGATES IN ATTENDANCE

One of the observations made in respect of the Presidential Summit against GBVF related to the attendance of both the President of South Africa, His Excellency Cyril Ramaphosa, and a large number of Ministers. Rather than simply making brief appearances, the following Ministers were present in and participated actively across most, if not the full set of proceedings:

- Ms Susan Shabangu, Minister of Social Development
- Adv Michael Masutha, Minister of Justice and Correctional Services
- Ms Naledi Pandor, Minister of Higher Education and Training
- Ms Bathabile Dlamini, Minister of Women in the Presidency

- Over 400 CSOs
- Activists
- Academics
- Members of the media
- Womxn and South Africans from all walks of life

### **Other participants included, amongst others:**

- Speaker of the National Assembly, Ms Baleka Mbete
- President of the Supreme Court of Appeal, Justice Mandisa Maya
- The President's Special Advisor on Social Policy, Dr Olive Shisana
- Members of the UN family and its respective agencies
- Foreign diplomats
- Parliamentarians
- Traditional leaders
- Trade union leaders
- Religious leaders
- Civil servants
- Survivors of GBVF
- Members of #TheTotalShutdown movement

# ANNEXURE FOUR: DECLARATION OF THE PRESIDENTIAL SUMMIT AGAINST GBVF



## PRESIDENTIAL SUMMIT AGAINST GENDER-BASED VIOLENCE AND FEMICIDE

2 NOVEMBER 2018

# *Declaration*



## PREAMBLE

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**WE**, the one thousand two hundred delegates of the South African Presidential Summit against Gender-based Violence and Femicide (GBV), held on 1 and 2 November 2018 in Pretoria, representing –

- (a) survivors of gender-based violence;
- (b) the government of South Africa; and
- (c) South African society at large,

and coming from all walks of life, without any distinction in terms of race, colour, age, sex, gender identity, sexual orientation, disability, marital status, HIV status, language, ethnic or social origin, geographical location, political or other opinion, religion, conscience, belief, culture, birth, and nationality;

**ACKNOWLEDGING** that the epidemic of gender-based violence and femicide in South Africa is a national crisis;

**AND RECOGNISING** those who have survived gender-based violence as well as those who sadly paid the final sacrifice as a result of gender-based violence and have become a statistic of femicide;

**AND ACKNOWLEDGING** that the Presidential Summit against Gender-based Violence and Femicide is primarily an outcome of the mobilization efforts by women living in South Africa who, on 1 August 2018, marched in all nine provinces to express the indignation against the increasing levels of gender-based violence and femicide in the country, and the ineffective justice system over the past years;

**AND FURTHER RECOGNISING** that on the same day, under the umbrella of #TheTotalShutdown Movement, some women also marched to the Union Buildings in Pretoria where they handed a Memorandum of Demands to the President of the Republic of South Africa requiring inter alia that a national gender summit be hosted in the country;

**AND THAT THEREFORE** this Presidential Summit against Gender-based Violence and Femicide is the President's response to this demand, and is henceforth considered as a historical turning point since it has provided an opportunity for government, civil society and social movements to work together constructively with a common goal of eradicating gender-based violence and femicide in South Africa.

**WE ARE-**

**DEEPLY CONCERNED that-**

- (1) The extent of gender-based violence and femicide in South Africa has reached crisis proportions;
- (2) The rate of femicide in South Africa is reported to be amongst the highest globally;
- (3) Gender-based violence, without excluding other related crimes like hate crimes and femicide, is an affront to our shared humanity as South Africans, a violation of the Constitution of the Republic of South Africa and an obstruction to sustainable human development;
- (4) The realisation of a prosperous and vibrant democracy is deeply compromised by violence directed at women and gender non-conforming persons who constitute more than half the country's population;
- (5) Gender-based violence impacts profoundly on the lives and well-being of survivors, families, communities and the broader society, and it potentially reproduces itself across generations;
- (6) Women and gender non-conforming persons are not homogenous groups and are subject to intersectional vulnerabilities exacerbating the inequalities, discrimination and oppression.



**AND WHILE RECOGNISING** that:

- (1) The Constitution of the Republic of South Africa sets the overarching framework for effectively protecting human rights of all persons, including women and gender non-conforming persons;
- (2) A range of laws, policies, programmes and interventions are in place across all sectors to address gender-based violence and femicide, and the needs of all who are affected.
- (3) Notwithstanding all interventions, prevention remains the key element in turning the tide against gender-based violence and femicide, which in South Africa has not received the necessary investment in order to make a positive and meaningful impact;
- (4) The implementation of the existing legal framework and its accompanying actions is not fully effective since survivors continue to experience high levels of secondary victimization and inadequate responses from the criminal justice system;
- (5) The psycho-social and related needs of survivors are not adequately addressed, with civil society organizations often bearing the brunt of providing care and response services in order to close service gaps in the justice system;
- (6) The existing inequitable and inconsistent resourcing approach to Thuthuzela Care Centres, sexual offences courts, shelters, Khuseleka One Stop Centres and other related facilities across South Africa, render these facilities inadequate in order to meet the needs of all sectors, particularly persons with disabilities and Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual (LGBTQIA+) persons;
- (7) Harmful gender-based stereotypes in media reporting of women's objectification, men's entitlement and normative gender roles contribute to fuelling the levels of gender-based violence and femicide;



- (8) There is poor accountability across all sectors providing services to survivors of gender-based violence, particularly in the allocation and use of resources in order to address the breadth and depth of the crisis.

**THEREFORE, WE-**

**REAFFIRM** our commitment to a united, comprehensive and effective prevention and response to gender-based violence and femicide in South Africa;

**AND SUPPORT** the call by the President of the Republic of South Africa:

- (1) To all South Africans to prevent and respond to gender -based violence and femicide,
- (2) For the establishment of a multi-sectoral coordinating body in order to lead and give oversight in all country interventions against gender-based violence and femicide;
- (3) For the allocation of necessary and adequate resources in order to eradicate gender-based violence and femicide, and also to resource the development and the implementation of a national strategy against gender-based violence and femicide;

**AND COMMEND** the pledge made by the President of the Republic of South Africa for committing to –

- (a) making financial resources available necessary to address gender-based violence and femicide;
- (b) listening to the women of South Africa; and
- (c) responding with the urgency required.

**THEREFORE, WE**

**RESOLVE** to work collaboratively in the total eradication of gender-based violence and femicide;



## DECLARATION

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### ***WE DECLARE THAT-***

#### **ARTICLE 1**

Political, government, business and community leadership take responsibility and support the cause of eradicating gender-based violence and femicide.

#### **ARTICLE 2**

Political, government, business and community leadership, and families be held accountable for actions and omissions that are contrary to the achievement of a South Africa that is free from gender-based violence and femicide, as determined in a national Code of Conduct or similar measure which will be developed by the multi-sectoral coordinating body, without excluding the existing related measures.

#### **ARTICLE 3**

An *Interim Gender-based Violence and Femicide Committee* be established immediately with resources allocated in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999) with the aim to -

- (a) establish a permanent national multi-sectoral coordinating body, and
- (b) implement actions listed in this Declaration, as agreed on by the said Interim Committee.

#### **ARTICLE 4**

The national multi-sectoral coordinating body -

- (a) be championed by the President of the Republic of South Africa;
- (b) be established within six months of the date on which this Summit Declaration is signed by the signatories below;
- (c) be allocated adequate resources for its optimal functioning in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (d) be governed by a statutory framework to ensure its effective functioning;
- (e) be inclusive in its representation, with at least 51% of its members coming from civil society;
- (f) comply with the principles of fairness and justice when exercising voting powers;

- (g) is transparent in the appointment of any person to its membership;
- (h) develops a National Strategy with Action Plan for gender-based violence and femicide not later than six months after its establishment, which must -
  - (i) be adequately costed and resourced in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999);
  - (ii) set out indicators to be complied with by all stakeholders, including civil society stakeholders; and
  - (iii) be monitored and evaluated on a regular basis by the national multi-sectoral coordinating body.

#### **ARTICLE 5**

The existing laws and policies applicable to gender-based violence and femicide are to be reviewed to ensure that they are more victim-centred and responsive, and that the identified legislative gaps are addressed without delay.

#### **ARTICLE 6**

The development of a regulatory framework for the functioning of religious, cultural and spiritual institutions be considered in order to curb gender-based violence and femicide perpetrated under the guise of religion and culture.

#### **ARTICLE 7**

The finalisation of outstanding legislative measures and policies that relate to gender-based violence and femicide, as well as the protection of the rights of women and gender non-conforming persons, be fast-tracked, in particular the Prevention and Combating of Hate Crimes and Hate Speech Bill, the Victim-Support Services Bill, and the policy relating to the decriminalisation of sex work.

#### **ARTICLE 8**

All laws and policies, programmes and interventions contemplated above, be adequately planned, costed and resourced, in line within the gender-responsive planning, budgeting and monitoring evaluation framework across government.



#### **ARTICLE 9**

A comprehensive costing and resourcing, in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), for the effective functioning and management of the facilities that render support services to survivors of gender-based violence be conducted, which include the Thuthuzela Care Centres, designated public health establishments, sexual offences courts, family courts, shelters and Khuseleka Centres, so that they are able to address the needs of all survivors of gender-based violence, including persons with disabilities and the LGBTQIA+ persons.

