



Commission for Gender Equality

A society free from gender oppression and inequality

ACCOUNTING FOR WORK IN PROGRESS?

Assessing progress on the establishment of a national coordinating structure on gender based violence.

Research Report 2020



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ABBREVIATIONS AND ACRONYMS

CEDAW:	Convention on the Elimination of all Forms of Discrimination Against Women
CGE:	Commission for Gender Equality
CSOs:	Civil Society Organisations
CSVr:	Centre for the Study of Violence and Reconciliation
DOJ&CD:	Department of Justice and Constitutional Development
DPME:	Department of Planning Monitoring and Evaluation
DSD:	Department of Social Development
DWYPD:	Department of Women, Youth and Persons with Disabilities
ERAP:	Emergency Response Action Plan
GBVF:	Gender-Based Violence and Femicide
GBV:	Gender-Based Violence
ISC:	Interim Steering Committee
LGBTQIA+:	Lesbians, Gays, Transgender, Queer, Intersex, Asexual and others.
NCGBV:	National Council on Gender-Based Violence
NPA:	National Prosecuting Authority
NSP:	National Strategic Plan
PEPUDA:	The Promotion of Equality and Prevention of Unfair Discrimination Act
SADC:	Southern African Development Community
SC:	Steering Committee
UN:	United Nations
VAWG:	Violence against Women and Girls

FOREWORD AND ACKNOWLEDGEMENTS

The Commission for Gender Equality (CGE) was established, in terms of Section 181 of the Constitution of the Republic of South Africa, 1996, as one of a number of independent constitutional bodies to support democracy in South Africa. Its work derives from Section 187 of the Constitution, which, among others, states that the CGE “must promote respect for gender equality and the protection, development and attainment of gender equality”. Further elaboration of the CGE’s mandate is provided in the Commission on Gender Equality Act¹, which enumerates various of its powers and functions under Section 11.

This report was compiled by the CGE as part of its constitutional and legislative mandate to monitor and assess the activities of organs of state, statutory bodies or functionaries; public bodies and authorities; and private businesses, enterprises and institutions, in order to promote gender equality. From its activities, the CGE may make any recommendations that it deems necessary, and, as per its obligations, report to Parliament regarding its activities.

This report provides insights from a discussion and analysis of the information obtained through fieldwork and other activities carried out by the CGE project team to monitor and assess the work of government to realise the commitments made during the Presidential summit on gender-based violence and femicide in November 2019. Obviously, this is a collective effort by government in partnership with key role players from civil society, the development sector, academia and others.

The key aim of the summit was to articulate the collective demands of all role players regarding the need for government and other concerned stakeholders to develop an effective, long term, well-resourced and sustainable national response and appropriate interventions to combat gender-based violence (GBV) and violence against women and girls (VAWG).

Currently, critical programmes, activities and related processes have been put in place, under the leadership of an Interim Steering Committee (ISC) established in line with the summit declaration, to ensure that the country addresses the scourge of GBV. As will be indicated in the report, while the work was conducted under limiting circumstances, the CGE still hopes that the discussion, analysis and insights drawn from this work will be of significant benefit to the government and other stakeholders in the gender sector.

It is important to note that this work is far from complete, and that the CGE looks forward to continuing to monitor and assess the work of the government, spearheaded by the

¹ Act 39 of 1996

ISC on GBV and femicide. We hope that the work will be completed successfully, leading to the development of effective, long term, well-resourced and sustainable responses and interventions against GBV in general and VAWG in particular.

The CGE is grateful for the cooperation and assistance received, sometimes under limiting circumstances, particularly from some government officials and members of civil society organisations, who were able to provide insights, views and opinions into current efforts to assist the country to move towards developing effective mechanisms and strategies to deal with GBV and VAWG. The CGE also appreciates the access allowed to its project team to observe some of the formal activities of the ISC, including some of its meetings and community consultations in several provinces, especially during the early phase of the project fieldwork.

This report was compiled by the following CGE researchers who comprised the project team that carried out the work. It was edited and finalised by Thabo Rapoo (Director: CGE research department).

- Naledi Selebano (Project manager)
- Lieketseng Mohlakoana-Motopi
- Lindelwe Motha
- Thabani Mdlongwa

1. INTRODUCTION

South Africa has, over the years, experienced high levels of gender-based violence and femicide (GBVF) accompanied by constant media reports of gruesome murders of women. This persistent media coverage also served to keep the issue of violence against women on the public agenda, generating repeated public outcries and demands for effective action by the state.

In a 2019 report that provides an analysis of data on crimes committed against women in South Africa, Statistics South Africa shows that the rate of femicide² is five times higher than the global average³. This means that women in South Africa are five times more likely to be killed as a result of GBV compared to other countries around the world. This high rate of GBVF in the country was the key factor that prompted thousands of women and other activists to march to the Union Buildings on 1 August 2018 to highlight the plight of women and girls in the country and demand immediate and urgent action. This led to the government, under President Cyril Ramaphosa, working closely with civil society organisations, convening a Presidential summit on GBVF on 1 – 2 November 2018 to deliberate on effective responses and interventions to curb GBV and violence against women in South Africa.

On 28 March 2019, a summit declaration was signed by the State President, launching in public the collective commitments of government and representatives of civil society organisations to take the necessary steps to address the scourge of GBV and violence against women. To fulfil some of the key commitments spelled out in the summit declaration, an interim steering committee (ISC) on gender-based violence and femicide (GBVF) was established, in line with Article 3 of the declaration, and given the responsibility to put in place the necessary programmes, processes and activities.

This report derives from the mandate of the CGE which states that the CGE shall monitor and evaluate policies and practices of:

- (i) organs of state at any level;
- (ii) statutory bodies or functionaries;
- (iii) public bodies and authorities; and
- (iv) private businesses, enterprises and institutions,

² Femicide refers to the murder of women on the basis of their gender.

³ Statistics SA (2018). 'Crime Against Women in South Africa, An In-Depth Analysis of The Victims of Crime Survey Data', Crime Statistics Series Volume V (<https://www.statssa.gov.za/publications/Report-03-40-05/Report-03-40-05June2018.pdf>)

in order to promote gender equality and may make any recommendations that the CGE deems necessary.

As part of its mandate, the CGE is required to promote respect for, protection, development and attainment of gender equality in the country. The Constitution specifically gives the CGE powers to “monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality”⁴. This mandate is elaborated further through the CGE Act⁵.

The report discusses and analyses some of the important activities relating to progress achieved, including some of the key challenges facing the work of the ISC on GBVF in its enormous responsibility to fulfil some of commitments contained in the summit declaration.

The structure of report includes various sections including the introduction which contains an explanation of the methodology and approach of the study and related issues, including the limitations and constraints faced during the fieldwork phase; and a section providing a brief background on GBV in South Africa and on this study. The major section of the report contains discussions of the data from the fieldwork and findings in several subsections. This is based on the information obtained from fieldwork and available documents on various aspects of the ISC, including its structure, operations and programmes, and activities related to developing the country’s response and interventions to combat GBV in line with the outcomes of the Presidential summit on GBVF. The report ends by drawing some conclusions and recommendations.

1.1. RESEARCH APPROACH AND METHODOLOGY

As indicated above, this project was carried out by the CGE to monitor and assess progress achieved and the challenges faced in implementing the programmes and activities aimed at developing the necessary responses and interventions for government to combat GBV and violence against women in South Africa. These programmes and activities are the direct result of the Presidential summit that took place on 1 and 2 November 2018, culminating in the launch of a summit declaration containing commitments with regard to what needs to be done by government and other key role players to address GBV and VAWG.

The study adopted a qualitative research methodology, with the work of the ISC on GBVF serving as the major focus. The approach was deemed appropriate because it is suitable for research studies that are interested in revealing the nature of a particular

⁴ The Constitution of the Republic of South Africa, Act 108 of 1996, Section 187 (2)

⁵ Act 39 of 1996

situation, settings, processes, relationships, systems and people, including determining how and why actions and activities occur the way they do⁶. Furthermore, through in-depth probing, interpretation and analysis, it is expected that the qualitative approach would help the researcher gain new insights into particular social phenomena.⁷ In this case, it was hoped that the approach would be crucial in examining and assessing the programmes, tasks or activities and related processes put in place by the ISC to fulfil some of the specific commitments expressed in the submit declaration.

Some of the methods accompanying this approach, especially for data collection, included primary fieldwork involving first-hand observations of some of the meetings, workshops, consultative events and related activities carried out by the ISC on GBVF or its thematic sub-committees and working groups. A total of seven of these provincial consultative meetings were observed in Limpopo, Free State, Gauteng and Western Cape.

In addition, interactions and formal interviews with key role players and/or participants in the formal activities of the ISC and its sub-committees and working groups were intended to form an integral part of the primary field activities for data collection. In the case of the planned interviews with selected participants and key role players, the informants were to be identified and selected based on their roles, participation in and in-depth knowledge and understanding of the structures, programmes, activities and processes related to the work of the ISC on GBVF as well as the role and activities of other key stakeholders such as government and civil society organisations (CSOs) involved in current activities to address GBV in the country.

In terms of attendance to the various public events and activities of the ISC such as meetings, workshops, consultations and deliberations, it should be noted that the CGE project team members' involvement were strictly confined to first-hand observations as part of the CGE's constitutional mandate to monitor and evaluate efforts by government and other entities to address GBV in South Africa. The CGE project team members therefore did not seek to participate and contribute directly in order to avoid influencing the activities and decisions resulting from such activities. This would have been beyond the scope of work of the CGE project team.

