

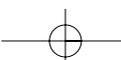
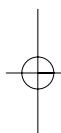
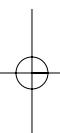
FROM EXPECTATION TO UNCERTAINTY?

Assessing the work of the National Council on Gender Based Violence

RESEARCH REPORT 2014



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



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FOREWORD

This report is the second in a two-year project to assess the effectiveness of the National Council on Gender Based Violence (NCGBV). Following from the findings contained in the CGE's first report published in 2013, which identified some of the key institutional and operational challenges that faced the NCGBV, the current report regrettably continues with the theme of an ineffective Council that has continued to face intractable challenges, thus failing to fulfil its mandate to co-ordinate national efforts to combat gender based violence in South Africa.

While during the first year, the Council faced understandable 'teething' problems that would be characteristic of any newly-established institution, stakeholders in the gender sector had expected concrete steps and high-level interventions from policy makers to address these challenges and ensure that in its second year of operation, the Council would not only overcome these challenges but also begin to function effectively, with a sense of unity and purpose needed among the stakeholders and members of the Council to address the scourge of gender based violence in South Africa. However our study has uncovered that the Council's institutional and operational challenges escalated inexorably to a point where hope and expectation for it to succeed have been replaced by a sense of uncertainty about its future. As this report was being compiled, there is an urgent need for policy makers to address urgent questions not only about the current institutional and operational status of the Council, but also about its future.

The hope of the CGE is that this report will contribute significantly to public debates by highlighting the sense of urgency that is needed among policy makers to address the current uncertainty about the future of the NCGBV.



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ACKNOWLEDGEMENTS

The Commission for Gender Equality wishes to acknowledge the co-operation received from the members of the National Council on Gender Based Violence during the fieldwork phase of this study. The work of reviewing the effectiveness of the Council depended largely on this co-operation, including access to vital information that enabled the Research Team to gain a thorough understanding of the work of the Council. The Commission is also grateful for the co-operation from other stakeholders and participants who were interviewed for the views and perspectives on the work of the Council and the challenges facing it.

This work was carried out by a team of CGE Researchers who not only conducted the fieldwork but also compiled the report. The team included Lieketseng Mohlakoana-Motopi, Winnie Mofokeng and Naledi Selebano. The report was finalised and edited by Thabo Rapoo, Director of Research at the Commission for Gender Equality.

ABBREVIATIONS & ACCRONYMS

CGE	Commission for Gender Equality
NCGBV	National Council on Gender Based Violence
NAP	National Advisory Panel
NSP	National Strategic Plan
IDMT	Inter-departmental Management Team
DWCPD	Department of Women, Children and People with Disabilities
NGM	National Gender Machinery
GBV	Gender Based Violence
DSD	Department of Social Development
IMC	Inter-Ministerial Committee
LGBTI	Lesbian, Gay, Bisexual, Transgender and Inter-sex

1. INTRODUCTION

The Commission for Gender Equality undertook a study in 2013 to review and assess the effectiveness of the National Council on Gender Based Violence (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. The findings contained in this study, consistent with the findings contained in the first CGE report which assessed the effectiveness of the Council in its first year of operation, show that the Council was not only ineffective but also failed over the two years of its operations to fulfil its mandate to combat gender based violence. In addition, the findings show that the Council is currently in a state of paralysis, with unanswered questions regarding not only its current legal and operational status, but also its future.

This report will examine and discuss the findings of the study in under two key sections. The first section will review/examine and discuss the structural/organisational issues that affected the Council during its second year of operation. The second key section will review/examine and discuss the programme and operational issues pertaining to the work of the Council. Conclusions are drawn based on the discussions, followed by recommendations. 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 of 1996. Among others, the Commission's mandate entails promoting respect for, protection, development and attainment of gender equality in the Republic. Amongst its powers, the Commission has the power to "monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality".¹

2. BRIEF BACKGROUND

This report is the outcome of the second year of the Commission for Gender Equality's monitoring of the work of the NCGBV. The study sought to evaluate the effectiveness of the Council in fulfilling its mandate. As indicated in the first report of this study, the violent culture of South African society affects women and children more than social groups. 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 violence seems to continue unabated.