#### **ARTICLE 10**

Existing national gender machinery and similar mechanisms are maintained, resourced, strengthened and re-invigorated.

#### **ARTICLE 11**

Existing information and research databases are strengthened in order to develop effective and coordinated evidence-based policies and programming that are inclusive of persons with disabilities and the LGBTQIA+ persons.

#### **ARTICLE 12**

Support services to survivors of gender-based violence are improved with the view to ensuring-

- (a) ongoing capacity-building,
- (b) regular provision of compulsory trauma debriefing programmes,
- (c) specialization, and
- (d) strengthened coordination

informed by legislation, policies, protocols, norms and standards on gender-based violence and femicide.

#### **ARTICLE 13**

All services offered to survivors of gender-based violence are free from secondary victimisation.

#### **ARTICLE 14**

In view of the link that exists between gender-based violence, substance abuse and HIV infections, the interventions that address these social ills be evaluated, resourced and strengthened in order to meet the competing demands of this crisis.

#### **ARTICLE 15**

The integration of systems for the optimal management of data throughout the justice system be finalised without further delay, which must include the collection of disaggregated data relating to survivors and offenders, from the point of entry into the justice system to the exit, with unique identifier functionality.

#### **ARTICLE 16**

All communicators and institutions of communication develop, adopt and execute ethical guidelines or frameworks for reporting gender-based violence and femicide incidents in order to promote fairness, respect for dignity and privacy and also introduce compulsory social context training for the media and communication sectors.

#### **ARTICLE 17**

The existing education and training system be evaluated with a view to strengthening prevention initiatives in respect of, and responses to, gender-based violence and femicide at all levels of the said system.

#### **ARTICLE 18**

New social behaviour change programmes are introduced in communities or that such existing programmes are strengthened in order-

- (a) to address patriarchal values and norms and structural drivers of gender-based violence and femicide,
- (b) to target all people living in South Africa, including all persons strategically placed to influence attitudes, behaviours and practices, and
- (c) to be supported by an effective and resourced communication strategy in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999).

#### **ARTICLE 19**

Economic development for women that takes into account gender non-conforming and other marginalized groups is promoted.

**AND HAVING REGARD** to the adoption of the Summit Declaration by the delegates on 2 November 2018;

**AND HAVING AGREED THAT** this Declaration is the embodiment of priority actions setting a roadmap to a South Africa free from gender-based violence and femicide, as envisioned by the National Development Plan, 2030;

**AND HAVING ACKNOWLEDGED THAT** this Declaration is an affirmation of firm intent;

**AND HAVING FURTHER ACKNOWLEDGED THAT** the interpretation of this Declaration shall be in accordance with the ordinary grammatical meaning and within the context of the Constitution and the laws of South Africa;

**NOW IT IS THEREFORE PROCLAIMED THAT** this **PRESIDENTIAL SUMMIT DECLARATION AGAINST GENDER-BASED VIOLENCE AND FEMICIDE** is hereby assented to and signed by the following signatories:

**On behalf of the government of South Africa:**



**His Excellency President Matamela Cyril Ramaphosa**  
President of the Republic of South Africa

Date: 28 March 2019

**On behalf of civil society:**

No	Organisation	Representative	Position	Signature
1.	#TheTotalShutDown	Sibongile Antonette Mthembu	Steering Committee member	
2.	Call to Action	Nonhlanhla Sibanda-Moyo	Representative	
3.	Genderlinks	Lindi Zelda Khoza	Representative	
4.	KwaZulu-Natal Network on Violence against Women	Nizaam Edwards	Coordinator	
5.	National Shelter Movement of South Africa	Dr. Zubeda Dangor	Head of the Executive	
6.	Shukumisa Campaign	Shaheda Omar	Steering Committee Member	
7.	Stop Gender-based Violence Campaign	Rakgadi Mohlahlane	Coordinator	
8.	Women Inkwelo Network	Lesley-Ann Foster	Executive Director	
9.	Women on Farms Project	Rebecca Mort	programme Coordinator	



PRESIDENTIAL SUMMIT  
AGAINST GENDER-BASED  
VIOLENCE & FEMICIDE  
2 NOVEMBER 2018



# ANNEXURE FIVE: FULL SPEECHES, AS PRESENTED

## ANNEXURE 5.1: A WORD OF WELCOME B – MINISTER SUSAN SHABANGU

Good morning everyone. Welcome all: the President of the Republic of South Africa, His Excellency Mr Cyril Ramaphosa; Speaker of the National Assembly, Ms Baleka Mbete; Minister of Justice and Correctional Services, Minister Masutha; Minister Pandor; the coordinator, Professor Olive Shisana; members of the UN family; parliamentarians; the judiciary; labour organisations; the business community; traditional healers; traditional leaders; Civil Society Organisations that specialise in GBV; religious leaders; persons with disabilities; the LGBTQI community; older persons; youth; survivors of GBV; women who are here today; all South Africans from all corners of our country. I welcome you.

Welcome all of you. We are looking forward to a process through our discussions – where we are meeting in a space where we have various challenges; where GBV has become unbearable in our country.

I also want to take this opportunity to thank #TheTotalShutdown. I want to acknowledge them. We are meeting on this historical day, for the next two days, to try to find solutions – to say as a country what we are going to do to address this scourge of violence.

As we know, today becomes an important day, because the case of the Dros rape is taking place today. And as we are saddened and hurt today as a country, where while we are sitting and trying to find solutions, we are also facing major challenges, and we can't say when it will come to an end, what makes us feel comfortable is to see all stakeholders

come together to ask about what kinds of solutions we need. To ask important questions, like:

- Where has justice system failed us?
- With all the good laws passed since 1994, why are we still here today?
- Why have we not successfully dealt with matters of GBV in our country a successful way?

We still live in a country where women continue to be abused. We live in a country where even our homes are not safe. We talk about GBV. We talk about femicide. We read in our newspapers every day about a woman who has been killed, a woman who has been raped, a woman who has been psychologically abused – including economically. That is why we are gathered this morning, for the next two days, to ask what solutions we need, over and above what we have, as a country. We live in a democratic space – but can we also say that women are enjoying that democracy? These are the challenges which are bringing us together.

So I hope, over the next days, as we debate and discuss mechanisms and solutions – rather than simply having a talk-shop – I hope that we can find mechanisms with practical solutions that can take us forward in changing and making sure that the women of this country and the girl children of this country can enjoy our democracy, and be free to walk in whatever path of this country, without fear. That is why we are gathered today – to say: 'Where to – as South Africa? How do we change South

Africa? How do we make this beautiful country to not belong to some, but to belong to all of us, and to ensure that all of us can enjoy this democracy?’

We are looking forward to successful discussions, so that when we leave this place, we can say to the rest of South Africa that we have come out of this summit with tangible solutions – but also bringing hope to women – all of them in this country. So we are here to deliberate, and I hope for and look forward to constructive, successful discussions. This is going to be a journey. It must not be an event that happened at St George’s and ‘was nice’. It’s going to be tough. It’s not going to be easy. We must take unpopular decisions, if necessary,

to address this monster. If we can do that, and plot and chart the way forward, as a country, and as people who are representing various organisations, but representing every woman in this country, and that ordinary woman who is out there in Diepsloot – that woman must feel that the outcome represents her.

I want to say to you all: you are welcome; let’s feel free to engage; let’s be constructive. And let’s make sure, as we do that, that we represent not ourselves, but every woman in this country.

Thank you very much. You are all welcome.

## **ANNEXURE 5.2: INTRODUCTION OF THE SUMMIT'S BACKGROUND, OBJECTIVES AND PROCESS – MINISTER MICHAEL MASUTHA**

Programme Director

President of the Republic, His Excellency Cyril Ramaphosa

Cabinet colleagues present

Leaders of civil society

Leaders of the women's movement

Ladies and Gentlemen

We are gathered in this hall this morning to discuss and hopefully find solutions to a crisis that has been ravaging our country for far too long. Women and girl children live under the shadow of violence and death at the hands of men who claim to love them. Many have perished at the hands of the same men they thought would take care and shield them from harm. Let us rise to observe a moment of silence in their memory. You may rise.

Thank you very much. You may be seated.

To illustrate the gravity of the crisis at hand, I would like to share some statistics from the National Prosecuting Authority (NPA). From 2014 to date, a total of 117,811 sexual offences cases against women and children were reported. Except for a slight drop of 816 cases between 2016 and 2017, there is neither a sign of nor an actual reduction in the number of sexual offences cases.

More than half of the 117811 cases, i.e. 67,342 were offences committed against children. An additional 11,589 cases ranging from assault, crimen injuria and other forms of crimes were also reported – bringing the total number of crimes against women and children to 129,400.

Last year, the NPA began to collate statistics on femicide as a specific category. During the 2017/18 financial year, 79 femicide convictions, representing a conviction rate of 98.7%, were secured, with only one acquittal. In the first quarter of this financial year, 28 cases were finalised and 27 convictions were obtained, representing a conviction rate of 96.4%.