The formal procedure involved in seeking and gaining access to observe and monitor these activities involved the office of the CEO of the CGE writing a formal letter addressed to the co-chairpersons of the ISC on GBVF to formally convey the CGE's request for access to observe these activities. The CEO's letter also conveyed the CGE's constitutional mandate to monitor and evaluate programmes, activities and related processes and procedures put in place by state and other institutions to combat GBV.

⁶ See David E. Gray (2018), *Doing Research in the Real World*, 4th ed., pp. 263-264.

⁷ Paul D Leedy & Jeanne Ellis Ormrod (2010). *Practical Research: Planning and Design*, 9th Ed. (Upper Saddle River, NJ: Merrill).

In addition to the above methods of data collection, the project also utilised available secondary (published or unpublished) sources made available by the ISC and various state institutions, as well as independent sources including academic institutions, CSOs, independent commentators and activists with relevant knowledge of the key issues. In addition, the media as well as internet-based sources of data were widely used. Based on these methods, various types of documents containing some of the relevant or vital information were obtained and subjected to content analysis for insights on the progress being made (and challenges faced) as part of efforts to develop the country's response and interventions to combat GBV.

1.1.1. Objectives of the study and key research questions

This study seeks to achieve a number of objectives:

1. To examine and assess the programmes, processes and activities currently in place to address GBV in the wake of the Presidential summit declaration on GBV.
2. To monitor and assess the operation of the ISC on GBV established in line with Article 3 of the summit declaration.
3. To examine and assess the role and participation of key role players, particularly government and CSOs, in the work of establishing the multi-sectoral coordinating body on GBV in line with Article 4 of the summit declaration.
4. To monitor and assess the work of drafting the national strategy and action plan on GBV in line with Article 4 of the summit declaration.

The following question is central to, and guided the work carried out by the CGE in this project:

- To what extent were the necessary programmes, activities and related processes and procedures put in place to develop the country's effective responses and interventions to address GBV in line with summit declaration?

An essential part of the central question above is the responsibility of the ISC to lead the process of establishing a permanent, multi-sectoral coordinating body on GBV.

1.1.2. Constraints/limitations of the study

A number of constraints were experienced during the fieldwork phase of this study, which constituted important limitations to this study. These are outlined briefly below.

- The first major constraint for this exercise was the limited access to official information on the work of the ISC on GBVF. During the early phase of the study, the CGE project team was allowed to attend the formal activities, including meetings of the ISC on GBVF. However, access and permission to attend the meetings were withdrawn.
- With the withdrawal of access to the meetings of the ISC on GBVF followed limitation of access to official information on progress (including official reports) relating to the programmes and activities of the ISC on GBVF.
- The poor relations between the ISC on GBVF and the CGE project team made it impossible to request and obtain vital information from the leadership and secretariat of the ISC on GBVF.
- Officials from government departments and members of the CSOs directly involved in the work, programmes and activities of the ISC on GBV were extremely reluctant (some even fearful) to provide official information or be formally interviewed on work being carried out under the ISC on GBVF. A total of 15 individuals or members of the ISC (both from government departments and CSOs) had initially agreed to be interviewed on the work of the ISC and progress achieved or the challenges being experienced. However, all these individuals subsequently withdrew from the arranged interviews and insisted on the CGE obtaining written permission from co-chair and social policy advisor to the State President, Professor Olive Shisana. Such written permission was not obtained at the time when the study fieldwork was conducted.

In spite of these limitations, the CGE project team was able to obtain information, even if limited in many instances, from other sources including individuals who participated in the various activities under the ISC on GBVF. However, such individuals were often fearful and therefore, in many cases, provided only limited information and/or partial insights and strictly on condition of total anonymity. Therefore, information and such insights could not be directly attributed to such sources to ensure their confidentiality.

Some of the information was publicly available, especially information and documents formally approved for distribution by the ISC leadership to the broader civil society membership, including the CGE office of the CEO. Such information, combined with other freely available public information from other sources such as the media and government departments, were utilised to assist the CGE project team to develop an understanding and gain some insights into the important work being carried out under the leadership of the ISC on GBVF. This includes progress achieved and the challenges experienced in fulfilling the commitments expressed by government and civil society partners as contained in the summit declaration document.

Due to the constraints outlined above, the project team relied on the veracity of limited information obtained or made available, sometimes by sources operating under difficult circumstances. Our discussion and insights into the work of the ISC, including progress made and the challenges faced, are therefore the result of available information and insights gained under the circumstances described above. Nonetheless, the project team strove to complete its work and compiled this report based on the veracity of available information, recognising the limits and constraints outlined above.

1.1.3. Statement of ethical commitments

- Informed consent

Before commencement of interviews, participants were informed about the study, its goals and objectives and, where possible, a letter containing the above information was provided. Participants were afforded the opportunity to ask questions or seek clarification on any aspect of the study that might have been unclear.

- Voluntary participation

None of the participants were coerced to participate in the study or promised any incentives.

- Confidentiality and anonymity

Participants were informed that the study will culminate into a research report and that their names would not be disclosed in any documentation or presentations on the study.

- Beneficence

The right of participants to be free from harm, uneasiness and mistreatment was respected. Since this research involved human participants, it sought to ultimately contribute positively to the human condition through informing policy makers to make the necessary changes to current programmes, especially those that are not achieving their intended objectives or outcomes.

2. BACKGROUND CONTEXT OF GENDER-BASED VIOLENCE IN SOUTH AFRICA

2.1. BRIEF BACKGROUND ON GENDER-BASED VIOLENCE IN SOUTH AFRICA⁸

South Africa is ranked amongst countries with the highest rates of violence against women, girls and children in the world⁹. Some of the most heinous types of violence women and girls include intimate partner violence, especially the killing of women (femicide), domestic violence, rape and sexual assaults. Also, high rates of crimes are routinely committed against children and members of the LGBTQIA+ community in South Africa who are considered a high-risk category¹⁰. One of the key underlying factors for these high rates of violence against women, children and the LGBTQIA+ community is what is called toxic masculinity, which underpins and perpetrates dominant masculinity in a hierarchy of gender inequality.

During its forty-eighth session in 2011, the United Nations CEDAW committee noted with concern that despite the existence of policy, legislative, administrative, victim empowerment and other measures in South Africa, underpinned by multi-sectoral approaches and strategies to guide operational programmes to tackle GBV, the country continues to experience high levels of VAW. The committee also expressed grave concern at the inordinately high prevalence of sexual violence against women and girls and widespread domestic violence in the country¹¹. The CEDAW committee further expressed regret regarding the lack of information on the impact of measures and programmes in place to reduce incidents of VAWG in South Africa. The committee was also concerned that social support services, including shelters, were inadequate due to lack of resources¹².

In 2014, KPMG released one of few reports¹³ ever produced in the country providing estimates of the costs to the country of GBV, noting that the impact was not only socio-medical, but also economic. The KPMG report estimated the costs of GBV in the

⁸ This section of the report is largely based on and drawn from a concept paper drafted by the CGE (2018), Concept Paper: Gender Based Violence in South Africa [Situational Analysis, State Responses and the Case for Establishing the National Council on Gender Based Violence], pp. 5-8.

⁹ UNFPA (2015), 'Safer South Africa For Women and Children Case Studies: Improved Security and Justice for Women, Girls and Boys in South Africa (Joint Programme by UNFPA, UNICEF, DFID & Save the Children).

¹⁰ Ibid.

¹¹ UN CEDAW Committee (2011), 'Concluding Observations of The Committee on The Elimination of Discrimination Against Women', (CEDAW /C/ZAF/CO/4), 5 April 2011, par. 24.

¹² Ibid.

¹³ KPMG (2014), 'Too Costly to Ignore-the economic impact of gender-based violence in South Africa', (KPMG Human & Social Services: Sonke Gender Justice).

country to be between R28 billion and R42 billion per year. This amounted to 0.9% and 1.3% of the country's annual GDP, which was significantly high and detrimental to the country's prospects for further economic growth.

Statistics South Africa also released its Victims of Crime survey report in 2016, indicating that 71.3% of women experience sexual violence while only 28.7% of men experience the same violation¹⁴. The findings further indicated that female-headed households are more at risk, with 61.4% more likely to experience contact crimes such as murder and sexual violence compared to only 38.6% male-headed households. The Stats SA data further shows that one in five women older than 18 have experienced physical violence in the country, while the figure for women in the poorest households is one in three.

The scourge of crime and violence in general has preoccupied the minds of policy makers since the dawn of democracy in South Africa in 1994. The country has subsequently made numerous attempts to fight the crime by putting in place various national programmes during the past two decades. This has entailed a combination of policy and legislative frameworks (including signing up to international and regional or continental bodies for the promotion of gender equality), accompanied by national multi-sectoral and sectoral strategies, programmes, initiatives and projects aimed at combating GBV and VAW. For instance, one of the earliest national strategies to deal with the country's high levels of crime was the introduction in 1996 of the National Crime Prevention Strategy (NCPS) as crime was perceived at the time as a threat to the country's new democracy¹⁵.