As part of its mandate the CGE also undertook a study in 2012 to monitor and assess the implementation of the 5-year (2007-2011) National Action Plan (NAP) of the 365 Days of Action to Eliminate Violence against Women and Children. The plan was crafted and adopted by a range of stakeholders as part of the Kopanong Declaration concluded in 2006. After the 5-year cycle of the NAP elapsed in 2011, the Commission undertook the first study to evaluate its implementation, and published a report containing the findings and recommendations. Another study was conducted in

¹ The Constitution of the Republic of South Africa, Act 108 of 1996, s. 187 (2)

2013, culminating in another report containing the findings and recommendations. The findings contained in the two reports revealed a number of shortcomings in the implementation of the NAP which led to the failure of the NAP to achieve its stated objectives. These shortcomings were both structural and operational.²

The NCGBV was established not only in the wake of persistently high levels of gender based violence in South Africa, but also in the context of the failure of previous institutions (particularly the Inter-departmental Management Team (IDMT)) put in place to deal with gender based violence. As was the case with the IDMT, the NCGBV was established as a multi-sectoral and strategic mechanism that sought to strengthen and co-ordinate national efforts by various stakeholders and related institutions to combat gender based violence. The Commission for Gender Equality was invited to participate as an observer in the formal meetings of the Council. Included in the mandate of the Council were a number of critical activities that will be outlined in full in the next section. However three of the critical functions were the following: review and re-launching of the NAP; putting in place the National Strategic Plan (NSP) to guide national efforts to combat gender based violence; as well as the responsibility to monitor the implementation of all national programmes dealing with gender based violence.³

As indicated above, this report is the second since the CGE began monitoring the work of the NCGBV in 2013.

2.1. OBJECTIVES OF THE STUDY

The overall aim of this study was to assess the performance and progress of the NCGBV in carrying out its annual plan of action, particularly its programmes and projects, during the second year of operation (2014). The exercise also entailed examining and assessing the NCGBV as an institution in terms of its institutional status and the functioning and effectiveness of its component structures, as outlined below:

- Examine the current status (including structure and future) of the NCGBV
- Examine the progress achieved by the NCGBV in reviewing the National Action Plan (NAP) of the 365 Days of Action to Eliminate Violence against Women and Children and
- Examine and assess progress by the NCGBV in the implementation of its operational plans, programmes and projects.

2.2. METHODOLOGY

This 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

² Commission for Gender Equality (2012) 365 Days of Action to End Violence Against Women and Children: Assessing Progress on the Implementation of the National Action Plan 2007-2011

³ Commission for Gender Equality (2013), Expectations Unfulfilled: Assessing the Effectiveness of the National Council on Gender Based Violence.

interviewed for this study, they were unwilling to allow their identities to be revealed or statements directly attributed to them in this report. Therefore the report does not reveal the identity of those, particularly government officials, who might have volunteered to be interviewed and no statements are attributed directly to anyone to respect their desire for anonymity. 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.

An element of participatory-observation approach was also utilised in this assessment, which involved members of the CGE research project team participating, as well as observing some of the activities of the Council, including the meetings of its internal structures and some of the meetings convened by both government and the civil society component of the NCGBV. Secondary and published sources, including Council programme and project documents, media statements and other relevant information were also utilised in this study to examine the operations and functioning of the Council during the year under review.

3. FINDINGS OF THE STUDY

This part of the report will outline, examine and discuss the findings of the study. The section will first examine some of the key structural/organisational challenges that faced the Council during the second year of its operation (2013-2014). In its first report⁴ assessing the effectiveness of the Council during its first year of operation, the CGE identified a number of serious structural and organisational challenges that led to the failure of the Council to meet some of its key objectives. Some 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 this report we also identify and discuss similar structural and organisational challenges that continued to confront the Council, and even intensified, leading not only to its complete lack of action during the year under review, but also to severe uncertainty about the future of the Council.

In addition to the structural/organisational challenges, the NCGBV had also identified a menu of operational activities that included programmes, projects and activities. Some of these were carried over from its unsuccessful operations during its first year of existence, and had to be executed in the second year of its existence. This assessment therefore sought to examine the status of these programmes and projects, the progress achieved and the challenges faced (e.g. financial, etc) since the previous CGE assessment report that was released in 2014 where similar issues were raised.

