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Commission for Gender Equality  
A society free from gender oppression and inequality

## **A FUTURE LEFT UNCERTAIN:** Assessing the effectiveness of the National Council on Gender Based Violence

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## 1. INTRODUCTION

Is the National Council on Gender Based Violence (NCGBV) the appropriate structure to co-ordinate national responses and strategies to deal with the high levels of gender based violence in South Africa? If it is, what needs to be done to make it effective? If it is not, should it be abolished and another new structure created? Would a new structure fare better than the NCGBV? These and other questions remain to be answered while the future of the NCGBV remains uncertain, two years after it was established.

South Africa has one of the highest rates of gender based violence (GBV) in the world. Therefore the Commission for Gender Equality (CGE) has, since its inception, prioritised GBV as an area of strategic intervention. The Commission for Gender Equality has been conducting a series of studies with the aim of monitoring and evaluating the implementation of regulatory frameworks that were designed to address the issue of gender based violence in the country<sup>1</sup>. In 2014, the CGE conducted a study to evaluate the effectiveness of the National Council on Gender Based Violence (NCGBV)<sup>2</sup>. The study focused on assessing the NCGBV in fulfilling its mandate to co-ordinate nationally the work of government and other relevant institutions to combat gender based violence in the country. This work is in line with the CGE's mandate as outlined in Section 187 of the Constitution of South Africa, including the Commission for Gender Equality Act No. 39 of 1996.

The aim of this policy brief is to present some of the key findings of the study undertaken on the effectiveness of the NCGBV. The policy brief raises issues of policy significance as well as providing key recommendations arising from the study.

<sup>1</sup> Commission for Gender Equality (2013). Out of mind or out of sight? Reviewing the Implementation of the 365 Days of Action to end Violence against Women and Children. Braamfontein

<sup>2</sup> Commission for Gender Equality (2013). Expectations Unfulfilled: Assessing the Effectiveness of the National Council on Gender Based Violence. Braamfontein

## 2. BACKGROUND

The South African government has, since the dawn of democracy, put in place a number of policy initiatives and legislative frameworks to combat gender based violence. The country also ratified numerous regional, continental Charters as well as international treaties and protocols aimed at protecting women and children against violence and abuse. Section 12 (C) of the country's Constitution also enlists basic human rights to be enjoyed by women and children.

The NCGBV was established as a result of the concern raised by the CEDAW Committee on 21 January 2011, during the 967th and 968th sessions, that despite the existence of good legislative frameworks to combat gender based violence in South Africa, the scourge of violence seems to continue unabated. GBV is one of the most common human rights abuses in the world, and according to various research reports one in three women experience, at least one form of GBV in their lifetime<sup>3</sup>. The NCGBV was established therefore as a multi-sectoral and strategic mechanism that sought to strengthen and co-ordinate national efforts by various stakeholders and related institutions to combat GBV. The NCGBV was launched in December 2012, taking over from the Inter-departmental Management Team (IDMT) following its failure to function as a national co-ordinating structure to deal with GBV.

The study is the second of the CGE's monitoring of the work of the NCGBV. The first study was carried out in 2013 and a report that emanated was launched and shared with the members/participants of the NCGBV. The second endeavor was similarly focused on assessing the ongoing work of the Council based

<sup>3</sup> CARE. (2011-2014). Challenging Gender-Based Violence Worldwide CARE'S Program Evidence: Strategies, Results and Impacts of Evaluations. Available on: [http://www.care.org/sites/default/files/documents/Challenging-GBV-Worldwide-CARE\\_s-program-evidence.pdf](http://www.care.org/sites/default/files/documents/Challenging-GBV-Worldwide-CARE_s-program-evidence.pdf)

on its mandate and its critical functions. Included in the mandate of the Council were a number of critical initiatives. Three of these were:

- To review and re-launch the NAP.
- To put in place the National Strategic Plan (NSP) to guide national efforts to combat gender based violence.
- To monitor the implementation of all national programmes dealing with gender based violence<sup>4</sup>.

The first study on assessing the effectiveness of the NCGBV<sup>5</sup> revealed a number of serious structural and organisational challenges that led to the failure of the Council to meet some of its key objectives. A number of the challenges related to questions about the institutional integrity, autonomy and operational independence of the Council, including its relationship with the former Department of Women, Children and People with Disabilities (DWCPD). In addition to the structural/organisational challenges, the NCGBV had also identified a menu of operational activities, which were carried over from its unsuccessful operations during its first year of existence, and had to be executed in the second year.

### **3. RESEARCH APPROACH AND METHODS**

The study was carried out through in-depth interviews with some of the key stakeholders and participants in the work of the NCGBV. Given the positions and status of some of the participants interviewed for the study, they were unwilling to allow their identities to be revealed or statements directly attributed to them in the report. The aim was to seek the views and perceptions of key participants in the work of the Council, particularly with respect to some of its key objectives, programmes and projects.