The CGE has, for much of the past decade, focussed intense attention on the country's institutions, programmes of action and plans to combat GBV in general, as well as violence against women and children in particular. A number of studies have therefore been conducted by the CGE, with numerous reports compiled and published, on the country's strategies, plans and programmes to combat GBV. This report is the third, following two reports¹⁶ compiled and published on the establishment and assessment of the work of the first National Council on Gender Based Violence (NCGBV) that was established in 2012. These reports identified some of the key challenges (i.e. structural and operational) that led to the eventual demise of the erstwhile NCGBV. It is hoped that the current processes to develop the necessary national responses and interventions, including the establishment of a new multi-sectoral national coordinating body on GBVF, will seek to avoid some of the pitfalls that contributed to the demise of the previous NCGBV.

¹⁴ STATSA (2016), 'Victims of Crime Survey 2016', Statistical Release PO341.

¹⁵ RSA (1996), The National Crime Prevention Strategy (NCPS), prepared by an inter-departmental team comprising the justice cluster departments.

¹⁶ See CGE (2013). Expectations Unfulfilled? Assessing the effectiveness of the National Council on Gender-Based Violence, (Commission for Gender Equality, Research Report), & CGE (2014) From Expectation to Uncertainty? Assessing the work of the National Council on Gender Based Violence, (Commission for Gender Equality, Research Report).

2.2. THE COUNTRY'S RESPONSES TO GBV - LEGISLATIVE AND POLICY FRAMEWORKS

2.2.1. National frameworks

Since the inception of democracy in South Africa, and in the wake of high rates of GBV and VAM, the country has developed numerous policy frameworks and promulgated key pieces of legislation to promote and protect the rights of its citizens, including the right to gender equality, privacy, dignity, bodily integrity and freedom from violence. Some of the policy and legislative frameworks were passed in compliance with, or to incorporate provisions of international and regional protocols, declarations and conventions that the country has signed up to. Below are some of these national frameworks.

- *The SA Constitution*. Provisions contained in the Bill of Rights (chapter 2) entrench the right of every person to equality (including gender equality), freedom and security, and imposes a duty on the government (including the police) to take appropriate steps to ensure that the human rights of persons are respected.
- *The Domestic Violence Act (DVA)*. The DVA is largely in line with international obligations in terms of the conventions such as CEDAW and the DEVAW, as well as the obligations imposed by chapter 2 of the Constitution. The aim of the Act is to reduce the high number of incidents of domestic violence in society and uphold the rights of all persons.
- *Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007*. The Act defines a sexual offence to include grabbing, touching someone's genitals, sexually assaulting or raping someone. Among others, it aims to include all sexual crimes in one law, define all sexual crimes, make all forms of sexual abuse or exploitation a crime; improve the way the criminal justice system (the courts and police) works; make the age when both men and women can give permission (consent) to have sex, 16 years; make sure that rape survivors get post-exposure prophylaxis (PEP) to reduce their chances of contracting HIV; allow rape survivors to find out if the person who raped them has HIV; and establish a national register (a list of names) for sex offenders. The Act also makes provision for the establishment of the national inter-sectoral committee on sexual offences. This Act gave rise to the roll-out of the sexual offences courts throughout the country by the Department of Justice.
- *The Criminal Law (Forensic Procedures) Amendment Bill (the 'DNA Bill')*. This Bill was introduced in Parliament on 8 May 2013. It represents an important, innovative development in the state's legislative response to the scourge of GBV and VAM, particularly rape and sexual assault, where DNA evidence is often a key piece of physical evidence to convict perpetrators.

2.2.2. International/regional frameworks

One of the ways in which South Africa has responded to the scourge of GBV and VAM, was to sign up to, and ratify, key international and regional instruments (i.e. conventions, protocols, declarations, etc.) committing the country to abiding by internationally and regionally agreed standards for eliminating the scourge of VAM. By signing up to these instruments, the country also committed itself to being held accountable by the treaty bodies in meeting these commitments. Below are some of the key instruments the country has signed up to in its efforts to deal with GBV in general but also VAW in particular:

- *Declaration on the Elimination of Violence against Women (DEVAW) of 1993.*¹⁷ Article 1 defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”
- *Convention on Elimination of all Forms of Violence Against Women (CEDAW)*, among others, recognizes violence as a violation of human rights.
- *Beijing Declaration and Platform for Action (BPA)*, which underlines violence against women as both a violation of women’s human rights and an impediment to the full enjoyment by women of all human rights. It demands state accountability for action to prevent and eliminate violence against women.
- *African Union Protocol to the African Charter on Human and People’s Rights, on the Rights of Women in Africa*. It sets out rights of women in the public and private spheres and calls for the protection of women against violence in public and private life.
- *Due diligence standard for violence against women*. This is set out in article 4 (c) of the DEVAW, where states are urged to “exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by private persons.”

¹⁷ This Declaration was proclaimed by the UN General Assembly resolution 48/104 of 20 December 1993

2.3. THE BASIS OF CURRENT EFFORTS TO ADDRESS GENDER-BASED VIOLENCE

After the demise of the erstwhile national council on GBV in 2014 due to a number of factors such as lack of resources, poor institutional capacity, lack of political support from government and lack of effective involvement by civil society partners, the country did not seem to have clear and effective institutional basis on which to coordinate its responses to tackle the scourge of GBV. The responsibility to implement and execute existing strategies, legislative and policy programmes to deal with GBV or VAM was divided up amongst a plethora of institutions such the Department of Women in the Presidency, Department of Social Development, Department of Justice, the National Prosecuting Authority and the South African Police Services. While all these institutions were and still are, in various ways, responsible for executing or implementing the country's legislation, policies and programmes to deal with GBV, the challenge of effectively coordinating and overseeing these efforts remains inadequate. In addition, the country has failed to develop a national strategy on GBV, despite numerous attempts to this effect by both the state and CSOs over the past six years or so. The failure by the state and CSOs to agree on an effective national coordinated programme to tackle GBV remains one of the key challenges this country faces, and has contributed towards an institutional vacuum characterised by a severely fragmented national gender machinery, lack of an urgent national coordinated action and resources to combat GBV, despite repeated public political declarations of commitment by the country's political leadership.

This seeming institutional vacuum and lack of effective and coordinated action on the ground, accompanied by persisting and increasing levels of reported incidents of brutal violence against women and children, prompted a groundswell of discontent over the past few years, leading to widespread protest actions by activists across the country to demand urgent action from government, in particular the President of the country. For instance, on 1 August 2018, the country experienced mass protests and marches in major cities under the banner of the social movement #TotalShutDown, highlighting the challenges of VAW and the need for systematic and effective interventions to address the high levels of GBV in the country. A memorandum emerging from these mass protests articulated 24 specific demands for action by government. One of these demands was for the State President to convene a national summit on GBV aimed at bringing all stakeholders from government and civil society to develop effective and coordinated responses to deal with GBV in the country.

2.4. GBV SUMMIT AND DECLARATION

As a direct result of pressure on government to take the lead in creating visible and effective responses to deal with GBV, a national Presidential summit on GBV was convened on 1 and 2 November 2018, involving representatives from various sectors including government, civil society, the donor community and the development sector. This led to the public release of a summit declaration¹⁸, endorsed and signed by the President of South Africa and witnessed by various stakeholders who participated in the summit on 28 March 2019. The declaration contains a set of key demands and commitments from all the stakeholders. One of the key demands (Article 4) was the urgent need for the establishment of an effective, well-resourced, multi-stakeholder national coordinating structure to be responsible for coordinating national strategic and programmatic efforts to combat GBV. This demand was in line with the UN CEDAW committee general recommendation 19¹⁹, which calls for the establishment of a national coordinating structure to strengthen the country's institutional capacity to lead and coordinate its national strategies and multi-sectoral programmes to combat GBV. Such a national coordinating structure would, among others, address what the CEDAW committee in 2011 regarded as the lack of effective multi-stakeholder cooperation and collaboration between government and civil society in the planning, funding and implementation of national and sectoral policy programmes and strategies to combat GBV²⁰. The summit declaration specifies that the membership of the national coordinating structure to be established should consist of 51% civil society and 49% government representation respectively.

To avoid the pitfalls that characterised the previous national council on GBV, one of the key summit demands expressed in the declaration document is for the new national coordinating body on GBV to be given a legislative status, with secured state funding regulated through the Public Finance Management Act (PFMA)²¹. Article 3 of the summit declaration also calls for the creation of an interim steering committee (ISC) to fulfil the following stated tasks:

- Establish a permanent national multi-sectoral coordinating body.
- Implement actions listed in this declaration, as agreed on by the said interim steering committee.

¹⁸ Presidential Summit Against Gender-Based Violence, Summit Declaration (2nd November 2018).

¹⁹ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 19: Violence against women, 1992*, available at: <https://www.refworld.org/docid/52d920c54.html> [accessed 20 March 2020].

²⁰ See CGE (2018), Concept Paper, op.cit., p. 17.

²¹ Act 1 of 1999.

3. FINDINGS OF THE STUDY

3.1. ESTABLISHMENT OF THE ISC

3.1.1. Processes and activities of setting up the ISC

As indicated at the beginning of this report, the CGE research staff lacked direct access to much of the activities and work that led to initiation and establishment of the ISC after the summit declaration was officially launched by the State President. This lack of adequate public information was also compounded by the reluctance of many of the participants from government departments and CSOs, who were directly involved in such processes and activities, to be interviewed for this study. Therefore, much of the commentary and analysis here will be based on the information obtained from a few organised events, including one meeting of the ISC, to which the members of the CGE research team were formally invited or allowed to be observers.