⁴ Commission for Gender Equality (2013), *Expectations Unfulfilled: Assessing the Effectiveness of the National Council on Gender Based Violence*.

3.1. REVIEW OF STRUCTURAL/ORGANISATIONAL ISSUES

3.1.1. Institutional Weaknesses

The NCGBV was launched in December 2012, effectively taking over from the IDMT even though this was not announced formally in public, which was, at the time, the institution dealing with the national co-ordination of the implementation of the NAP. The CGE assessment on the NAP released in 2012 revealed that one of the key factors contributing to the failure of the IDMT to execute its mandate was the fact that the team was not constituted properly, and that the central departments responsible for the implementation of the NAP were operating in a fragmented and un-coordinated manner. The same report also pointed to the fact that “failure to institutionalise the IDMT exacerbated the situation, contributing to inadequacies and inefficiencies in the areas of operational management, poor planning, lack of monitoring and evaluation”⁵. In other words, failure to put in place proper formal institutional structures, processes and operational procedures, with clear role definitions and allocations created weak and fragile structures without the necessary institutional capacity to fulfil its function of co-ordinating the work of the various institutional stakeholders responsible for the implementation of the NAP. The IDMT also suffered from lack of vital resources to fulfil its functions and carry out its mandate.

When it was first introduced, the NCGBV adopted the same institutional design approach as the IDMT in that it embraced a multi-sectoral stakeholder participation approach which included participation by government and civil society organisations. As was the case with the IDMT, the Council is a strategic body that sought to engage in high level national co-ordination of nation-wide programmes and campaigns to combat GBV in the country. In practice though, the Council also identified specific operational programmes and projects of its own to implement in addition to its national strategic co-ordination and planning role. This additional responsibility to execute programmes and projects on the ground created tension between the role of the Council as a broad strategic body and that of an executing agency. The latter role needed effective internal structures, systems and processes including an effective administrative support structure that the Council did not have when it started operating. The lack of an operational plan of action and the financial resources compounded this structural problem.

According to the founding documents of the NCGBV, it was intended to be an independent body, chaired by the Deputy President of the country, but falling under the auspices of the former DWCPD. In practice however, the Council’s institutional autonomy, especially in relation to the DWCPD, was never clarified during the first year of its operation, and this continued to be the case during the second year of its operation. While the Council managed to appoint a Chief Executive Officer (CEO) in the last few months of its first year of operation, the appointment was not permanent, and its positioning as a Unit within the DWCPD created a structural problem that undermined its institutional integrity and

⁵ Commission for Gender Equality (2012), *365 Days of Action to End Violence Against Women and Children: Assessing Progress on the Implementation of the National Action Plan 2007-2011*

autonomy. It was far too dependent on the administrative support systems, personnel and institutional processes of the DWCPD. This also created a source of friction between the two institutions, as well as between the civil society component and the role players representing government as a sector.

3.1.2. Uncertainty about the Status of the NCGBV

Structurally the Council was intended to be an independent body, yet in practice it operated within the systems and processes of the DWCPD, with the CEO reporting directly to the Director General in the DWCPD. This also resulted in friction between the Council members representing the civil society sector, and the DWCPD as a representative of government. During its second year of operation, the DWCPD continued to maintain its position of dominance over the Council, which meant that existing tensions were carried-over unresolved into the second year of the Council's operations. In addition, deteriorating relations between the DWCPD and the civil society component of the Council hampered its operations, and ability to plan and execute its mandate; and the Council did not hold any meetings, implying that it could not attend to its business, including planning for its yearly programme of action.

For instance the Council was unable to meet and develop its annual plan of action for the year under review. As a result, the Commission did not have a coherent programme of action and plans to execute the programme. Our assessment also did not reveal any specific projects or even a budget plan for its programme. These institutional problems and internal tensions among key stakeholders within the Council continued to bedevil the existence of the Council, even preventing it from carrying out its normal programme operations during the second year of its existence.