<sup>4</sup> Commission for Gender Equality (2013). Expectations Unfulfilled?: Assessing the Effectiveness of the National Council on Gender Based Violence. Braamfontein

As indicated in the introductory section, the use of a participatory-observation approach was applied, whereby members of the Commission's research team attended the formal proceedings, including meetings convened by both government and the civil society constituent of the Council. Secondary and published sources, in the form of Council programmes and project documents, media statements and other relevant information, were utilised to examine the operations and functioning of the Council during the year under review. Below are the key findings of the study.

## **4. KEY FINDINGS**

### **4.1. REVIEW OF STRUCTURAL / ORGANISATIONAL ISSUES**

#### **4.1.1. Institutional weaknesses**

At its conception, the NCGBV was intended to be an independent, high level national co-ordinating body chaired by the Deputy President of the country and overseen by the former DWCPD. The Council however lacked the relevant institutional mechanisms to run independently and therefore depended on the DWCPD for administrative systems, personnel and other institutional processes, which created conflict between the two institutions; as well as the civil society component and the government participants. To ascertain the Council's independence, a Chief Executive Officer was appointed, even though the appointment was not permanent. Without the relevant systems to run autonomously, the Council continued depending on the DWCPD which further compromised the institutional integrity and autonomy of the NCGBV.

Another instance of confusion was found within the Council's mandate and its functions as a national co-ordinating structure. The Council identified operational

<sup>5</sup> Ibid.

programmes and projects which created tension between the role of the Council, as a broad strategic body, and that of an executing agency. It was however, the lack of effective internal structures, operational plans of action and financial resources that resulted in failure.

#### 4.1.2. Uncertainty about the status of the NCGBV

While the first year of the NCGBV's operations saw disagreements and confusion amongst Council representatives regarding the apparent total takeover of the Council by the DWCPD, the second year saw the total opposite. Following the 2014 national elections, newly re-elected President Jacob Zuma introduced the Ministry of Women in the Presidency and dissolved the Department of Women, Children and People with Disabilities. It was thus expected that since the Minister of DWCPD was champion of the Council, that the newly appointed Minister of Women would occupy the same position. The Minister did mention during her first budget vote speech to the National Assembly on 16 July 2014 that her department was intending to carry out a "strategic re-alignment and restructuring exercise", including a review of the "status, role, location and sustainability of the National Council on Gender Based Violence so as to strengthen efforts towards the elimination of GBV in our society"<sup>6</sup>.

The findings of the study demonstrate that this budget vote speech was the last of the Minister's mention of the Council in Parliament and other public platforms. It emerged during interactions with the Ministry of Women that the Council is under review, even though the details of this review remain unclear. The Executive Council of the NCGBV has since made several attempts to engage the Ministry regarding the

growing concern for the Council's status, inactivity within its second year, and its future especially concerning the NSP.

Attempts to interview officials from the Ministry to gain its perspective on the future of the NCGBV were unsuccessful. Nonetheless, documents obtained from the Ministry, particularly its annual report, reveal no clarity regarding the current legal and institutional status of the Council, any plans for any administrative and financial support for the work of the Council. The Annual Plan for 2015/2016 presents a 'Review of Institutional Mechanism to eradicate GBV'. It is however not clear whether or not the 'institutional mechanism' referred to in the department's Annual Plan for 2015/16 is the NCGBV or another new parallel structure. It appears that the Ministry is moving into new strategic plans in the area of GBV with no links or relationship with the NCGBV for which the consultation process begins during this financial year and the end product will be produced in 2018/2019 financial year.

Subsequent to this lack of institutional support from the Ministry of Women, unresolved tensions between the Council and the former DWCPD, and other internal disputes, the Council ended up not having any activities during its second year of operation, with some of the individuals interviewed for the study envisaging its slow death. The Council failed to develop its annual plan of action and as a result did not have a budget or programmes in place. A number of strategic and operational problems were identified by some of the officials from the Council who were interviewed for this study, as contributing to the impending demise of the Council:

- Lack of accountability.
- Lack of political will.
- Lack of coherence of strategies to co-ordinate

<sup>6</sup> Minister Suzan Shabangu, MP, Department of Women in the Presidency, Budget Vote Speech to the National Assembly, Cape Town. 16 July 2014



activities geared towards addressing GBV in the country.

- Lack of leadership.
- Lack of understanding of the role of the department within the Council.
- Non-existing / non-operational administrative / Secretariat component of the Council.