While the statistics on the rate of convictions reflect the successes of the system, much still needs to be done to improve the performance and efficiency of the criminal justice system, starting with policy, the collection of evidence, and the treatment of women from the reporting of cases up to the trial stage.

One of the notable and deeply concerning aspects of the incidents of sexual abuse in this country is that they occur among family members, friends and acquaintances. Another is that many cases do not get reported to the police, and it is often family, friends and community members who pressure the victims either not to either report cases or otherwise withdraw them.

The concept document leading to this conference has outlined six thematic areas for discussion. These are:

- Prevention
- Laws and policies
- Coordination
- Response and support
- Accountability and resourcing
- Communicating with the population

This approach is correct because it appreciates the multiple dimensions and manifestations of the scourge of gender-based violence and femicide. If I may, I would like to proffer brief comments on some of these themes.

To find lasting solutions to the crisis before us, we cannot avoid a thorough examination of the multiple causalities which give rise to the widespread incidents of sexual and other violence against women and children in our society. The statistics themselves point to a deep social malaise, which we must cultivate an in-depth understanding of. Some of the questions that attach to such an inquiry include, but are not limited to:

- Why does this terrible phenomenon manifest itself in such an ugly fashion in our country, more than in any other, and to the extent that it does?
- Why it is that a significant number of sexual crimes and femicide before our courts occur among family members, friends, acquaintances and known members of the community?
- Whether there are specific structural factors about our society which help fuel the crisis, more than in other societies elsewhere?

Left-wing political economy long held that: "The emancipation of a woman will only be possible when a woman can take part in production on a large social scale and domestic work no longer claims anything but an insignificant amount of her time." (Friedrich Engels, 'The Origin of the Family, Private Property and the State.')

Appreciating the interconnectedness of social phenomena as we all are, our efforts to rid society of the barbarism of gender-based violence and femicide must affirm the larger national task to affirm women to take part in production on a large social scale, thus to remove the albatross

of domestic work which confines and consigns women to the position of domestic serfs and easy prey for abuse.

In the recent past, there has been lively and heated national discussion about the system of patriarchy and its impact on gender roles, as a structural feature of social relations. This discussion must therefore be encouraged, in order to ensure that as a society, we find lasting solutions together.

Like any negative social consciousness which informs behaviour, defeating patriarchy requires a society that is aware and sufficiently intolerant to discriminatory social practices which negate social progress. One would therefore like to suggest that, as with race and racism, gender studies should occupy a prominent place in the social studies school curriculum that our academic and other institutions of research should provide guidance and solutions to.

May I, at this juncture, welcome you all, and may I wish us successful deliberations in striving to find successful and lasting solutions to GBV in our society.

I thank you very much.

## ANNEXURE 5.3: VOICE OF CIVIL SOCIETY – MS NYIKO LEBOGANG SHWIKWAMBANE

Greetings to the survivors of GBV in this house, to gender non-conforming persons, to the young people, to the women, to the ministers of parliament, to the cabinet, to the president. All protocol observed.

A question was asked in the first address of this meeting: Why have we not addressed issues of GBV in an effective way? This is because we have inherited colonial institutions – but we have not mastered how they favour patriarchal leadership, patriarchal culture and decision-making. So today I want to speak to those girls who grew up in the townships and in rural areas, who were taught by their grandmothers and mothers about a mythical creature called Pinky, who lurked in the toilets or in dark spaces. Who would make girls disappear. Who policed girls out of public spaces. Who made them fearful to move by themselves. Who taught them that this world, this land is not yours – you cannot walk freely. I want to speak to the women who cannot walk a kilometre in this country without looking over their shoulders; without being groped or harassed. I want to speak to those women who rely on public transport, and even in those public transport services, are not safe – are harassed. And how these girls then moved into the education system, which teaches a gender binary. In English, in a colonised language, which I believe is inferior to the complexity of our own African languages in understandings of gender binaries. These same young women and gender non-conforming persons then go to higher institutions of learning and march in the streets from 2015 and 2016, under the banner 'Fees must Fall'. We are still here. This is us. We are calling for decolonisation. This is exactly what we mean. If we are to understand the scourge of gender-based violence, it is about how we have inherited colonial institutions that cannot understand our positionality and our oppression. But what we have done is created

our own institutions. Institutions of learning that exist outside of colonial institutions. This is what civil society as a space has done. It has become our school. It has become our way of learning – spaces where we have created a language, a culture for ourselves, through movement building and through organising. Welcome to our school, government. Welcome to school.

Good morning class. I have one question for you today: How many centimetres? How many centimetres long is the political will to end the scourge of violence against women, against children and against gender non-conforming persons?

What is required here is something so profound. And I'm going to say it like it is. What is required here is the patriarchal suicide in leadership, in decision making, in who decides which ministries or what kind of Chapter 9 Institutions get what type of budgets. Are we prepared to do that?

On the 1st of August, civil society activists gathered under the banner '#TheTotalShutdown'. We marched in all nine provinces, and we presented 24 demands. We are here today because of activism. We are here because of defiance. We are here because of women coming together and speaking truth to power. We have not forgotten. We had deadlines to the 24 deadlines. Everything has been delayed. We have not forgotten. We have 24 demands.

Here is a summary of the civil society position for the summit:

- Firstly, we demand a national council against GBV. We demand that this should



be appointed immediately to develop a National Strategic Plan that is costed and budgeted for

- Secondly, we demand a clear commitment and a plan towards a ring-fenced budget to address GBV as part of broader national gender responsive budgeting plan approach.
- Thirdly, a roll out of a national public campaign to raise awareness in communities on how to fight violence against women, and educate and train all public servants, political; religious and

traditional leaders, and those who work with survivors of violence, on women's rights and gender sensitivity.

- Fourthly, we call upon the president to grant parole to women who were jailed for killing abusive partners in self-defence or as a result of psychological distress.
- And lastly, we demand that you prioritise and fast-track the decriminalisation of sex work.

Thank you very much.

## **ANNEXURE 5.4: IMPROVING THE ROLE OF THE JUDICIARY IN ENDING GBVF – JUSTICE MANDISA MAYA, PRESIDENT OF THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**

Programme Director, Mme Minister Shabangu  
His Excellency, the Honourable President of the  
Republic of South Africa, Ntate Ramaphosa  
Honourable Speaker of Parliament, Mme Mbete  
Honourable Ministers Masutha, Pandor, Dlamini  
and other Cabinet Ministers present  
Premier Lucas  
Other dignitaries and leaders who are here present  
Gender activists who tirelessly keep the woman's  
cause on the nation's agenda  
Esteemed guests  
Ladies and gentlemen  
Good morning

I do not really know what to say after listening to the powerful and heartrending stories of unspeakable crimes perpetrated against innocent women we just heard earlier, whose spirits remain unbroken against all odds. But then, such is the resilience of Woman. I am truly ashamed that I am part of the society and the justice system that visited these unspeakable acts and pain upon them. I am immensely proud of their courage and bravery. They have literally taken the words out of my mouth.

As we remember Karabo Mokoena, Reeva Steenkamp; Eudy Simelane; Anene Booysen; baby Tshepang and many other victims – Khwezi – and many other victims of brutal gender-based crime – and hope that their suffering was hopefully not in vain, I wish to add the courageous and eloquent survivors who just spoke now, and the countless others who are not here with us and whose cases, unfortunately, have not even been documented. It is truly a shameful indictment against our beautiful country and her people – us – that we should have to meet like this to deliberate on how to stop ourselves from cannibalising our own children

and women. But it is our reality and we must deal with it. Most encouraging that our president has recognised the need to convene this gathering. Acknowledging that there is a problem in one's homestead is always the beginning of the solution and hopefully, healing.

As has been pointed out, that the mechanisms in place are not effective – but I will point them out anyway, so as we deliberate, we know what we have in our arsenal. Our Constitution, as we know, has various provisions that protect a whole array of rights. And in today's context, the more foundational rights are those found in Sections 10, which guarantees human dignity, 11, which guarantees life, and 12, which guarantees freedom and security of persons. These rights illustrate our nation's commitment to the creation of a society that is free from violence of any nature, and which puts a high premium on a person's bodily integrity. Gender-based violence and femicide directly violates these foundational principles.

In addition to these constitutional provisions, South Africa has a vast array of statutes that are meant to address the challenge. Starting with the National Crime Prevention Strategy (NCPS) of 1996 that was established to acknowledge that crimes of violence against women and children are matters of national priority. We have the Criminal Law Amendment Act 105 of 1997. The Criminal Procedure Second Amendment Act 85 of 1997. The Domestic Violence Act 116 of 1998. The Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007. The Criminal Law (Sexual Offences and Related Matters) Amendment Act 6 of 2012. The Maintenance Act 99 of 1998. And this flurry of activity/ these statutes show that government has seen that there is a serious problem. Once one statute did not work, another one was enacted, and so on. We even had the Sexual Offences Courts that were introduced

to focus on the expeditious adjudication of cases involving crimes and transgressions of a sexual nature. Regrettably, though, these courts, which served a very useful purpose, are no longer operational, I suppose due to a lack of resources/funding/ infrastructure, which has led to an over-burdening of the criminal justice system, which is simply not adequately equipped to deal with this extraordinary enemy. The responsibility of ensuring that those responsible for committing gender-based violent crimes are brought to account rests on the criminal justice system. The various relevant role-players such as the police and the prosecution, health-care providers, social services, etc., all need to combine their efforts in order to guarantee justice for victims of these crimes. Where for example the police do not carry out their constitutional duty and fail to investigate crimes properly, as usually happens, the whole process collapses. The offender is then released back to society with the possibility of reoffending. If the victims do not know what remedies are available to them, then it is all meaningless.