It is a fact that a structure called the interim steering committee on GBVF was created after the conclusion of the Presidential summit on GBV. However, given the limited amount of information made available in public, there is lack of clarity as to the processes and activities undertaken to establish the ISC on GBVF. Also, given the widespread reluctance and fear among some of the members of the steering committee to be interviewed for this study, it was impossible to obtain insights regarding internal systems, processes and governing structures, including levels of participation and involvement of key stakeholders, in this process of initiating and setting up the ISC.

During this study, we sought a number of documents that would have been crucial in establishing the nature of processes and activities to be carried out in the creation of the ISC. For instance, prior to the establishment of the erstwhile national council on gender-based violence (NCGBV) that collapsed in 2014, a founding concept document was made available to the public by the former Department of Women, Children and People with Disabilities in 2011. Among others, the document provided details regarding how the NCGBV was to be established, its powers and functions, and allocation of responsibilities to key stakeholders involved in the processes of establishing the NCGBV.

As far as the research team was aware, no document was made available to provide details on how the ISC was to be created, its members, day-to-day operations, appointment of office bearers, the scope of its powers, size of members, allocation of responsibilities and resources. The research team did attempt to obtain documents that provided details on the establishment of the ISC without much success. Nonetheless, based on information gleaned from the State President's speech during the launch

of the summit declaration, the ISC was established in February 2019. This was clearly in line with the summit declaration²². The ISC was meant to be a multi-stakeholder or multi-sectoral entity whose membership included government departments, CSOs, academic institutions, research institutions and development partners.

The importance of such details regarding the initial processes of establishing the ISC derive from one of the commitments to the key principles of inclusivity and representation as articulated in the summit declaration²³. In addition, open and transparent practices at the initial phase of the establishment of such consultative structures are important to create public confidence and buy-in especially from crucial stakeholders and members of the public with an interest in combating GBVF. This is based on the assumption that such open and transparent processes will also create a sense of openness and accountability by the organisation and leadership to its immediate members, as well as the stakeholders and the general public. It is possible that such information regarding the ISC and the robustness of its internal organisational structures, operating procedures, authority structure, governance systems, decision-making processes, accountability practices and lines of reporting does exist. However, such vital information was not easily and freely accessible to the CGE research team at the time the fieldwork for this study was being carried out. Also, those participants in the process at the time, with knowledge of such information, were not willing to be interviewed for this study.

For instance, one of the key issues the study sought insights on, is the fact that the ISC had joint or co-chairpersons – one from civil society, and the other from the office of the State President (a social policy adviser to the President). Details or information is not available regarding how the decision was arrived at to create co-chairpersons for the ISC, the nature of division of responsibilities, as well as whether or not they exercise joint and equal levels of authority and responsibility over the affairs of the ISC on a daily basis. But more importantly, it is also not clear how a decision was reached for one of the co-chairpersons to be drawn from the office of the State President. It could be assumed or argued that the rationale for this decision was that, given the power and authority of the highest political office in the land, drawing one of the co-chairpersons from such an office would imbue the ISC with sufficient authority and political clout to command the attentions and actions of the various stakeholders involved in this process, including government officials, development partners and CSOs.

In the absence of sufficient information on the operations, structures and activities of the ISC, it was difficult to examine and assess the extent to which the ISC functioned in a manner that promoted effective inclusivity and representation of key stakeholders,

²² President Cyril Ramaphosa: Launch of Declaration against Gender-Based Violence and Femicide and opening of Booysens Magistrate's Court, (28 March 2019). https://www.gov.za/speeches/president-cyril-ramaphosa-launch-declaration-against-gender-based-violence-and-femicide-and_Declaration-of-the-Presidential-Summit-against-Gender-Based-Violence-and-Femicide.

²³ See Summit Declaration (2018), Article 3(b).

forged high levels of buy-in from stakeholders within the broader gender sector and developed broadly consultative decision-making processes, accountability systems. Also, in a multi-stakeholder representative body like the ISC, conflict is inevitable, suggesting that effective internal systems for resolving conflict and forging consensus in a manner that advances the mandate of the ISC was crucial, given the limited time span (i.e. six months) within which it had to fulfil its programme of action. Some of the difficulties and challenges that eventually undermined and led to the demise of the former NCGBV stemmed from the initial formation phase and related processes or activities.

The issue of the six-month time limited life span of the ISC also raises very important questions of governance procedures. Not only is there lack of clarity regarding the nomination, appointment or election to office of the leadership of the ISC; there is also lack of clarity as to the guidelines governing the governance of the ISC, especially questions about who has the authority to amend, change or extend its term of office when it ran out of the six-month term limit imposed by the summit declaration. At the time of writing this report, the ISC was still in existence and operating, six months after its term of office expired. Based on publicly available documents and information on the ISC, including the summit declaration, the process of extending its life span is not specified. This suggests that the framers of the summit declaration did not anticipate that the ISC would not complete its tasks within the allocated time period. Given that the funding of the ISC is to be regulated in terms of the PFMA, its existence beyond six months could pose legal problems related to the PFMA.

The former NCGBV grappled with the initial processes of setting up and completing the consolidation of its internal structures, systems and processes. Some of the problems experienced at the formation phase contributed to its institutional weakness and subsequent demise. Among these were internal leadership power struggles, including conflict between the government and civil society components of the NCGBV, with participants or members of CSOs feeling marginalised and excluded from critical decision-making structures during the formation phase of the NCGBV.

With regard to the involvement of CSOs, there was limited information regarding the nature and extent of involvement and satisfaction by the civil society sector. Information regarding the nature and number of CSOs involved in these processes was limited and very few participants were willing to speak. Nonetheless, an informant who was willing to speak to the CGE on condition of anonymity²⁴ maintained that prior to the inception of the ISC, there was conflict among civil CSOs relating to the representation of the sector within the ISC, including issues of appointments to leadership positions, lack of clarity or consensus on civil society's stance on GBVF. For instance, it would appear that there was lack of consensus on the individuals to be selected to represent the civil society sector within the ISC.

²⁴ A Member of a civil society organisation, Braamfontein, (13 August 2019).

It would appear that there was lack of consensus among CSOs on the question of whether or not the ISC should also focus its attention on issues of concern for men, in addition to dealing with the central challenge of combatting GBVF. For instance, it seems that one of the key problems causing disagreement among the CSOs was that not everyone was comfortable with men's issues being included on the agenda of the ISC. According to an informant who volunteered to be interviewed for this study on condition of anonymity, some of the CSOs preferred the ISC to focus exclusively on women's issues and experiences of GBVF, while others wanted to see men's issues also being placed on the agenda. While it appears that these issues were eventually resolved, it is not clear how these outcomes reflected enduring and effective processes for resolving collective conflicts within such a dynamic environment.

With regards to the involvement and participation of other role players, it has already been noted that besides the involvement of various government departments and CSOs, particularly those involved in activities to combat GBV, development partners, academic institutions and research institutions were also included. This suggests that the steering committee had a significantly large membership, which would have contributed to fairly complex internal operations and procedures, and potentially cumbersome decision-making processes. However, information and insights in this regard were not easy to come by.

3.1.2. Responsibilities/functions and tasks of the ISC

The ISC owes its existence (within an allocated six-month time span) to, and draws its mandate from, the summit declaration document which states that "an interim GBVF committee be established immediately with resources allocated in terms of the PFMA. The declaration document further gives the ISC the responsibility 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 committee²⁵."

It is therefore clear that the framers of the summit declaration, through Article 3, bestowed upon the ISC the role of leading the processes of establishing a permanent national multi-sectoral coordinating structure within a period of six months, as well as the responsibility to fulfil any other functions listed in the summit declaration for the ISC to fulfil. In terms of Article 4 of the declaration, the framers define the scope of functions and responsibilities of the multi-sectoral coordinating structure on GBV with specific tasks. Among these responsibilities is that, within six months of its existence, it should develop a national strategy on GBV with a plan of action.

²⁵ Declaration of the Presidential Summit against Gender-Based Violence and Femicide (2 November 2018), pg. 9.

Besides the functions and responsibilities specified in the summit declaration, it would appear that the ISC has taken on the responsibility of developing a national strategy on GBV – this responsibility was specifically assigned to the multi-sectoral coordinating body on GBVF. It is not clear when and how the decision to assign this enormous responsibility of developing the national strategy and action plan on GBV to the ISC was taken and justified. In addition to the responsibility to develop the national strategy and action plan on GBV, it is a matter of public record that President Cyril Ramaphosa, on unveiling the country's Emergency Response Action Plan (ERAP) on GBVF on 18 September 2019, placed the responsibility to manage the implementation and funding of the ERAP on the ISC²⁶.

Available information²⁷, including from widespread media reporting of the State President's announcement in Parliament, confirms that the ISC was intricately involved in the conceptualisation, costing and drafting of the ERAP. Given that the State President's public announcement of the ERAP was in the same month in which the ISC's six-month life span expired, it is not clear whether or not the State President's announcement is to be interpreted as an automatic extension of the life span of the ISC. Also, given that the ERAP was given a six-month life span, it is not clear whether or not the life span of the ISC has been extended by an additional six months.

Furthermore, it should be noted that at the signing of the summit declaration on 28 March 2019, the State President assigned the ISC another responsibility. He stated that the ISC "will also map the response of services provided for survivors, establish a national rapid response [unit] to support survivors, and develop guidelines for ethical media reporting"²⁸. Progress on the implementation of this particular set of added responsibilities is yet to be elaborated on by the ISC.