## 4.2. REVIEW OF PROGRAMMES AND OPERATIONAL ISSUES

### 4.2.1. Review of the 365 Days of Activism Programme National Action Plan

The majority of the Council's activities planned for its first year of inception overlapped into the second year due to structural and budgetary challenges as discussed in previous sections. The review of the 365 Days of Activism Programme National Action Plan (NAP) is one such activity which was carried out in the first and year of operation and completed. However the reviewed document was never disseminated or circulated within the gender constituency as it was expected. The Council failed to carry out some of its most basic and routine functions such as holding Executive Committee meetings or convening meetings for its Plenary during its second financial year, and as a result not a single meeting was convened to consider outstanding activities carried over from the previous financial year.

Although the Council failed to fulfill its mandate and to carry out its operational functions, other stakeholder government departments managed to implement some of the projects that had a bearing on the work of the Council. For example through the Department of Social Development (DSD) Minister's

involvement as the Chairperson of the Inter-Ministerial Committee (IMC) on violence against women, our findings indicate that DSD is implementing a five-year Programme of Action endorsed by the National Assembly in September 2013. The five-year plan was found to follow a similar pattern of that of the 365 Days Programme NAP, in that it has the three pillars contained in the 365 Days NAP (i.e. Protection, Prevention and Response).

Under the Prevention pillar, the Programme includes a sub-programme activity labeled '*Everyday Heroes*' which advocates for the provision of multi-disciplinary services to the victims of domestic violence. Another sub-programme labelled '*Orange Day*' is aimed to serve as a platform to raise public awareness towards preventing gender based violence, which is celebrated on the 25th of every month. In addition, the DSD's Programme makes provision for the department to work in collaboration with civil society organisations such as FAMSA and Lifeline.

Under the Response pillar the Department seeks to establish '*Command Centres*' and a '*24/7 Response Programme*'. The five-year Programme also establishes *White Door Temporary Shelters* for women victims. Our examination of the Women's Ministry's Annual Performance Plan revealed that the Ministry is also implementing a 365 Days Campaign programme for the next five years<sup>7</sup>. It is however unclear whether this is a national NAP of the 365 Days of Activism for No Violence Against Women and Children, or an internal activity for the department.

With all these activities and programmes being implemented without the participation of the NCGBV as a key national institution for combating GBV, could be an indication of its marginalisation or even its imminent demise.

<sup>7</sup> Department of Women in the Presidency (2015), Annual Performance Plan 2015/2016

#### 4.2.2. Review of implementation of the National 'Vikela Mzansi' campaign

Another NCGBV programme that was found to be hijacked and endorsed anew by another stakeholder governmental department was the National 'Vikela Mzansi' Campaign. The programme was intended to bring together "an association of civil society organisations, development partners, business, faith based organisations and youth representatives to unite to build and steer a national movement for the protection and safety of children, women, lesbians, gays, bisexuals, transgender, intersex (LGBTI) and people with disabilities"<sup>8</sup>. The campaign was also initiated as a form of introduction for the NCGBV to the public, as a way of popularising its work and mandate to the South African public.

The CGE discovered that the five-year GBV Communication Strategy<sup>9</sup> referred to in the Ministry of Women's Annual Performance Plan shared important similarities with strategies employed in the development of the 'Vikela Mzansi' Campaign. For instance, just as with the Vikela Campaign, the strategy is said to be a consultative process that will incorporate inputs from stakeholders in the sector. In addition to this, the statement released by the Ministry for Women on the occasion of the reactivation of the 365 Day Programme calls upon South Africans to use all platforms provided through the programme to blow the whistle and report incidents of GBV, another conspicuous similarity with the NCGBV's Vikela Mzansi Campaign.

This seeming duplication or adoption of programmes from the NCGBV to other government departments has left stakeholders concerned about the future of the Council, particularly because as a high level co-ordinating structure, it was understood to be a step in the right direction for consolidating national efforts to combat GBV.

<sup>8</sup> Information obtained from official documents provided by the NCGBV (undated)

#### 4.2.3. Review of progress on the National Strategic Plan

The development of an NSP was one of the most critical milestones for the NCGBV given that it would guide the country's collective efforts towards combating gender based violence, as well as serve as the Council's framework that guides its operational activities for the next five years. However, according to some of the stakeholders interviewed for this study, the process of developing the NSP was one of the activities of the Council that ended up being undertaken by the former DWCPD as a result of the Council's institutional inadequacies. The HSRC was thus contracted to carry forward this activity, and it is speculated that this work was carried out without consultation with the Council. Nonetheless the process was funded and supported by United Nations Population Fund (UNFPA), and was proposed to be conducted in three phases:

- I. Literature review.
- II. Focus Group Discussions.
- III. Consultation process.