The courts, guided by various principles of our legal system, which is adversarial in nature, (has to be stressed), play a crucial role in ensuring just outcomes in these. They bear the difficult task, when the guilt of an offender has finally been proved, of finding the right balance between a just sentence, on the one hand, and a clear message that will deter gender-based violence in society on the other. On that note, it needs be said that it is quite evident from the resurgent nature of these crimes that would-be offenders are generally not deterred. Life terms of imprisonment are metered out daily, but the crimes continue, unabated. This goes to show that gender-based violence is not a problem that can solely be addressed through the courts. It demands a structured attack by various sectors of our society, as we have here, starting in our homes where we raise our children, especially our boy children, and where the moulding of their world view begins.

The courts have tried to play their part. They have, in various judgments, delineated the obligations imposed by the Constitution and the law on these bodies, to ensure that justice against the offenders is metered out. For example, in the case of Carmichele v Minister of Safety and Security<sup>37</sup> - a well-known case, the High Court and the Constitutional Court held that the common law of delict required development in order to reflect the constitutional duty on the State and, in particular, the police and the prosecution, to protect the public in general, and women in particular, against the invasion of their fundamental and guaranteed rights by the culprits of violent crime. Again, in State v Baloyi, the Constitutional court highlighted that the Constitution imposes a direct obligation on the State to protect the rights of all persons to be free from domestic violence.

The courts have also delivered a number of important cases, which emphasize the rights of victims of gender-based violence and continue to send out strong messages that gender violence is not acceptable, and that the State will be held accountable for upholding the rights of women. Cases abound. Landmark cases include Omar v the state, which upheld the provision for protective orders in the Domestic Violence Act. Van Eeden v the Minister of Safety and Security<sup>4</sup>, which found the Minister responsible for damages in a rape case involving three off-duty police officers, and Carmichele v the Minister of Safety and Security & another, <sup>5</sup> held the Ministers liable, in a case of rape, for negligence in that the State did not take measures to protect the victim, as the prosecutor failed to inform the presiding officer that the accused had previously physically assaulted the victim, so that he was not afforded bail.

Recently, the Constitutional Court upheld a confirmation case of the High Court, in May, in Levenstein & others v Frankel<sup>38</sup> which ruled that the Criminal Procedure Act should be amended to abolish the prescription period of 20 years for sexual offences and other forms of gender-based violence. The Court held that the impugned

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37 1 Carmichele v Minister of Safety and Security & another (Centre for Applied Legal Studies Intervening) 2001 (4) SA 938 (CC).

38 S v Baloyi & others (CCT29/99) [1999] ZACC 19; 2000 (1) BCLR 86; 2000 (2) SA 425 (CC) (3 December 1999).

section undermines the State's efforts to comply with its international obligations, which impose a duty on the State to prohibit all gender-based discrimination, and does not afford the survivors of sexual assault other than rape or compelled rape, the right to pursue a charge, after the lapse of 20 years from the time the offence was committed. Importantly, the declaration of invalidity is retrospective to 27 April 1994, when we achieved democracy. So no place to hide. And, subsequent to that hearing, Minister Masutha stated in his 2018/2019 budget speech that the Criminal Procedure Act would need to be reviewed for, amongst other things, this very purpose.

All considered, it is fair to argue that South Africa's legal framework and jurisprudence are pioneering, and have attempted to alleviate if not eradicate the scourge.

Courts need to be constantly reminded that as the final arbiters in matters involving gender-based violence, they have the power to protect abused women and to effectively punish the offenders, and in so doing, send a clear message to perpetrators that such conduct will not be condoned, nor be allowed to persist in our society. They need to be reminded that they have the inherent ability to ensure that courtroom policies and procedures are sensitive to the victims, and that women victims who go through the legal system are not subjected to secondary trauma in the form of harsh, humiliating and unnecessary cross-examination, when they present themselves in courtrooms to testify. As one colleague, Justice Cameron, once pointed out, 'Judges do not enter public office as ideological virgins. They ascend the Bench with built-in and often strongly held sets of values, pre-conceptions, opinions and prejudices. These are invariably expressed in the decisions they give, constituting "inarticulate premises" in the process of judicial reasoning'. This means that judges are the creations of their societies and naturally, they carry all sorts of prejudices and stereotypes, of which they may not even be aware.

So while there has been a tectonic ideological shift in the ways in which judges adjudicate matters relating to gender-based violence and femicide,

and the conduct of many judicial officers can be commended, there has to be a standardization of these norms, so that it is incumbent on the courts to pay attention to the treatment of victims in these cases. The fate of these victims should not be left to the off-chance that the individual judge will be sensitive to the dynamics at play.

Courts must also promote victim safety, while being respectful to all parties involved in these matters. To this end, legal representatives, especially those who represent the offenders, can also contribute to the improvement of judicial responses in matters of this nature. So, judges, prosecutors, defence lawyers and the relevant court personnel such as court interpreters need to be trained – and social context training comes to mind – to provide the required degree of expertise in handling matters of a sensitive nature. There are many challenges – especially in the magistracy – and there is a large scope for improvement. I look forward to hearing from you as we go forward with the deliberations on how the courts and the legal system as a whole can be so improved in the execution of their judicial function to effectively adjudicate these crimes.

In closing, while many laudable strides have been taken in the legal sphere to address the scourge of gender-based violence and femicide in our society, and the social consequences associated with it, the strides have simply not been up to the challenge. As I mentioned before, the courts alone cannot alleviate, let alone eliminate the scourge. It demands the concerted effort of all South Africans, and more particularly, clear and achievable plans, particularly from the executive sphere of government, some as were identified by the earlier speakers here. But I am very hopeful that with the collective will and the many minds gathered here, and most importantly, the President's willingness to be used as a weapon to fight this demon, we will make headway in these two days and I trust that we will have successful deliberations.

Thank you for your attention.

## **ANNEXURE 5.5: ADVANCING WOMEN'S RIGHTS AND SAFETY IN A DEMOCRATIC SOUTH AFRICA - MS BALEKA MBETE, SPEAKER, NATIONAL ASSEMBLY OF SOUTH AFRICA**

Programme Director, thank you.

The earlier session we have just come from was a very difficult one. I was saying to the President that one understands why women are such angry people. Unfortunately this anger, many times, comes out when we deal with our children, when we are bringing them up. That's where we take our anger out, unfortunately. It becomes a cycle. We have to work hard to prevent this.

Good morning.

Mr President, thank you very much, on that day, the 1<sup>st</sup> of August, for getting up – even though you were supposed to be resting. The women of #TheTotalShutdown campaign, they said: "We are not moving until the President comes". Thank you for dropping what you were doing and coming to listen to the women.

We wouldn't be here if it wasn't for the success of that campaign all over the country – where you saw the women marching and saying: 'Enough is enough'. Thank you.

But, the struggle is only beginning. That session was difficult because it was very painful – it was raw. It placed issues on the table in front of the whole country. She showed us that scar which we had to look at as South Africa. Many of the things we are going to be talking about in commissions and other discussions here in this summit are not new. The women who are not very young will tell you that these issues are not new. The solutions we are going to discuss: some of them we have tried, and things did not go the way they were supposed to – because of patriarchy, and also because of the challenges we experience in

the actual implementation process. That's why I think that, just because things did not go the way we thought they should, it does not mean we should necessarily dismantle everything we have tried. We should not necessarily dismantle everything. We have very good policies. It all comes down to implementation. The story is about implementation.

For years we have known we have good policies, programmes, actual budgets. It is not the budget. Do not blame money. We need to look at every minute detail of implementation. Yes, corruption. We need to fix that which is wrong, including the corruption. If the money is there, the next question is: Are we deploying the right people? Are we holding people to account? Are we doing things according to rules? I am saying this is where we must concentrate, Mr President. We will come to a point where we must go to the commissions, and in each one of them, break things down, identify the problems we know, and identify what needs to be done about them so that we don't continue doing the wrong things.

We didn't immediately have a Women's Ministry. We created a gender machinery, including Gender Focal Points in each department. The question is: when deploying people to Gender Focal Points in each department, are we looking carefully at the skills? Are we sure those focal points are empowered, capacitated by having the right personnel – men or women – with the right skills? Or do we not care? We just put a little desk in the corner there? If we do that, we are setting ourselves up for a situation of a gender focal point to plan for events. What needs to happen is we need to have the people with the right skills. The issue in government, in parliament, even in all three arms of the State: Are we effectively capacitated in the people we give jobs too? Maybe sometimes we



appoint friends. It is wrong; we're setting ourselves up for failure. If we don't have the right capacity, we are not serious.