The second year of the CGE's monitoring of the work of the Council coincided with the 2014 elections. In the wake of the newly re-elected government of President Zuma, the old DWCPD was abolished and replaced on 3 July 2014 by the newly-created Department of Women in the Presidency. Under the leadership of the new Minister, Susan Shabangu, the department's focus is to advance the socio-economic empowerment of women, and the promotion of gender equality through oversight, advocacy, monitoring and evaluation.⁶

Given that the Minister in the old DWCPD was identified as the Champion or Chief Patron of the NCGBV⁷, and that the Council was effectively placed under the tutelage of that ministry, it was widely expected that the new Minister for Women in the Presidency would assume that mantle, and take the lead in rearticulating the importance of the Council and the need to review its current status and resolve its persistent institutional problems and internal conflicts among its members. This did not happen. Instead, relations between the new Ministry for Women in the Presidency and the civil society component of the Council have continued to be fraught with tensions and lack of cordial collaboration, especially on the need to clarify the role, status and future of the Council.

⁶ Department of Women (2015), Annual Performance Plan 2015/2016

⁷ See DWCPD (2011), Concept Document for the Proposed National Council on Gender Based Violence

Given the current state of uncertainty regarding the legal, institutional, funding and operational status of the Council, there is a dire need for policy and strategic direction from government. Therefore soon after its establishment, the new Ministry was widely expected by activists in the gender sector and some of the stakeholders, including CGE, within the National Gender Machinery (NGM), to provide clear strategic direction and to make public policy pronouncements on its vision of the future of the Council, its role, responsibilities and funding going forward. This has not yet happened with the level of clarity that was expected. Instead the Ministry has not been as forthright and bold as was anticipated, especially in the face of widespread and growing demands from those in the sector for clear and unequivocal direction and policy on the future of the Council.

During her first budget vote speech to the National Assembly on 16 July 2014, Minister Shabangu announced 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".⁸ However the speech lacked sufficient clarity and details on how and when the review of the NCGBV would be carried out, and who would do this. Those in the sector are still awaiting more information regarding how the process will unfold, and whether or not this would be an open, public and consultative processes involving other stakeholders within the gender sector in general, and within the NGM in particular.

Due to the uncertainty in terms of the legal and institutional uncertainties that characterised the Council, its operations became affected. Its business and other processes were subsequently suspended, including the work of developing the National Strategic Plan. Initially the Human Sciences Research Council (HSRC) had been contracted by the DWCPD to develop the National Strategic Plan to deal with gender based violence in the country. However this led to tensions and frustrations especially among the civil society organisations as they considered the National Strategic Plan as the key framework that would guide their work of fighting gender based violence. The civil society stakeholders had assumed that they would be involved directly in the development of the NSP, rather than the process being assigned to an outside service provider to complete. What exacerbated the tensions surrounding the process of developing the NSP has been the fact that initially, the NCGBV was supposed to be working jointly with the DWCPD to secure the services of a service provider to drive the development of the NSP. However DWCPD took over the process, with very little involvement of the NCGBV.

The frustrations caused by the uncertainty surrounding the institutional and operational inactivity of the Council have also been compounded by the apparent lack of co-operation between the stakeholder groups, particularly government and civil society, to come to an agreement regarding the way forward. Based on our interviews and other information obtained during the fieldwork, the leadership of the Council, especially members of the Executive Committee (EXCO), had made several

⁸ Budget Vote address by the Minister in the Presidency responsible for Women, Ms Susan Shabangu, MP to the National Assembly, Cape Town (16 July 2014)

unsuccessful attempts to meet with the Minister to discuss the future of the Council. In particular, the members of the EXCO were keen to discuss and move the process of developing the NSP forward. Interviews with some of the stakeholders revealed the extent of the lack of communication among the key stakeholder groups, particularly civil society and the Ministry for Women in the Presidency, indicating that the only correspondence that was received in response to several requests for a meeting with the Minister, was a mere acknowledgement of the requests.

Therefore in contrast to the first year of the Council's operations that was characterised by acrimony and discord between the DWCPD and the civil society stakeholder groups; the second year of the Council has been characterised by the lack of engagement among the key stakeholder groups about the problems affecting the operations of the Council. In particular, the second year of the Council's operations was also characterised by the silence of the Ministry for Women in the Presidency, with those interviewed for this study noting that the Minister had rarely mentioned or referred to the Council in her subsequent speeches since her Budget statement in Parliament.