The service provider was however only contracted in the last quarter of the financial year 2013/2014 due to the Council's internal bickering. The NSP process similarly faced numerous challenges, which eventually led to its termination in 2014. The process had reached phase III at its termination. Some of those challenges were:

- Limited resources which led to only five out of the nine provinces being set aside for holding consultative hearings.
- The CEO of the Council resigned on 5 September 2014, after serving less than a full year at the helm of the NCGBV.

<sup>9</sup> See Depart of Women in the Presidency (2015), Annual Performance Plan 2015/2016, p.26



- The outcome of the 2014 elections had led to key developments that impacted on the institutional integrity and status of the Council, and therefore its programme activities.
- The newly established Ministry for Women withdrew the services of the HSRC to develop the NSP.

Stakeholders within the gender sector disapproved of the termination of the NSP process, demanding clarity from the Ministry for Women on some of the issues, including the institutional and operational status of the NCGBV. According to those interviewed for this study, the Ministry did not take heed of the request but took it to a public platform instead and addressed these stakeholders in her speech at the launch of the 16 Days of Activism for No Violence against Women and Children in November 2014<sup>10</sup>. These stakeholders (including some that are represented in the Plenary of the NCGBV) embarked on a new civil society driven process of developing an NSP which apparently went unacknowledged by the Ministry for Women. The CGE researchers were invited to take part as observers in a number of the consultative roundtable discussions held in Johannesburg, KwaZulu-Natal and Cape Town.

The new, civil society-driven initiative to develop the NSP had the following objectives:

- A fully costed NSP by the end of 2015.
- Government should develop and launch an NSP for GBV that:
- Creates improved implementation of GBV response services
- Focuses heavily on, and invests strategically, in prevention
- Creates real accountability through clear institutional arrangements with clear measurable commitments

<sup>10</sup> CGE researcher was invited to participate in the consultative forum with civil society organisations (CSOs) dealing with gender based violence convened at the Lake

- Is fully costed and commits significant new resources
- Is developed through an open consultative process<sup>11</sup>.

The new civil society driven process however faced challenges of its own. The internal squabbles and divisions amongst role players were caused by disagreements in deciding which institution had the legitimacy to take the lead in the new development of the NSP. According to interviews with the key role players, Sonke Gender Justice had initially taken the lead in the process given that it had the necessary financial resources to take on the role. Some members however felt that since gender based violence affects women and children more than men, an organisation representing women in the sector would be more suitable to lead the process. Therefore, without the relevant support from the Women's Ministry and considering the internal frictions among stakeholder participants, it would seem fractious to believe that the civil society driven process for developing an NSP for gender based violence was a success.

## 5. CONCLUSIONS

Based on the findings of the study, the following conclusions were drawn:

- The Council has failed to fulfill its mandate of effectively co-ordinating national efforts by various stakeholders, including government and civil society, to combat gender based violence in South Africa. The leadership of the Council and its stakeholders, both government and civil society, failed to ensure common understanding regarding its legal and institutional status. In

Hotel and Conference Centre in Benoni, Johannesburg (06 November 2014)

<sup>11</sup> Ibid

particular, there was lack of clarity regarding whether or not the Council was legally and institutionally autonomous from the lead government department in the sector. The result of this lack of clarity created uncertainty about the Council, its future and long term funding and resource sustainability.

- The continued lack of co-operation and collaboration among the Council stakeholders, particularly between government and civil society, weakened the Council as an institution, and rendered its ability to lead the fight against gender based violence ineffective. The result of this lack of authority to lead the fight against gender based violence also undermined its ability to secure long term funding to sustain its operational activities.
- The Council's failure to implement many of its programme activities and projects, particularly the review of the National Action Plan (NAP) of the 365 Days of Activism Programme, as well as its failure to drive the process of developing a National Strategic Plan (NSP) to combat gender based violence, were merely symptoms rather than causes of its institutional and operational weaknesses which were allowed by the stakeholders to deteriorate during its second year of operation.

- We finally conclude that there is lack of willingness at the highest level of leadership in government to ensure that the legal status and institutional integrity of the Council is guaranteed, that its resources and funding are adequately guaranteed in the long term, and that there is sufficient and effective multi-stakeholder involvement in the work of the Council to ensure its legitimacy and authority to lead the country's fight against gender based violence. As a result of these factors, we would argue that the National Council on Gender Based Violence did not stand a chance to succeed in fulfilling its mandate.

## 6. RECOMMENDATIONS

The CGE makes one key recommendation:

- That the government issues a formal and public statement as soon as possible to clarify the current legal status of the NCGBV. The statement should only give direction as to what government's intention is regarding the future of the NCGBV: whether the Council is to be reviewed and strengthened to ensure that it fulfills its mandate; or abolished and its mandate reassigned to another more effective and institutionally secure and well resourced/funded national body to deal with gender based violence in the country.





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