South Africa is very famous for its good constitutional framework, to create a new society. A society where everyone has equal rights. But how do we advance women's rights? It's not just about knowing and saying these statements about women's rights are human rights. It's not even about the Constitution. The whole world is impressed with the Constitution. But how many of our people understand when you say to them: do you know you have constitutional rights? Have we explained and educated so that they understand that they have constitutional rights (and I'm talking about both men and women). Because there in the squalor under which most of our poor communities live, people are struggling for survival. They have no clue that they have rights. We must realise that this is part of the battle. It is important for people, and in particular women, who also suffer under 'culture', religion and other practices. We are the ones who are at the centre of the life of the family. You need to at least have that consciousness.

Men are not our enemies. We love men. They are our brothers, fathers, husbands, boyfriends – but we must fight the culture of GBV. And if we think we are going to fight that when we sit in our various corners, and not come together and think together, we will not succeed. We are deployed in different places – some are housewives, others are in health, in parliament, in the Multi-Party Women's Caucus, where women don't care about which political party they come from. Where they know that part of the responsibility for being a Member of Parliament (MP) must involve making a difference in the lives of women in society. The fact that there are 267 constituency offices which are spaces in communities all over the country is key. Those offices must be a resource that we also factor into what we are going to be saying about the future. So that part of what an MP, elected by us, must commit to when they come to parliament, is that this Constitution that we talk about, with

rights and equality, is implemented. We have a responsibility to open up those offices, so that in those communities where those offices are, women who need to be listened to and who need to be advised can come to those offices and get assistance, advice and be listened to, and receive help on where they should go and what do they need to do when they are being abused by their partners. Let's deploy those PCOs – those officers – as part of a resource. Let's do things differently, better. Let us maximise on what we have at our disposal.

I see we are going to be breaking into six commissions. In two of them, we will be unpacking a number of 'what is possible' from the side of parliamentarians and parliament and institutions and structures we have – so that the State and resources we have and are pouring into some of these areas; that we use them better. We might assume that if we have all these offices in communities, and some of these problems are happening in communities, that people will come to the constituency office – to the MP or elected person or a member of the provincial legislature or a councillor.

The national plan of action on GBV, which is due to be finalised, is something we are waiting for anxiously. We are winding up as a parliament, and we are writing a legacy report for the 6<sup>th</sup> parliament, the future parliament to learn from. What will come out of this summit, the national plan of action, the high-level summit that Dr Shisana was part of: these are all instruments that can lay a basis for a plan of action for the next five years of parliament – in terms of the focus areas for parliamentarians to look out for, when they do community work. This picture we are listening to is horrendous.

We have the Constitution, the laws, the policies. We created a national council to deal with GBV in 2012. In 2014, it was dismantled. Why? Sometimes we are very impatient and we change things that maybe we needed to improve on rather than dismantle. We need to find out the problem areas and improve. We have institutions supporting

democracy. They include a body that is part of the national machinery that was formed many moons ago – the Commission for Gender Equality. The Ad Hoc Committee in Parliament, chaired by the late Comrade Kader Asmal, provided a range of recommendations. One is not popular with many in this hall. I hope that some of you will pronounce on this issue when we are in commissions, because a strong view is emerging that we need more; we need better. We can't dilute or allow a structure that is supposed to be one of the few that focuses on us women to be dismantled. It's a discussion out there, and we want to hear more today. We are ready to be persuaded, as we check, in Parliament, if we should do all that Comrade Kader recommended.

On the 24 demands, points 5, 6, 7, 9, 10, 14 – these touch on the work of Parliament. We will be part of discussions in the commissions, and will scrutinise what can be done and come back with the necessary proposals. It comes to implementation, implementation, implementation. But you won't get far without the skills you need. How do you expect them to be effective without skills? And of course, discipline and integrity.

A further recommendation for the President: this is not only about us, but about the country; about society. The country and society needs a change of mind-set and culture. This thing of thinking that assault is normal – that when a man assaults you, it is a reflection of love: that was a mentality in the township when we were growing up. It shocked me, and I have never forgotten it. We need a concerted campaign focusing on young people in that regard.

Mr President, we need the right messages to be put out in the public space. I suggest we sit with artists and people from arts and culture, so that messages can come in different forms – songs, poems, stories – but with the right message that changes the understanding of our people in our communities, where we have gotten used to being abused.

The last proposal is about producing large numbers of appropriately skilled civil servants, to be deployed in strategic positions across the State – and this must include the apex offices of all three arms of the State. We will not do this unless we have people with the right mind-set and the right understanding of what this battle is about.

I thank you.

## ANNEXURE 5.6: MESSAGES REFLECTED WITHIN THE KEYNOTE ADDRESS: PRESIDENT CYRIL RAMAPHOSA

Programme Director, Minister Susan Shabangu

Minister of Women in the Presidency, Minister Bathabile Dlamini

Minister of Justice and Correctional Services, Adv Michael Masutha

Minister of Higher Education, Mme Naledi Pandor

Premier of the Northern Cape, Mevrou Sylvia Lucas

Traditional Leaders amongst us

President of the Supreme Court of Appeal, Mme Justice Mandisa Maya

Speaker of the National Assembly, Mme Baleka Mbete

Members of Parliament

The Chairperson of the Gender Commission, Mme Lulama Nare

The head of UN Women, Ms Anne Shongwe

Excellencies

Ambassadors

Representatives of civil society – and I am pleasantly informed that there are about 400 civil society organisations represented here

Government officials

Fellow South Africans

It is a real pleasure to be here, but it is also a moment that has filled me with a great deal of sadness and a deep sense of shame, as a man in South Africa.

We are gathered here – as South African women

and men – to respond to a crisis that is tearing our society apart. It is a crisis that affects every community in our country and that touches the lives of most families in one way or another. Gender-based violence is an affront to our shared humanity as South Africans. The unrelenting murder of women in our country – for no reason other than that they are women – is steadily corroding the soul of our nation. Survivors of sexual violence and abuse, be it physical, psychological or economic, often live with these scars for a very long time.

When abuse occurs in a situation of trust, whether in the family, in the church, in the schools of our nation, or elsewhere, the sense of betrayal is indeed intensified. The physical and psychological effects may look like they are receding, but they very rarely disappear. One moment of violence can have permanent consequences on the lives of women.

Most of us can testify that we know someone who is a survivor – a survivor of gender-based violence – or who has in some way or other been affected by the heinous crimes committed against women in our country.

In August, I made a commitment that we shall convene this summit to develop a national plan of action against gender-based violence. I'm often criticised for having a penchant for calling summits or meetings, but what I have found is that these summits and conferences and meetings do give us an opportunity to talk to one another and to listen to one another. They give us an opportunity to listen to the stories of the women who sat here, who quietly told their stories in a harrowing way, and who reduced a number of us to tears as they related the deep pain that they feel, and as they related how their lives have been shattered at the hands of men. I made this promise that we would hold this summit, and I'm glad that we've lived up to this moment. This promise was made following the activism by very brave young women in our country – #TheTotalShutdown movement. I'm

glad that they stood up and said that enough was enough, and that they would embark on the action that they embarked on. And today we are here as result of the activism that they demonstrated. That activism was borne out of pain and anger. I had to go to the union buildings late at night, as you, Madame Speaker, related – and I was exposed to some of the most harrowing stories that these young women had to tell. And they held their marches around the country to highlight the scourge of gender-based violence and femicide in our country.

We are agreed that we need a multi-sectoral approach that responds to the demands of the women who marched on that day, and that also strengthens the broader interventions that address the causes and effects of such violence. The proposals that have been put forward here are definitely proposals that we are going to act on. We have it within us – from relooking at how our budget is constructed, right through to looking at the structure to deal with gender-based violence. Truth be told, I am also delighted that the judiciary is here – that Justice Mandisa Maya is here – because as we look at the multipronged approach that we need to have to curb the scourge of GBV, we do need to have conversations and collaborations with a whole range of people who are deployed in various key areas of South African institutions.

So today we are here to listen and to learn, and I, for one, learnt quite a lot from the issue of the demand that is being made about parole to women who are incarcerated because they are forced to go in to do certain things. Yes, we have heard that, and we have listened very carefully to the 24 demands that were put forward in August. The steering committee, as has been led by Dr Olive Shisana in my office, is looking very closely at how we can best address and fulfil those. So what the women of our country are saying is not landing on deaf ears. We hear as a government, and we will live up to making the lives of our women better. We have heard all these stories from survivors. We are here to hear their voices and to learn from their lived experiences. The lived experiences of women and of minor children are going to inform our responses to gender-based violence.

This phenomenon of gender-based violence is a global one. As South Africans, we don't want to hear stories that it happens in other countries, because we are preoccupied with our own situation, as South Africans, which we must correct, because it affects our lives as South Africans.

But the World Health Organisation tell us that 35% of women worldwide experience either physical or sexual intimate partner violence or non-partner sexual violence – as experienced in 2013. This is an alarming figure that underscores the need for cooperation in overcoming gender-based violence – at national and global level.

In South Africa, we know that the problem is even more severe. We are a country with high levels of violence and criminality. Slightly more than 20,000 people were killed in the past year. The majority of the perpetrators and victims were men. The most recent data from the World Health Organisation shows that South Africa's femicide rate was 12.1 per 100,000 in 2016. This was almost five times higher than the global average, which stands at 2.6 per 100,000. We are at the most upper level with regards to GBV. It therefore requires that all of us must get involved in finding solutions. This is precisely what this summit is all about.