Based on the above, it would be plausible to argue that the added responsibility to oversee and manage the implementation and funding of the ERAP, together with the responsibility to establish the multi-sectoral coordinating body, as well as to develop the national strategy and action plan on GBV, created a formidable workload for the ISC. This could explain why it did not manage to carry out and complete the tasks assigned to it within the six-month time period. Given the unwillingness of the key role players in the ISC to be interviewed for this study, it was not possible to explore some of the reasons why the ISC was not able to complete on time the tasks assigned to it by the summit declaration. However, insights based on information from the ISC indicate that the ISC leadership did acknowledge²⁹ towards the end of 2019 that its work was

²⁶ Sowetan Live: 18 September 2019. Madisa, K. 'Ramaphosa Announces Emergency Action Plan to Combat Gender-Based Violence'.

²⁷ The CGE team was able to attend one of the meetings convened by the ISC where matters related to the ERAP were addressed. The meeting occurred on 26 & 27 September 2019.

²⁸ President Cyril Ramaphosa: Launch of Declaration against Gender-Based Violence and Femicide and opening of Booyens Magistrate's Court, (28 March 2019). <https://www.gov.za/speeches/president-cyril-ramaphosa-launch-declaration-against-gender-based-violence-and-femicide-and>

²⁹ ISC, Weekly Progress Report (27 November 2019).

progressing slowly, and that it would likely not complete one of its central tasks (i.e. the establishing the multi-sectoral coordinating body) on time to enable Parliament to pass the necessary legislation on the multi-sectoral coordinating body before the end of the financial year in April 2020. At the time of compiling this report, it seems that this prediction would become reality.

It has been difficult for the CGE to obtain reliable information on progress made by the ISC on discharging these responsibilities and undertaking some of the tasks mentioned above. It has been reported in the media that the ISC provides regular reports to the Presidency regarding progress on these responsibilities and tasks. The Presidency has yet to share this information with the gender sector, including members of the public with an interest in progress achieved on some of the key summit declarations and tasks assigned to the ISC.

On the vexed issue of the ISC's responsibility to report to and account to its constituency (i.e. civil society and the public) questions have been raised by some within the civil society sector, including the media³⁰, without clear answers. For instance, informal and off-the-record conversations with some activists from a number of CSOs indicate that there was lack of clarity regarding to what institution or to whom the ISC should account or be answerable³¹. On paper, it would seem plausible to assume that the ISC would be accountable to the public and the gender sector in general, which would make Parliament the appropriate institution and space to mediate the ISC's responsibility to account to the stakeholders in these sectors.

Yet, those members of CSOs who spoke off-the-record to the CGE, were adamant that the ISC was directly accountable to the CSOs that played a crucial role in bringing about the summit, its declaration as well as the establishment of the ISC. Some of them insisted on their right to receive regular and detailed progress reports on the activities of the ISC, including the right to question members of the ISC and express their discontent with individuals nominated to represent CSOs within the ISC. The overriding perception among those who spoke to the CGE was that the ISC was failing to report and account to civil society, and paid disproportionately more attention to the wishes of the government component of the ISC members. In other words, there appears to be a perception that some CSOs and members of the public are being marginalised and left uninformed on the work and decision-making processes of the ISC³². Also, the fact that one of the co-chairpersons of the ISC is an advisor to the State President, seems to

³⁰ See Daily Maverick: 12 March 2020, 'We Cannot Fight Gender-Based Violence While Avoiding Accountability And Threatening Journalists' (<https://www.dailymaverick.co.za/article/2020-03-12-we-cannot-fight-gender-based-violence-while-avoiding-accountability-and-threatening-journalists/>) & Jennifer Smout, Daily Maverick: 19 March 2020: 'Interim Body Tasked With Tackling Gender-Based Violence And Femicide Is Law Unto Itself' (<https://www.dailymaverick.co.za/article/2020-03-19-interim-body-tasked-with-tackling-gender-based-violence-and-femicide-is-a-law-unto-itself/>).

³¹ Informal conversations with a member of a civil society organisation (October 2019).

³² Ibid.

lead to suggestions that government exercises an inordinately high level of influence over the work and decision-making processes of the ISC.

Regarding the resourcing of the ISC to enable it to fulfil its operational activities, the GBVF summit declaration calls for the ISC to be allocated public funds or resourced in line with the PFMA. This would suggest that the ISC and its operations should receive funding from the public purse through government, and that such funding be subjected to appropriate public budgetary processes guided by the PFMA, including applicable Treasury regulations. Such Treasury regulations govern all aspects of the use of public funds, including its appropriation through Parliament, auditing and regular reporting of audited income, and providing expenditure statements to Parliament. Details relating to the extent of allocations of public funds to the ISC are not publicly available. Limited information made available to the CGE suggest that the ISC received its funds through the Presidency, including provision of other resources such as office space, venues and catering services for its meetings³³. The Department of Social Development was reported to have made available resources for some of the national strategic plan (NSP) provincial community consultations in the Limpopo province, while the Department for Women, Youth and Persons with Disabilities was reported to have provided the necessary resources for the NSP consultations in Port Elizabeth³⁴.

Apart from government providing the resources for the operations of the ISC, it seems that, based on information from sources within the ISC³⁵, the ISC has also been able to source other non-government funding, especially development partners and donor agencies, for funding for some of its NSP-related workshops. Available but limited information indicates that the ISC had applied for funding from agencies such as UNAIDS³⁶, the Ford Foundation³⁷ as well as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)³⁸. As indicated already, it would appear that information regarding these matters is not freely available to the public, or reported to other public bodies such as Parliament or even civil society stakeholders.

³³ Observations of an ISC meeting, October 2019.

³⁴ Email Communication. Update on Funding, (19 September 2019).

³⁵ Ibid.

³⁶ A figure of \$28 000 was reportedly approved by UNAIDS for the ISC.

³⁷ A figure of \$49,000 was reportedly provided to the ISC by the Ford Foundation.

³⁸ Amounts provided by GIZ were not disclosed.

3.2. STRUCTURAL AND OPERATIONAL ISSUES OF THE ISC

3.2.1. Structural and operational issues

This subsection explores and discusses some of the issues relating to the structure and operational activities of the ISC as they pertain to its activities as outlined in the previous subsection. Before getting onto the operational activities of the ISC, we will look at its structural design features, based on publicly available information.

Steering committees, by their nature, are small scale structures in terms of size of membership. They are usually well defined and purpose built to effectively execute a function or set of functions to achieve well defined objectives within a specified time period. John Pelham identifies two key guiding principles for a steering committee: to give strategic direction, and support the programme or project manager who is responsible for managing the project or programme³⁹. In other words, the steering committee does not manage or implement the programme(s), but provides overall strategic direction, support and guidance and, through advice, ideation and monitoring, steers the project towards achieving its goals⁴⁰.

Henrico Dolfing endorses the same key guiding principles for steering committees. For instance, Dolfing defines a project's steering committee as a 'governing' device used to organise key project stakeholders and empower them to 'steer' a project (or group of projects) to successful outcomes.⁴¹ He points out that a steering committee is a group of high-level stakeholders who provide strategic direction for a project, provide governance, and support the project manager⁴². He highlights four key factors which ultimately contribute to the success of a steering committee (SC)⁴³:

- *Scope*: Will the SC have jurisdiction over a single project or a group of projects?
- *Authority*: Will the SC serve as the ultimate authority on the project, or will the SC function to advise the ultimate decision-making authority (i.e. the project executive or sponsor)?
- *Difficulty*: What is the degree of project difficulty? When the project is of a higher degree of complexity, visibility, sensitivity, cost and risk, the job difficulty increases in direct proportion, which ultimately places greater burden on the SC members and exposing SC operations to increased scrutiny.
- *Deliverables*: What will the SC produce?

³⁹ Pelham, J (2015), What does the Steering Committee Do? (www.strategyex.co.uk/blog/pmoperspectives/appreciating-the-role-of-the-steering-group-part-1/).

⁴⁰ See Steering Committees – What are They and What Do I Need to Know? (<https://247meeting.com/blog/steering-committee/>).

⁴¹ Dolfing, H (2018). How to Establish an Effective Steering Committee (And Not a Project Governance Board), <https://www.henricodolfing.com/2018/07/effective-steering-committees.html>.

⁴² Ibid.

⁴³ Ibid.

In terms of its composition, Susanne Madsen argues that “the steering committee should not have too many members – five is a good number to aim for, and those who are selected must be real decision-makers who can actively help move the project forward”⁴⁴. Similarly, Dolfig argues that ideally a SC should be made up of four to seven people, although it could be larger in order to obtain buy-in from all concerned areas of the organisation⁴⁵. However, as he points out, a larger steering committee can be problematic, especially if it means more perspectives motivated by vested interests⁴⁶. Appointing experienced leaders and subject matter experts is important⁴⁷ as are the rules of engagement – or what is usually referred to as the ‘steering committee charter’⁴⁸. For the purpose of this document, these rules of engagement are also referred to as the steering committee terms of reference (TORs). The charter or TORs specify how the SC should be organised and how it would operate, from a procedural and process point of view, and how it should address a number of key issues or questions⁴⁹:

- How decisions are made?
- How participation will be managed?
- What happens when there is disagreement or conflict?
- What happens between steering committee meetings?