It has also come to light, through interactions with officials in the Department of Women and the DSD, not only that the Council was under review, but also that the IMC was now the only structure currently responsible in the area of Violence against Women. This however raises more questions than answers. Firstly, the statement does not indicate whether the NCGBV and its operations have been suspended or not. Secondly, the statement does not provide clarity as to whether or not the IMC has assumed the functions and responsibilities of the NCGBV. In fact available information obtained during the study seems to point to the fact that the DSD, as argued below, is also becoming an important player in the area of gender based violence, taking over some of the responsibilities of the Council.

The Ministry for Women in the Presidency is a crucial institution in that it is the lead institution responsible for ensuring the institutional and operational integrity of the Council. In the founding concept note of the Council, the former DWCPD was identified as the lead institution, with the former Minister identified not only as the Chairperson but also as the Patron of the NCGBV.

During the period of the fieldwork for this study, attempts were made by the CGE research team to interview senior officials from the department, including the new Minister for Women in the Presidency, to get their official view and perspective on the strategic importance of the Council, its current operational and institutional difficulties, and plans for its future going forward. However these attempts were unsuccessful. Nonetheless an examination and analysis of the documents from the Ministry, particularly its annual report, reveals lack of clarity regarding the current legal and institutional status of the Council, and no plans for any administrative and financial support for the work of the Council. This is in clear contrast to the approach of the previous DWCPD which had almost adopted the Council as part of its internal structures, including rendering administrative and financial support.

In contrast to the first year, during which the approach of the former DWCPD took the Council as part of its internal departmental structures with the former CEO reporting directly to the Director General

of the Department, the second year of the Council appeared to be characterised by a fractious, distant and un-cooperative relationship between the new Ministry and the Council.

In its Annual Plan for 2015/2016, the Department of Women in the Presidency presents a 'Review of Institutional Mechanism to eradicate GBV'. However this review appears devoid of references to the Council, given that the Council had a mandate to deal with and co-ordinate national efforts towards eradicating gender based violence. It is not clear whether or not the 'institutional mechanism' referred to in the department's Annual Plan for 2015/16 is the NCGBV. This lack of clarity has therefore led to speculation that the Ministry for Women could be contemplating a new and parallel 'institutional mechanism' for dealing with gender based violence, suggesting that the NCGBV is being marginalised. Alternatively, speculation is that the Council is being replaced, albeit by stealth. This is reminiscent of the demise of the former IDMT, which predated the NCGBV. It was also similarly overtaken by events and subsequently replaced unceremoniously with the establishment of the NCGBV, without any formal public statements from government regarding the abolition of the IDMT. As already indicated, there is uncertainty about the current institutional and operational status of the Council, while the Ministry for Women in the Presidency appears to be moving ahead with new strategic plans in the area of gender based violence, while the strategic plans do not seem to make provision for the role and position of the current NCGBV for the future.

A number of problems, strategic and operational, were identified by some of the officials from the Council who were interviewed for this study identified, as contributing to the impending demise of the Council:

- Lack of accountability
- Lack of political will
- Lack of coherence of strategies to co-ordinate activities geared towards addressing GBV in the country
- Lack of leadership
- Lack of understanding of the role of the department within the Council and
- Non-existing/non-operational administrative/Secretariat component of the Council.

Some of the key civil society stakeholders interviewed for this report hold the view that the NCGBV has actually died a silent death. The respondents indicated that they perceived the 'death' of the council as a symbol of the monumental national failure to address the scourge of gender based violence in South Africa. Moreover, the collapse of the council is also seen by those interviewed for this study as a failure to comply with international obligations in response to the CEDAW committee recommendation number 19 which called for the establishment of a national institutional mechanism to address the high rates of gender based violence in South Africa.

3.2. REVIEW OF PROGRAMMES AND OPERATIONAL ISSUES

During its first year of operations there were a few programmes and activities that the Council could not complete. In the first report that the CGE published regarding the work of the Council, it was clearly argued that, given the structural and operational challenges that the Council faced during the first year of operation, the Council was unable to fulfil much of its mandate, and as a result some of its key programmes were carried over into the second year of its operations. However, given the continued internal institutional and operational problems that the Council continued to experience, it was unable to develop an annual plan of action to guide its business operations for the year under review.