According to the SAPS Crime Statistics report of 2018, femicide increased by 11% over the last two years. This is totally unacceptable. Stats SA reports that 138 per 100,000 women were raped last year – the highest rate in the world.

We cannot, we should not, and will not, rest until we have brought those figures down to zero. Our objective must be to bring this number or rate to zero. We must aim for a femicide rate of zero per 100,000. We want to reach a point where no woman, we want to reach a point where no child or no man has to experience the violence, the violation, the trauma of rape.

There is no acceptable level of gender-based violence. We want to eradicate it. This is a scourge that we can never say: it is ok if we have just a little bit. We must never have GBV in SA. This summit therefore gives us the opportunity, the tools,

and the moment of reflection, of discussion, and coming up with real decisions that need to be taken to end GBV.

Women are often violated by their intimate partners, that we know – and this often happens in the privacy of their homes. They are slapped, hit, raped, assaulted and emotionally abused and killed because they are with a man who feels entitled to exert power and control over them. There is a danger that society begins to normalise such practices and say yes, these things happen, as the speaker was saying, in her input.

That is why we need to be vigilant. Condemnation needs to be constant and consistent; perpetrators need to be prosecuted. This is where our criminal justice system must come to the aid of the women of our country. This is where the criminal justice system must demonstrate that yes, it is there to protect the women of our country. It requires that we address societal issues of patriarchy. We also need to address economic relations and changing the way of thinking about gender relations.

Patriarchy means that men feel entitled to exert economic or other forms of power over women. We have to draw a line, and say we must bring an end to patriarchy. Because it is this sense of patriarchy that makes men have a sense that they own women – that they own other human beings – it cannot go on. It should not be allowed. This can lead to situations where women may find themselves tolerating the injustices that are perpetrated against them simply because they may have inadequate economic or emotional resources to walk away from a dangerous relationship.

Social perceptions about the roles of girls and boys, and preconceived notions of how women and men should behave, are often harmful to the development of both sexes. When we improve the way we raise our children, we can go a long way to preventing violence against girls and boys. And this is where the demand that was put forward by my sister, Ms Shwikwambane, makes a lot of sense – where she said, in the five demands she raised, that we need to roll out and raise awareness, and this awareness also needs to reside in the home.

This is where we need to inculcate a culture of respect for one another. This is where young men must be taught that women are not their footballs. This is where young men must be taught to respect women. And this is where we must inculcate in the heads and the minds of our young men that violence against women is unacceptable.

We must raise boys and girls with the knowledge and understanding that no person has the right to treat them as inferior or to harm them in any way, and that boys and girls are equal in all respects. This is what we should do. And this is a call we need to make the parents of our country – that as we bring up our children, boys and girls must be treated equally. But we must also realise the vulnerabilities of young girls and women. A society that does not support notions of authority and control over women, and does not tolerate violence against women, is more likely to reduce gender-based violence.

We must name and shame those who perpetrate violence against girls and women.

Most importantly, we must ensure that our law enforcement officers are themselves trained – and this is where as government we have a big task – they must be trained to investigate the cases of abuse, to get convictions in these cases. As our law enforcement officers – be they prosecutors, police officers and others who handle these cases – we as South Africans must get the sense that they are professionals and that they know what they are doing and that they will deal with these cases with the sensitivity and the capability that it requires.

There are several intersections between violence experienced by women and violence experienced by children. The effects of trauma on children are quite severe, and last way beyond the immediate instances of violence. Children who experience violence are more likely to experience violence or become perpetrators of violence themselves in adulthood. The Department of Basic Education needs to complete its curriculum transformation programme. They need especially to audit the learning materials for latent sexism and racism. The Department also needs to urgently speed up



its programmes aimed at offering psycho-social support to vulnerable learners.

The programme to train officials and educators as well to be able to recognise – just as they are teaching these young people in their classrooms – to be able to recognise abuse that is taking place, and the risk that learners are exposed to, as they grow up. This is an important aspect that we need to work on in our education system. In 2015, we were able to start this process – and it needs to be mainstreamed by including such training in the pre-service training curriculum.

Alcohol and drug abuse is a major risk factor associated with gender-based violence. Many of us can attest to this. Researchers suggest that alcohol and drugs either induce violence or are used as excuses for perpetrating violence on women and children. Our country has significant substance abuse and the problems that give rise to this are enormous. We need better policies and programmes to prevent substance abuse.

Our society is too tolerant of violence against women, to the point that pressure is put on women to withdraw charges against the perpetrators. Sometimes it happens in families with families putting pressure on women and children not to press charges against abusers. Many of us may have experienced it in our own families, when families get together and say that this will shame the family - so please do not proceed with pressing charges. We need to be less tolerant on issues of violence against women and children.

A critical component of prevention strategies for gender-based violence is the empowerment of women. Studies that were conducted here in South Africa show that where interventions are linked to the economic and social empowerment of women, intimate partner violence is much more decreased. Where women become more economically, socially and culturally empowered, they develop greater capacity to be able to extricate themselves from abusive situations. We need to invest more in research that develops evidence-based interventions to end gender-based violence.

More importantly, we do need to embark on various interventions that will economically empower the women of this country. It is for this reason that a number of programmes that government is focusing on is now directed towards empowering the women of our country.

Research shows contradictory results about whether the economic and social empowerment of adult men makes a marked difference on whether they continue to perpetrate violence. However, better results are found where education programmes target boys and young men. It is at this level where we need increased levels of raising consciousness. Boys and young men who participate in school-wide programmes targeting change in social attitudes tend to show a marked reduction in peer violence. This points to the need to target our education programmes at young children in order to make a difference in attitudes from the very start.

Despite having progressive laws and being a signatory to many international instruments – such as the Convention for the Elimination of All Forms of Discrimination against Women, and the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power – our country, South Africa, does not have an effective, coordinated response to the scourge of gender-based violence. This failure to implement our laws and policies effectively is doing a complete disservice to the survivors of gender-based violence and others affected by violence.

Protection orders can be obtained in terms of the Domestic Violence Act and, once issued by a magistrate, are enforceable throughout the country, but very often survivors have to flee to other parts of the country, where it becomes difficult to obtain copies of those orders without going through the whole process again. We heard the stories this morning of how the system that is meant to assist women is a system that disempowers them. We should examine the possibility of introducing a national registry for protection orders.

Government has responded to two specific demands raised during the August marches

–#TheTotalShutdown marches: conducting a review of national plans to end gender-based violence, and the development of a National Action Plan on gender-based violence. This is what we are committed to doing. As you heard, Minister Shabangu, working with Minister Dlamini, are going to come forward with an action plan. This will be done together with civil society, and we have already undertaken a review of our POA addressing Violence against Women and Children, and plan to launch the revised POA in 2019. So in 2019, we will move ahead to make sure that this action plan is implemented – and we will want to do this with the active participation of all various civil society organisations that we have been working with.

Let me immediately say that the experience we have had (and I have been getting reports on an ongoing basis) – the reports we have had about how much more improved the work we are doing, together with civil society at the presidency level, is – has really been wonderful. We would like to see this level of collaboration continuing on an ongoing basis, even as we put the POA together. And this we will continue to do as we see the dividends from these efforts.

A frequent complaint is that the police and the court system are not equipped, nor are they capacitated to effectively assist survivors of gender-based violence and sexual assault. This is tragically borne out by the numbers of women and children in our country who tell stories – and some of them are quite harrowing – of being turned away by the police when they go to report crime, the number of rape and sexual assault cases which are never prosecuted, this is something that should come to an end.

As we work to address this, we need to hear from those who interact with our criminal justice system. We would like open dialogue; open discussion; so that we are told about what is working and what is not working. I would like to believe that this summit will give us that great opportunity of people talking and having a dialogue about what is working and not working. We need to hear about where we need to improve. And colleagues, the door is open. We don't need to break this

door down. This door is open, and we must work together to end GBV.

We are asking you, who deal with these issues on a regular basis, to work with us in developing effective response and also to come up with support mechanisms.

The Thuthuzela Care Centres, our unique one-stop, integrated response to incidents of violent sexual acts against women and children, aim to reduce secondary victimisation, improve conviction rates and reduce the cycle time for finalisation of cases. This is one of our more effective interventions and we must develop concrete proposals on how we can strengthen the operations of these centres. Where these centres are not working optimally, we want to hear. If it is a shortage of money, we will make money available for this. We agree with the demand that has been made – that we must continuously ensure that lay counsellors at these centres undergo training on an ongoing basis, to deal with the needs of victims of violence.

One of the specific demands raised by activists was to establish a central, national coordinating structure for dealing with gender-based violence. That is a demand that has been made. We would like to discuss here at this summit what form this structure should take, what must its mandate should be, and who should be on this structure.

Government does extensive work in this area and we have done a lot of work as part of the review of the POA addressing Violence against Women and Children. The Department of Social Development has identified a number of possible models that are being assessed for their effectiveness and efficiency. Arising from here, yes, we will agree with the demand that a structure should be set up. Now we need to discuss the full mechanisms of how this structure will work. We need to engage with the proposals from civil society and see where we find each other.