As indicated already, the ISC was established in terms of the summit declaration. It was meant to be a multi-sectoral body established to implement the resolutions taken by the Presidential summit on GBVF⁵⁰. The summit document neither provided the specifics in terms of its structural design features, nor allocated responsibility to any specific role player to set it up. Available information, including insights from informal conversations with key participants speaking off-the-record, indicates that it was co-convened jointly by the Presidency and representatives of civil society organisations from all nine provinces⁵¹.

References have been made, off-the-record, to the ISC’s ‘constitution’ stating its membership to be no more than 30 persons⁵², although proof of the existence of such

⁴⁴ Madsen, S (2019), Project Governance: Establishing an Effective Steering Committee’, (<https://www.strategyex.co.uk/blog/pmoperspectives/project-governance-establishing-an-effective-steering-committee/>).

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ See Madsen, S (2019), op.cit., and Dolfig, H (2018), op. cit.

⁴⁹ See for instance, Espy, Leigh (2019), Why You Need and Project Steering Committee – And How to Create One, (www.projectbliss.net/project-steering-committee/).

⁵⁰ See Parliamentary Monitoring Group (PMG), (<https://pmg.org.za/committee-meeting/29359/>)

⁵¹ Ibid.

⁵² Ibid.

a 'constitution' has not been furnished to the CGE. Informal conversations with some of the participants suggest also that its membership includes specific government departments based on their critical functions relating to matters of concern for the mandate of the ISC. These include the following departments: Women, Youth and Persons with Disabilities (DWYPD); Planning, Monitoring and Evaluation (DPME); Social Development (DSD); Justice and Constitutional Development (DOJCD); Basic Education (DBE); Health (DoH), as well as Statistics SA, the National Prosecuting Authority (NPA) and National Treasury. As already indicated, besides government departments and CSOs; research institutions, development agencies and other organisations are also represented⁵³.

It would appear therefore that at some stage, especially around September 2019, the ISC had a membership of approximately 70⁵⁴, although some of the members who spoke to the CGE off-the-record insisted that not all the members attended and participated in its activities.

Available information on the structural components of the ISC indicates that it has a governing or executive structure comprising two co-chairpersons (currently Dr Olive Shisana, who also serves as social policy advisor to the State President, and Advocate Brenda Madumise-Pajibo, who was appointed by the civil society sector), and a secretariat which includes a project manager and two administrators responsible for the day to day running of the ISC⁵⁵.

With regards to the other internal functional structures related to the execution of specific tasks deriving from the summit, information obtained off-the-record by the CGE shows that the ISC had established a number of sub-committees to carry out various tasks, including the task of establishing the multi-sectoral coordinating body on GBVF. Two of these were the sub-committee on resource care planning, and the sub-committee dealing with the structure of the proposed multi-sectoral coordinating body on GBVF. The ISC had also taken on the task of developing the NSP and action plan on GBVF, although it is not clear if a Sub-Committee had been established to handle this task. This was outlined during a meeting in Parliament of the portfolio and select committees of the National Assembly and the National Council of Provinces (NCOP) before which the ISC appeared on 19 November 2019⁵⁶.

⁵³ Government identifies key actions on Gender-Based Violence and Femicide (2019).

<https://www.gov.za/speeches/gbvf-committee-identifies-key-actions-24-oct-2019-0000>

⁵⁴ Some of these details were gleaned from information made available by ISC through e-mail communication to stakeholders, (2019).

⁵⁵ Ibid.

⁵⁶ See Parliamentary Monitoring Group (PMG), (<https://pmg.org.za/committee-meeting/29359/>)

3.2.2. Operational/programme issues

A reading of the summit declaration document signed by the State President on 28 March 2019 shows clearly that the ISC on GBVF was entrusted with two main tasks outlined briefly in Article 3 of the declaration: establishing a permanent multi-sectoral national coordinating body on GBVF, as well as implementing actions listed in the declaration as agreed on by the ISC.

However, as already discussed above, the ISC decided to also take on the responsibility of developing the national strategic plan and action plan on GBVF. This was a task specifically assigned by the summit declaration, to the permanent multi-sectoral coordinating body on GBVF, that was yet to be established. Another crucial task was added to the work of the ISC when President Cyril Ramaphosa convened a joint sitting of Parliament on 18 September 2019 to announce government measures to end GBV in South Africa⁵⁷. The State President announced that the ISC on GBVF "would lead implementation of an emergency response to GBV"⁵⁸, making this the third task assigned to the ISC on GBVF.

To execute these enormous and potentially complex responsibilities and tasks, it would be expected that the ISC would have drafted a clear, time-bound programme and plan of action. Such a programme or plan of action would identify deliverable milestones or targets to be achieved, performance indicators, allocation of roles and responsibilities for key role players among SC members, and include clear monitoring and reporting protocols for all key role players (including the programme manager). The CGE project team was not aware of such a programme or plan of action at the time when fieldwork activities were being carried out.

3.2.2.1. National Strategy and Action Plan on GBVF

The ERAP announced by the State President on 18 September 2019 was intended to be a six-month emergency response plan, while the country was awaiting a longer term national strategy and action plan on GBVF as anticipated in Article 4 (h) of the summit declaration. According to Article 4 of the summit declaration, within six months of its establishment, the permanent multi-sectoral national coordinating body on GBVF would have the task of developing the national strategy and action plan on GBVF, which must be⁵⁹:

- (i) be adequately costed and resourced in terms of the PFMA;

⁵⁷ South African Government (2010). Government Identifies Key Actions on Gender-Based Violence And Femicide (<http://www.gov.za/speeches/gbvf-committee-identifies-key-actions>).

⁵⁸ Ibid.

⁵⁹ Presidential Summit Against Gender-Based Violence & Femicide. Declaration. 2 November 2018.

- (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.

As already mentioned, the ISC took on this responsibility, and seemingly set up technical working teams to carry out the various tasks necessary for the development of a national strategy and action plan on GBVF. The ISC's process of drafting the national strategy on GBVF was headed by a consultant who was also responsible for the overall consolidation of the document based on the feedback obtained from the public or community consultative meetings. As part of this process, the ISC conducted a series of what were labelled as community consultative meetings across the country during September to October 2019. The CGE research team was able to attend and observe proceedings at a number of these community consultative meetings in Limpopo, Gauteng and Free State provinces. Another consultative meeting was observed in the Western Cape province, convened by the DSD.

It appeared that at the time the community consultative meetings were being convened by officials from the ISC, a draft national strategy on GBVF had already been compiled by the ISC. It appears that the earliest draft of the national strategy document was already compiled by August 2019. The new draft national strategy on GBVF intends to "provide a cohesive strategic framework to guide the national response to the GBVF crisis that South Africa finds itself in⁶⁰." The document further refers to the importance of recognising "the synergy and alignment of policies and programmes, and the creation of a sustainable, well-resourced implementation and oversight mechanism for GBVF⁶¹". Copies of the document were being distributed at the consultative meetings that the CGE team attended and observed in some of the provinces. The document, a copy of which was made available to the CGE at the time, listed six technical working teams under the ISC, classified under the following pillars⁶²:

- Accountability, coordination and leadership
- Prevention and healing
- Law and policy
- Response, care and support
- Economic power
- Research and information

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² National Gender-Based Violence & Femicide Strategic Plan 2020-2030. Draft 1, 12 August 2019.

The technical advisory team, responsible for overseeing the process and related activities for the development of the national strategy on GBVF, received technical support from UN Women⁶³. A consultative meeting (under the pillar: response, care and support), attended and observed by the CGE, involved the participation of various experts including key government departments. Some of the participants at this meeting demanded that the shadow NSP framework, developed previously by CSOs, be incorporated into the new draft of the National Strategy on GBVF.

The operational activities related to the development of the national strategy and action plan involved consultations in all nine provinces of South Africa. Available information showed that two community consultative meetings were conducted in each province. The CGE Team was also able to attend and observe the proceedings of a number of community consultative meetings in Limpopo, Gauteng and the Free State, including one convened by the DSD in the Western Cape. Based on our observations of some of these meetings, it seemed obvious that there were no clear and consistent standard operating procedures guiding the way these consultations were conducted by the facilitators. In some instances, it was not clear what the purpose and objectives of the consultations were, including the process of identifying and selecting the targeted community stakeholders or participants. Our attendance and observations of proceedings revealed a number of issues of concern listed below:

- The consultations were predominantly attended by ordinary community members who could not participate meaningfully and contribute to the complex issues being raised through the presentation on the new national strategy on GBVF, including the draft document that was distributed to the participants.
- The language used (English) was not entirely understood by many of the attendants, and therefore inhibited effective participation by many of them.
- The audience was not segregated according to its level of knowledge and competence of the subject matter. This resulted in a few members of the audience (who were able to engage effectively with the processes) dominating the discussions.
- It was clear that issues of culture or tradition and local gender dynamics were not taken into consideration. For instance, the women tended to adopt a reserved or subordinate approach during the discussions, thus allowing the men to dominate the discussions (this was especially the case in the consultation in Venda).
- In many instances, the audiences were not given sufficient time to engage with the draft national strategy document prior to these meetings. In fact, copies of the document were handed out to participants on the day of the

⁶³ Ibid.

event (at the beginning of each meeting) and then taken away at the end of the meetings.

- The participants were also required to submit any additional comments or inputs regarding the proposed draft national strategy on GBVF through an on-line portal. This was clearly not realistic for the majority of the participants in the community consultative meetings who did not have knowledge and understanding of, or, access to computer or online facilities.

Informal conversations with some of the officials involved in organising these community consultative meetings revealed that, in some instances, the process of identifying and selecting participants was fairly informal. In some cases it might have entailed approaching local civil society members to invite community members to attend these events. In many instances, the invitations were issued at very short notice and in a random manner, rather than through a systematic selection process guided by a clear selection criteria and/or framework⁶⁴.

The process of developing a new national strategy and plan of action on GBVF was specified to be finalised within a period of six months. This limited time period for such a complex exercise was clearly a factor in that many of the consultative meetings convened by the ISC did not have sufficient time for effective and meaningful engagement with the communities and stakeholders.

Besides the community consultative meetings driven by the ISC, the DSD also conducted some consultations in the Western Cape province. The CGE team attended one of these consultations. Our observation of the proceedings gave the impression that it was a parallel process rather than being part of the broader set of consultations convened and coordinated by the ISC across the country. For instance, it appeared that the Western Cape event targeted a more knowledgeable audience with technical expertise to engage effectively with the issues raised by the process of drafting the national strategy on GBVF.

Finally, it was not clear if a report had been compiled to capture the outcomes of these community consultative meetings. No doubt such a report would identify for public record some of the key issues of concern identified by the members of these communities regarding how the country ought to take into account local community concerns when designing an effective national strategy against GBV and VAWG.

3.2.2.2. *Setting up the multi-sectoral coordinating body on GBVF*

The establishment of a permanent multi-sectoral national coordinating body on GBVF was specifically assigned to the ISC on GBVF in line with Article 3 of the summit decla-

⁶⁴ Informal conversations with several members of civil society organisations (September 2019).

ration. Article 4 of the declaration specifies the following about the permanent multi-sectoral body:

- (a) be championed by the President of the Republic of South Africa;
- (b) be established within six months of the date on which the summit declaration is signed by the signatories;
- (c) be allocated adequate resources for its optimal functioning in accordance with the PFMA;
- (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 GBVF not later than six months after its establishment, which must –
 - (i) be adequately costed and resourced in terms of the PFMA;
 - (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”⁶⁵.

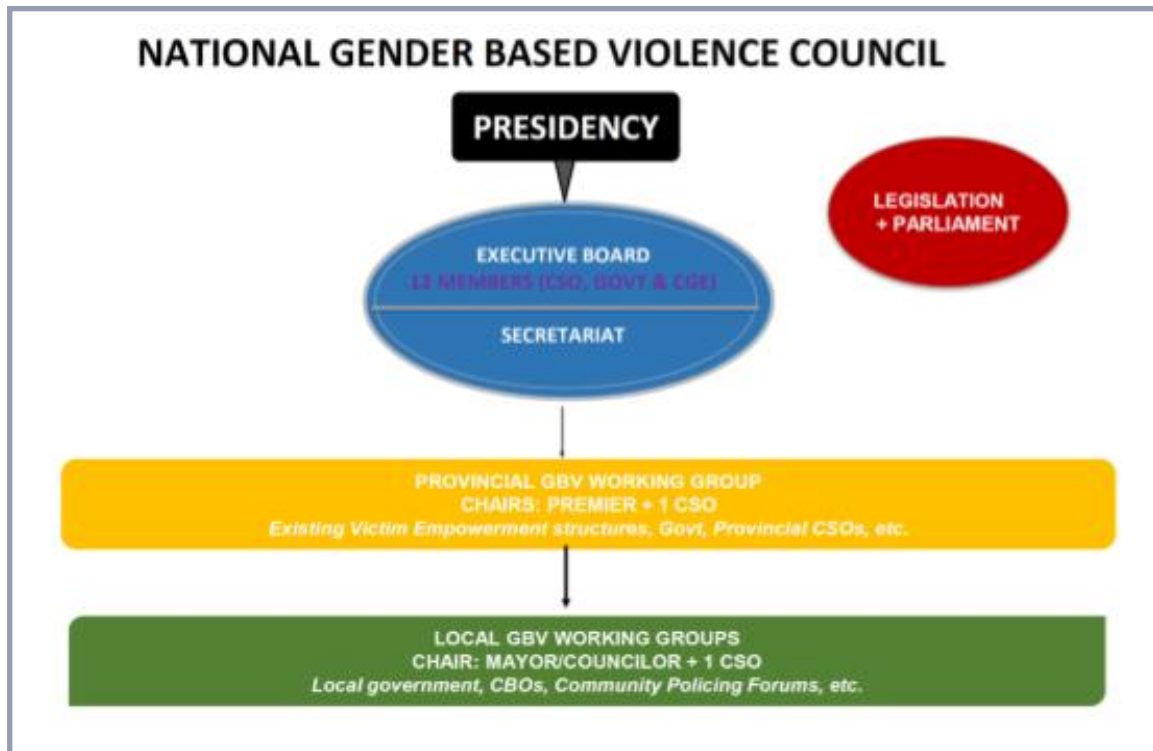
As indicated already, the ISC on GBVF had sub-committees to ensure that these responsibilities are discharged. The CGE team was initially allowed to attend a meeting of this group, before permission was revoked. Based on initial discussions in the group, it was clear that different perspectives existed among participants regarding the nature of the structure to be established. For instance, one perspective was that the South African National AIDS Council (SANAC) be used as a reference model in conceptualising the multi-sectoral coordinating body on GBVF. Other perspectives included questions raised on whether or not such a new structure was absolutely necessary given the existence of other bodies, including the CGE. In fact, there was a strong school of thought among some of the members of the ISC that suggested the possibility of broadening the current mandate of the CGE, including augmenting its capacity and resources or staff to fulfil the functions of the multi-sectoral national coordinating body on GBVF. While it is not clear how these discussion and issues were eventually resolved, these are important debates that possibly reflected existing strands of thought within the broader civil society sector, including society in general.

⁶⁵ Presidential Summit Against Gender-Based Violence & Femicide. Declaration. 2 November 2018.

The CGE team was initially aware of the early work of the technical working team assigned the task of drafting an organisational structure (i.e. organogram) of the multi-sectoral national coordinating body that was to be established. The CGE team was also aware that the working team was eventually dissolved and a new technical working team established with the task of drafting and designing a new organogram. Given that the CGE team's permission to observe these discussions and deliberations was subsequently revoked by the ISC, it is not clear to what extent the new ISC working team enjoyed better success in forging collective consensus on proposals for the organisational structure of the proposed multi-sectoral coordinating body. Also, the design of an organisation structure is usually part of broader and intensive discussions on the nature, powers, functions and responsibilities of the new organisation that needs to be established.

Unfortunately, the CGE was not able to observe further discussions on the development of options for the organisational structure of the proposed multi-sectoral coordinating body. Nonetheless, another draft organisational structure was developed, contained in an official ISC discussion document made available to stakeholders, including the CGE. The organisational structure in the diagram below appears to be the latest proposed organogram at the time this report was being compiled.

Figure 1: Proposed Organogram of the NCGBV



Source: ISC

As indicated, the organisational structure in the diagram above was contained in a draft discussion document on the proposed multi-sectoral coordination body.⁶⁶ It is not clear at this stage if the ISC has received meaningful feedback and inputs on this document and whether or not any significant revisions have been effected on it based on feedback received.

Our examination and analysis of the document raises a number of issues that are discussed below. Firstly, the proposed structure seems to be fairly large and potentially cumbersome, especially given that it is supposed to be a coordinating structure. The draft discussion document also seems to refer to and/or imply that the proposed multi-sectoral national coordinating body will also implement programmes on the ground. For instance, the document refers to the initiation, implementation, prosecution, monitoring and evaluation of programmes to address injustices of the past, providing strategic vision and leadership and ensuring allocation of resources.

The draft document also appears to assign to this multi-sectoral coordinating body, a function currently assigned to the CGE in terms of the CGE Act⁶⁷. It states that the body will have the responsibility “to ensure enforcement of the Constitution and all international, regional and domestic instruments”⁶⁸.

Secondly, the document defines an advisory role for the multi-sectoral body. Presumably it will serve an advisory role either to the government in general or the Presidency in particular. However, government will already be heavily involved and represented in the governance of this multi-sectoral body, especially through the involvement of very high-level state offices such as the State President (who is identified to chair this body), the offices of provincial premiers and municipal mayors, and other crucial government departments at national and provincial levels.

Thirdly, the document identifies the State President to be Chairperson of this multi-sectoral national coordinating body that will advise government in addition to carrying out other implementation functions. This poses a few questions such as the practicality, nature and extent of the State President's involvement as Chairperson of this body. Also, as Chairperson of this body, presumably the State President will ultimately be accountable to Parliament for this body, in addition to being head of government and President of the country.

Fourthly, the draft discussion document creates an executive board of 12 members (i.e. five from government, six from civil society, and the chairperson of the CGE). The

⁶⁶ The discussion document, titled ‘Key considerations: Towards establishing the multi-sectoral national gender-based violence council for South Africa’ clearly expresses the latest thinking within the ISC regarding the nature, functions, powers and responsibilities of the proposed multi-sectoral coordinating body, including its governance structures, nature and size of membership.

⁶⁷ See CGE Act 39 of 1996, Section 11(h).

⁶⁸ ISC (2020), ‘Key Considerations: Towards establishing the Multi-Sectoral National Gender-Based Violence Council for South Africa’, p. 5.