We must seriously re-examine how we talk about violence against women and children and how our discourse reflects societal norms. It was extremely distressing to hear ordinary South Africans question on social media and other platforms,

why a parent would let a child play by herself after a six year old was recently raped at a well-known restaurant. These are questions that should never arise. The degree of victim blaming evident in this approach is appalling. We find similar or worse victim blaming in statements such as “Why does she stay with him if he beats her?” or “Why did she wear a mini-skirt to the taxi-rank?” or “How drunk was she?” The language we use, too often, places the responsibility on the victim to not be raped or hit instead of placing the blame where it belongs: on the perpetrator. This expression of patriarchy makes it even harder for survivors of gender-based violence to seek justice, because, before anything starts, they are being blamed.

As a society, we must applaud the courage of women like Cheryl Zondi who are prepared to testify about their ordeals, and who are prepared in the most painful way, to lay down an account of their experiences in the public arena. Their courage is what we need to applaud. As a society, we must express our deep gratitude to women like Cheryl Zondi for leading the way in the struggle against sexual violence and affirm our commitment to support and protect them.

Let us pledge here and now to begin to change the way we communicate about gender-based violence and sexual assault. Our language must empower and support the voices of survivors. The communication commission at this summit needs to propose how we educate the media, and more importantly, broader society, on how to communicate in gender sensitive ways.

South Africans have consistently shown that we have a great capacity to deal with big, contentious issues through meaningful and respectful dialogue. This is part of our DNA. We have never shown a fear to deal with difficult issues, and so it must be with this difficult one. Let us now do this again. Let us put aside the issues that divide us and work together for the greater good. Even as we are angry, and yes, we feel the pain, let us make sure that our anger does not come in the way of putting a clear and straight forward message on the table so that all of us can be on the same page.

I call on all South Africans to become champions of the fight against gender-based violence and femicide. This is a societal problem. It should never be seen as a problem for women alone. It is our collective problem – men and women – all of us, as South Africans. And it requires multi-faceted and society-wide responses. And yes, we need, as Minister Shabangu was saying, to see it as a process – we should never see it as a one-day event – where, after rising, all of us see this as solved. We need to see it as a journey, and all of us should say that we have now embarked on a determined journey as South Africans to resolve this problem.

Personally, I pledge to you that government is here, and we are listening, and we will continue to respond to your concerns and, may I add, to your demands as well. We are looking to this summit to provide clear direction on a comprehensive national response to gender-based violence.

Yes, my dear sister, even on issues of decriminalisation of sex workers, these are issues that all of us South Africans must get involved in the dialogue on this. On certain issues, South Africans may not see issues in the same way. Our job, our task, is to make sure that we move all South Africans who are holding on to their old views about sex work, who are still holding on to archaic notions – that we convince them about the direction we need to go. The best way to do so is to engage in dialogue; the best way of doing so is to make sure they understand our point of view as well. This is the challenge I put to you as well.

We are looking to this summit to provide clear direction on a comprehensive national response on GBV. I am convinced that by working together, by confronting all these difficult issues, and by mobilising all South Africans, we shall create a society where women and children feel safe and are safe at all times and in all places of our country. I invite you therefore: let us walk this journey together. Let us get all South Africans moving in the same direction, so that we can eradicate GBV in our country once and for all. I invite you to join all of us in this journey.

I thank you.

## **ANNEXURE 5.7: ENDING VIOLENCE AGAINST WOMEN, AND GBVF: DR NARDOS BEKELE-THOMAS, UN RESIDENT COORDINATOR IN SOUTH AFRICA**

Good morning my dear sisters and daughters.

I think I will salute all those who are here today – representatives of the government, all civil society organisations, our colleagues in the UN, good morning to you all.

Today I am addressing you, not only as the head of the UN here in South Africa, but as a child of Africa, and also as a woman, a mother, a grandmother. And therefore, sometimes I can become emotional, but you can understand. The past two days have been extremely difficult for all of us. But as difficult as they have been, I think and I believe, they have been historic, and they have been necessary. They have really brought to the fore the gravity of the challenge South Africa is facing on this issue of GBV. They have highlighted the most pervasive violations of human rights in the world. One of the least prosecuted crimes, and one of the greatest threats to lasting peace and development. It has brought us to reflect that we have to do much more to respond to the cries for justice of women and children, who have suffered violence. We have to do much more to end these horrible acts – and thus act against the impunity and corruption that allows these human rights violations to continue.

The numerous statistics and reports that we often read and use to make the case against GBV often remove the personal element of this evil deed – that behind every incident reported in this forum, there are lives that are devastated. I say ‘Lives’, because, as we have seen through these powerful testimonies, it is not just the single life of the victims affected, but the lives of those close to the victim. One act of violence against a woman, is one act of destroying a family, a community, a nation. Because it is us women who are effectively the rocks upon which our families, our communities and our nations are built.

I would personally like to thank the brave and courageous members of #TheTotalShutdown

movement. Congratulations ladies, my sisters, my daughters. I would also like to thank all the women who have participated at this summit over the last two days. In particular, at this summit, those who have stood up and said ‘No more’. We should not take for granted the courage required for you, dear daughters and dear sisters, to stand in front of an entire nation, to share your pain. Especially when those testimonies are streamed live through various media, and you know that the perpetrators are watching. When all the cameras have been switched off, and the media attention has moved on to other issues, we must continue to find other ways to work with and protect you, courageous women, from any further violence that may come your way because of your brave testimonies. You are the leading legends, and we bow to you.

Most of my points and reflections have already been taken care of by the commissions, and thank you for the wonderful work that the various commissions have done – great job. And whatever I say will be to echo and underscore what has already been contained in the commission report and what will come out as a declaration at the end of this day.

- 1) My dear sisters, a problem is normally classified as a social problem when it satisfies four conditions: firstly, when the cause of the condition is social; secondly, when the social condition seriously harms large numbers of people in the society – which means that the phenomena is wide-spread, and not just confined to a small group of people; thirdly, when the condition harms the growth and continuation of a society; and fourth, when there is a widespread agreement that the condition is wrong, that it is a threat to society, and that it must be changed. When we consider GBV in South Africa, it satisfies all of the four elements of what constitutes a social problem. And I would venture to

argue, and to also echo what has been said by the commission, that it has escalated beyond a social problem, and could be classified as a social crisis.

I truly believe GBV is a national crisis, and it deserves an emergency response, like any other crisis that this world faces. To this effect, if we agree that this problem constitutes a social crisis, we must institute emergency responses commensurate to this crisis. I would strongly recommend that we consider the establishment of a multi-disciplinary rapid response deployment team, which should be on call as and when emergencies occur. Our rapid response approach should be timely and efficient. It should seek to end a culture of hopelessness, a culture of corruption and impunity, and foster a new culture of value-based justice and support for all women and children. The young survivor said that she needs closure for her mother's killing. We should call for a rapid result or rapid response, for this issue – and it's not only her. All those that came here, all the survivors, need to get closure to what they've had to endure to date, and for this, I think an emergency response is very important. And we can go one by one and identify the steps to take, and we put a rapid results initiative around each of them, individually, and liberate them from the past. The wounds need to heal.

- 2) Two: We need to seriously reflect on the consistent theme that has come out over the past two days – that is, the victimisation of the victimised. It is becoming more and more evident that our core systems – and I am not talking about South Africa but about Africa in general – that our core systems and institutions, because of lack of capacity, because of bureaucracy, because of corruption, because of impunity, because of the patriarchy, tend to victimise those who are already victimised.
- 3) Three: From our proceedings over the past two days, there is a common understanding

that society at large should care when it comes to issues of GBV. Our view is that this is not an issue only for women – but requires the collective thoughts and activism from everyone in society. In this regard, for UN women – as you know, we have the 'He for She' campaign, which is a partnership with the Catholic Bishops Conference, that focuses on the training of men to take a zero-tolerance stance to GBV. This is in acknowledgement of the fact that we would see such a difference if men from all facets of society took responsibility. This is not relegating the struggle against GBV to the mercy of men. But it is a realisation that this is a societal challenge – it is a societal crisis – that requires all of, without any exception, to act together.

Without boring the audience, I would also like to highlight that there are many initiatives and programmes that the UN undertakes in this fight. To mention just a few: the Secretary General's initiative of the Unite Advocacy Campaign to end violence against women; the Commit initiative, the Spotlight initiative (in collaborative effort with the EU) and many others – all focusing on ending domestic and family violence, sexual and GBV, harmful practices, femicide and trafficking. We need a coordinated approach. We need to work with you. Hand in hand.

- 4) Four: From our discussions and the commissions' reports, we can clearly observe that many actions of men are driven by embedded behaviours and attitudes towards women. To this end, we agree that we start prioritising the education and behavioural moulding of the young boy and girl child – and consciously negate the patriarchal consciousness that shapes their thinking. Special attention should be given to young boys. We as parents also have responsibility to this effect.
- 5) Five: the key components to effective implementation are: transformative leadership at all levels; capacity; attitude;



and cooperation. I commend the President for committing resources and capacity to the TCC – and urging those who have negative experiences of the justice system to speak out so that government can improve its performance. I agree – we need to look into that and reinforce and build the capacity of the centres. I urge government to ensure that national gender mechanisms and their focal points be well-trained and resourced, and that gender sensitive PBM&E is main-streamed throughout departments.

- 6) We suggest that civil service performance contracting be effectively implemented. This is so important. Our action plan should be the responsibility of the various entities. These entities should be held responsible. That responsibility can only be effected if there is performance contracting. At end of the year, we gauge the performance of civil servants vis-à-vis the results that we have stipulated. So it is something I would really like to submit to you.
- 7) South Africa is one of the member states that has signed its commitment to achieving the Sustainable Development Goals (SDGs) by 2030, which clearly outline the commitment towards eradicating all forms of violence against women. The country's own NDP highlights this commitment as one of the central pillars of the country's development objectives. Our common understanding today is that we address the challenge within the context of the powerful realisation of the indivisibility of our development challenges. Gender violence cannot and should not be understood outside of its inter-connections and linkages with other social problems. I am glad that the commission report underscores the need for a holistic view of the development of women in society.
- 8) We welcome the President's commitment to establish a GBV coordinating framework and commensurate structure to oversee,

guide, resource and monitor the National POA addressing Violence against Women and Children. We salute the oversight role of Parliament to oversee and monitor delivery on the POA. The targets set out in the NDP and National POA addressing Violence against Women and Children are a responsibility for all government departments, civil society and other duty bearers. I commit the UN and we pledge that our UN collective support (this is the UN collective support) will be provided within this common framework and not outside it.

- 9) My dear sisters, in order for government to be held accountable, South Africa needs to regularly undertake research that shows the true prevalence of GBV and takes into account the experiences of the many, many silent survivors of GBV. We cannot rely on SAPS for data on femicide, sexual offences and assaults, where this depends on survivors' faith in the justice system. The UN in South Africa undertook a piece of research on 'bystanderism' with GBV. Survivors reported that they do not want to report their violent partners to the police, because they think that R50 later, their violent partners will be back in the home, and they will be at more danger than ever. Those women would not be included in the statistics we rely on. So we need to establish an intelligent system – an intelligent system that will inspect hot spot areas – like the brothels, the townships, etc., and report. And this is based on the suggestion of one of our survivors. You are right.
- 10) As the commission's report highlighted, individuals in government need to lead by example and be held accountable. There is need for a Code of Conduct for every service provider so that implementation is carried out without patriarchal or hierarchical systems preventing its enforcement. I give you an example: we are not immune in the UN. We share the same problem. But in the UN, the Secretary General committed, in

May, to eradicate sexual abuse, harassment and abuse of power in the workplace, following the me-too campaign. Since then, a whistle-blower policy has been put in place and UN staff are being monitored and investigated with a wide reporting mechanism. This is proving to be very effective. We call on the government to enforce the Code of Conduct and Whistle-Blower Policy with immediate effect for all civil servants – especially for frontline health workers, police and magistrates, to lead by example and set standards to the corporate world and civil society to follow – so that a safe workplace for every employee is guaranteed.

My sisters, behaviour change starts with you and me and everyone in this country, to ensure everyone is free from fear. I am going to appeal to my daughters – our leaders, our future leaders, at this point in time. I was here, sitting, and it's a mother who is talking. I feel your anger. I was crying with you. I am a mother of four daughters. Whatever has been said is not something remote to me, it's so close to me – it's in my heart. I feel you. But I beg you, let the anger not talk. Let the anger not be the subject. Let the true subject be the subject. I am saying this as a true mother committed to be with you, committed to be with you – and not as an outsider.

To conclude, I would like to commit the entire UN development system to support all efforts aimed at responding to this social challenge. We realise this is not an issue of a single agency, but the spotlight and expression of our entire UN system, comprising of 17 agencies, present here in South Africa, in support of your country. Simply because we understand the multi-sectoral nature of the problem, all our human intellectual resources are at the disposal of the people of South Africa. Our approach to this issue is that, at the core, let it be a

concerted effort to change behaviours. Behaviours are changed one percent at a time, one household at a time, one community at a time. This means that we must all work very closely with civil society, because it is civil society that can help us reach the millions we need to reach. Because the rising civil society movement of South Africa was courageous enough to end impunity, in fighting against sexual abuse. We have seen that with awareness and determination, and your advocacy, leading us to be aware, and that awareness leading us to be determined for change, and informing us, leading us, and telling us that with unity of purpose comes the strength to overcome all the challenges and hurdles of GBV. We salute you for leading us come to this conclusion, in making us follow you, in making us understand the deep repercussions of this ill, and making us – and forcing us – to follow you. We are with you, and we work with civil society organisations when it comes to GBV.

These past two days have shown us that the time for complacency is passed, and belongs to another era. The silence on violence against women and children, and the impunity with which this happens has been broken. Now is the time for much stronger action, like all the speakers insisted yesterday. The Speaker of Parliament said so, the President said so, the Minister said so, and all of you said so.

If I must leave you with one key message, it is this: our determination, our resolve of these last two days needs to be translated into action and implementation. This could only happen with an effective leadership – and we demand this leadership at all levels. Because we know we are going forward. The motto is go forward, never backwards. The struggle continues until no one is left behind.

I thank you.

## **ANNEXURE 5.8: STATEMENT OF SUPPORT BY THE EU: SWEDISH AMBASSADOR, MS CECILIA JULIN**

Ladies, ladies and ladies and some gentlemen. Ministers, and representatives of Parliament, and representatives of the Chapter 9 Institutions, but first and foremost, all of the representatives of civil society who are here today, and especially representatives of TheTotalShutdown.

It's an honour to speak to you today on behalf of the European Union (EU). I will speak on behalf of the EU, and of the members of the development parties, members of the gender coordination group, at the closing of this very important Presidential Summit against GBV and Femicide. On behalf of the development parties and members of the gender coordination group that comprises the EU, the EU member states, USAID and Canada – we closely work with South Africa on promoting gender equality and curbing GBV. We would like to congratulate the South African government and civil society for a very successful and enriching summit. Violence against women and girls remains one of the most systematic, wide-spread forms of human rights violations around the world. We know it affects all societies, cutting across generational, socio-economic, educational and geographic boundaries. Violence against women and girls has a profound impact on individuals, households, communities and society overall.

The level of GBV here in South Africa is equivalent to that in countries in conflict, and the number of women killed by their intimate partners is four times the global average. As we know, according to the Crime against Women in South Africa 2018 Report by Stats SA, violent crimes against women, such as sex assault, have increased dramatically over the last years. We have heard some very strong, brave and courageous testimonies to that here – and I think we all feel that justice has to be rendered. As development partners, we definitely share your concerns about the high prevalence of domestic and sexual violence, specifically against women, girls, LGBTQI persons in South Africa. Violence seems to be socially normalised, legitimised and accompanied by a culture of silence and impunity that needs to be changed.

We have all committed to Agenda 2030 for sustainable development, and its SDGs – especially Goal # 5, which specifically calls on governments to: “Eliminate all forms of violence against all women and girls in the public and private spheres”. Despite this, 45 countries in the world have no laws to protect women against violence in the home. It means that over 603 million women presently live in countries where domestic GBV is not even punishable.

If we do not collectively put an end to this scourge of violence, South African women, girls, children, LGBTQI person will not be able to realise their basic human rights, their sexual and reproductive rights, and their full and invaluable contribution to the socio-economic improvement of the country, as embedded in South Africa's National Development Plan 2030. And as development partners working actively in the gender sector, we would like to join South Africa in your commitment to prioritise the fight against daily violence experienced by women and girls. We know that ending violence depends on the collaboration between many stakeholders and across various sectors of society. We hope that this summit has allowed the building of consensus on key priorities that have to be addressed, and has set the way for improved leadership and coordination between the many actors involved.

We as development partners commit to align our support to your established priorities, objectives and plans. Our programmes and projects encompass prevention, rights awareness, care and support services, reforms, as well as related programmes in sexual and reproductive health rights, and economic empowerment, all of which are intertwined with GBV and gender equality. Our support takes place in various forms, including through the exchange of experiences, sharing of best practices, and funding to government and civil society in areas that bring added value and additionality. As development partners, under the leadership of the South African government and through the gender coordination group, we are committed to continue and improve the

coordination our actions, to collectively improve the support, response and prevention of GBV. We should also not shy away from raising, if necessary, any issues that require improvement on either side. As part of our mutual accountability obligations, we also commit to transparency in our actions and would like to be kept informed and, if possible, involved in the follow up process on the outcomes of this summit – as well as progress and policy implementation. And we call on all development partners, including the private sector, to really seriously join the fight against GBV. We are hopeful that efforts such as those agreed at the Presidential GBV and Femicide Summit will help establish new values and change attitudes, and ultimately lead to implementing locally responsive interventions that promote gender justice and equality, and a society free from violence. At the end of the day, we will judge our own efforts and we will certainly be judged by others, but most importantly, we will be judged by the women and girls of SA as to whether we were successful in reducing, or possibly eliminating GBV. If I may end, I would like to quote my own Foreign Minister, Margot Wallström, from last week's debate at the UN Security Council on Women, Peace and Security: "No woman needs to be 'given a voice'. Everyone has a voice. What is needed is more listening."

Thank you so much.