12 members of the executive board will be appointed on the basis of possession of specified technical expertise. The discussion document does not specify who will lead the executive board, including the powers of the executive board. Neither is it clear if the State Presidents' position as Chairperson of the multi-sectoral coordinating body means also chairing the executive board itself. Ordinarily, a membership-based body of this nature would have a deliberative internal structure such as a plenary, whose membership would be broad and based on the principle of stakeholder representation. The current discussion document does not make provision for a plenary or equivalent structure, suggesting (but highly unlikely) that the State President would chair the executive or another structure not identified in the current draft of the discussion document.

Fifthly, the discussion document creates a secretariat, headed by a CEO. The document does not provide clarity on whether or not the CEO will have executive powers and functions in relation to the powers and functions of the executive board (which are currently not enumerated).

Finally, the proposed structure consists of national, provincial, local and ward level structures. However, the precise governance and operational structures on provincial and local level still needs elaboration to avoid confusion on the ground.

3.2.2.3. *The Emergency Response Action Plan (ERAP)*

As already mentioned, the announcement of the ERAP came amid increased media reporting and public outrage over GBVF, and calls for urgent government intervention. In his announcement of the ERAP in Parliament, President Cyril Ramaphosa stated that “the women of South Africa were demanding that a state of emergency be declared⁶⁹”. The ERAP was to be implemented over a period of six months (October 2019 - March 2020⁷⁰), with the responsibility for implementation assigned to ISC⁷¹. The aim of the ERAP is to fight violence against women and children through coordinated government and civil society efforts⁷², with weekly reporting to the State President. The initial R1.1 billion funding of the ERAP was later increased to R1.6 billion. It is critical to note that this was not new money but money trimmed off of existing departmental

⁶⁹ Xinhua: September 2019, South African President Calls Joint Sitting of Parliament to Tackle Rising Gender-Based Violence. (http://www.xinhuanet.com/english/2019-09/19/c_138402586.htm).

⁷⁰ Ibid.

⁷¹ The South African Government (2019). Government Identifies Key Actions on Gender-Based Violence and Femicide (Available at <http://www.gov.za/speeches/gbvf-committee-identifies-key-actions>).

⁷² The South African Government News Agency. R1.6bn allocated for GBV Emergency Action Plan. September 2019. Available at <https://www.sanews.gov.za/south-africa/r16bn-allocated-gbv-emergency-action-plan>.

budgets⁷³. The areas of priority under the ERAP were identified as (i) access to justice for victims and survivors, (ii) to change norms and behaviour through high-level prevention efforts, (iii) urgently respond to victims and survivors, (iv) and institutional arrangement⁷⁴."

As indicated above, the ISC was reportedly involved in the conceptualisation and drafting of the ERAP announced by the State President on 18 September 2019. Clearly, the responsibility to implement the ERAP is likely to entail, among others, defining and specifying selection criteria for service providers or agencies responsible for executive specific projects and related activities in line with the priorities identified in the ERAP. It will also include managing and disbursing the funds according to clear funding criteria and framework, assigned responsibilities for specified priority areas under the ERAP, as well as developing clear reporting guidelines and accounting protocols for all agencies/ institutions involved in the implementation of the ERAP (both public and civil society). We assume that the ISC has the necessary institutional capacity to carry out and fulfil these enormous responsibilities, in addition to carrying out those tasks assigned to it on the basis of the summit declaration.

At the time when the field work was being carried out, including the drafting of this report, the CGE was not privy to information on the plans and deliberations of the ISC regarding the implementation of the ERAP. Therefore, this report has not attempted to comment on and discuss matters related to progress achieved by the ISC in terms of implementation of the ERAP, including any challenges that may raise issues of concern for policy makers, the stakeholders and the general public concerned with effective interventions against GBV. We hope that details of progress regarding the implementation of the ERAP since the State President's announcement will be made public soon, either by the ISC or the Presidency.

⁷³ Merten, M. Mutton dressed as Lamb: Ramaphosa's fight against gender-based violence in times of government debilitation. September 2019. Daily Maverick. Available at <https://www.dailymaverick.co.za/article/2019-09-19-mutton-dressed-as-lamb-ramaphosas-fight-against-gender-based-violence-in-times-of-government-debilitation/>.

⁷⁴ South African Government (18/9/2019), Emergency Action Plan on Gender-Based Violence and Femicide.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1. CONCLUSIONS

As stated in the introduction, this report and the work carried out under this project derives from the mandate of the CGE as outlined in the CGE Act, which gives the CGE the power to monitor and evaluate policies and practices of organs of state at any level, statutory bodies or functionaries, public bodies and authorities and private businesses, enterprises and institutions. The purpose of all this is to fulfil the CGE's constitutional mandate to promote respect for gender equality, and the protection, development and attainment of gender equality.

On the basis of this legal provision, the work of the ISC on GBVF falls within the ambit of the powers and functions of the CGE because the ISC derives its mandate from the Presidential summit on GBVF, and is funded from public funds obtained in line with the PFMA. As indicated throughout this report, having initially been allowed to attend and observe some of the organised activities of the ISC, the CGE was subsequently disallowed, preventing it from discharging its responsibilities and fulfilling its public mandate effectively by monitoring and evaluating an important aspect of government's programme to deal with GBV.

The work of the ISC is important on the following grounds: (1) it leads and discharges government's responsibility to establish a permanent multi-sectoral national coordinating body on GBVF (in line with South Africa's global treaty obligation under CEDAW general recommendation 19 to establish such a national coordinating body); (2) the work of establishing the national coordinating body is crucial towards the development of the country's national strategy and action plan to deal with GBVF (also outlined in the CEDAW committee general recommendations 19 & 35); (3) and implementing the government ERAP to combat VAW. All these responsibilities, as outlined above, involve the exercise of public authority and responsibilities that ought to be exercised and accounted for in the public interest. Therefore, the constitutional mandate of the CGE to monitor and evaluate this work remains extremely important, necessary and relevant. Any actions by the state to prevent the CGE from fulfilling its constitutional mandate is therefore prohibited in law⁷⁵.

This report discussed the outcomes of the Presidential summit on GBVF held on 1-2 November 2018, which led to a summit declaration on the basis of which an interim steering committee was established to lead government's responsibilities to develop

⁷⁵ See Section 10 (2) of the CGE Act (39) of 1996.

the necessary and appropriate responses and interventions to deal with GBVF. It also reported on the CGE's attempts to interact with the ISC in order to monitor and assess these efforts in line with its mandate. Lack of access to the necessary information (either through regular first-hand direct observations of some of the activities of the ISC, or through interviews with those who were directly involved in these activities) was a debilitating factor in discharging this responsibility. Based on these experiences, we conclude that the CGE was unable to effectively monitor and evaluate the important work of the ISC.

Despite these difficulties, we believe that the contents of this report are still important in that they do discuss and offer some insights into relevant and important issues relating to current processes to develop effective responses and interventions against GBVF. Based on information and the insights gained from individuals who were willing to speak confidentially, it is clear that at the time of compiling the report (February 2020) the ISC experienced difficulties that prevented it from achieving one of its key tasks: to establish a multi-sectoral national coordinating body on GBVF within six months of the signing of the summit declaration. The report also raises the issue of the ISC's decision to take on the task of developing a national strategy and action plan on GBVF, in addition to the enormous responsibility of overseeing and managing the implementation of the Presidential emergency response action plan within the target period of six months.

We conclude also that more work still needs to be conducted by the CGE, with greater access to the work of the ISC. This would include access to more and accurate public information on the activities related to the government's commitments through the Presidential summit on GBVF to combat GBV, and whether such information and related activities are the responsibilities of the ISC, government departments and/or related executive agencies. The work of the CGE remains necessary and relevant in ensuring that government, through its departments and related agencies, fulfils its responsibility to combat GBV, including protecting women and girls against all forms of violence. Therefore, unimpeded access to relevant information is crucial.

4.2. RECOMMENDATIONS

Based on the contents of this report and discussions above, we formulated the following recommendations:

- The responsibility of government, in partnership with civil society organisations and other role players, to put in place effective mechanisms and programmes to combat gender-based violence in general, and violence against women in particular, remains critically important. The establishment of a national multi-

sectoral coordinating body on GBV to lead the country in combatting GBV in general, and VAWG, is an integral part of this responsibility. Given that at the time of compiling this report the task of establishing a national multi-sectoral coordinating body on GBV had not yet been completed, we recommend that additional time (within a clearly specified time frame) is provided to enable relevant government institutions (working closely with all key stakeholders in the gender sector) to complete this task.

- In addition to the above, we recommend that a clear and formal process is defined for the purpose of enabling the ISC or any other relevant institution/structure with such a mandate to carry out and complete the establishment of a national multi-sectoral coordinating body on GBV.
- We recommend that the ISC or any other relevant structure that is assigned the responsibility to oversee the establishment of the national multi-sectoral coordinating body on GBV, complies with the principle of multi-stakeholder representation and participation. Such a body should also have a clearly defined mandate not only to give effect to its operations, but also to define its governance and authority structure; the scope of its powers and functions; the process of appointing its key Office Bearers; its powers, functions, responsibilities; the funding of its activities as well as clearly defined reporting and accounting obligations of its Office Bearers in relation to parliament and other key stakeholders.
- Finally, we recommend that, once the national multi-sectoral coordinating body on GBV has been established and is operating, one of its key tasks be to prioritise the National Strategic Plan on GBV by developing an implementation plan, and embarking on a national process of public engagements/consultations with communities and stakeholders in order to popularise the NSP together with the Implementation Plan. This should be followed by implementation of the NSP by relevant institutions, under the coordination of the national multi-sectoral coordinating body on GBV.



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