Nonetheless the Commission's work focused on the activities that were outstanding not only from the previous financial year, but also from its list of key priorities identified at the time when the Council was launched in December 2012. Below are some of the key projects and programme activities that the Council has yet to complete:

- The launch and the rollout of the National Vikela Mzansi Campaign
- Review of the '365 Days of Activism Programme' National Action Plan
- Root Causes Study (Conducted by IMC to inform the NSP)
- Development of an operational/business plan for the Council
- Development of a National Monitoring Tool
- Development and completion of mapping exercise of hotspots across the country (linked to the root causes of GBV) and
- Development of the NSP on Gender Based Violence for 2013-2018.⁹

Evidence gathered during this assessment shows that the NCGBV did not achieve much progress in any of its programme activities and projects as listed above. This is largely due to internal and other organisational problems. The Council did not even attempt to carry out some of its most basic and routine functions such as holding Executive Committee meetings or convening meetings for its Plenary during the year under review. The NCGBV did not organise even a single meeting during the second financial year, to consider some of its outstanding operational/business activities carried over from the previous financial year.

What follows below is an assessment progress in only three of these programme/project activities where the CGE research team was able to obtain information, even if very limited. It will become clearer below, why some of the developments in the three programme areas happened in spite of, rather than because of, anything the Council might have done or planned to carry out operationally. In certain cases, developments in these programme areas appeared to by-pass and exclude the Council. The three programme activities are:

⁹ Ibid

- Review of the '365 Days of Activism Programme' National Action Plan
- The launch and the rolling out of the National Vikela Mzansi Campaign and
- Development of the NSP on Gender Based Violence for 2013-2018.

As indicated already, the purpose of this exercise is to determine the effectiveness and efficiency of the Council in fulfilling its mandate by carrying out and completing these projects and programme activities.

3.2.1. Review of the '365 Days of Activism Programme' National Action Plan

The review of the 365 Days of Activism Programme National Action Plan was one of the key activities for the Council to carry out and complete in the first year of its existence. The review of the NAP was of critical importance in that it was intended to inform the National Strategic Plan (NSP) to be designed to deal with the high rate of gender based violence in the country. However, at the time this study was conducted, the respondents who were interviewed for this report indicated that they were not sure about the state of affairs of this work (i.e. the review of the NAP).

On 11 December 2014, the Ministry for Women in the Presidency released a statement to mark the day as a significant occasion in that it is the first day after the period of 16 Days of Activism for No Violence Against Women and Children. The occasion was also considered significant by the Ministry in that it signalled the activation of the year-long commitment for 365 Days of Activism to eradicate violence against women and children. The commitment emanated from the statement that the President of the Republic made during the launch of the 16 Days of Activism for no Violence Against Women and Children at Reigerpark in 2014. The President stated that "while the international campaign is marked 16 Days, we urge all South Africans to ensure that this becomes a campaign for all 365 days of the year".¹⁰

Our research found that even though the Council failed to implement its projects and programme activities during the second year of its operations, other stakeholder government departments did implement some important projects and activities that had a bearing on the work of the Council. It was also found that the work of these departments was carried out in a manner that excluded or did not bring the Council to play a role allocated to it when it was established in 2012. For instance, following the 2014 elections and the abolition of the DWCPD, the Department of Social Development (DSD) was assigned the responsibilities of dealing with issues of gender based violence. Incidentally, the Minister of the DSD is also the Chairperson of the Inter-Ministerial Committee (IMC) on violence against women.

One of the key findings of this study is that the Department of Social Development is currently implementing a five-year Programme of Action endorsed by the National Assembly in September

¹⁰ President Jacob Zuma's Speech at the Launch of 2014 - 16 Days of Activism Campaign at Reiger Park

2013. This was gleaned from the DSD's 2015/2016 Annual Performance Plan. The DSD's Five-year Programme of Action came as a result of studies conducted under the auspices of the IMC, including other studies conducted jointly by the DSD and other government Action shows that it contains aspects found in the NAP of the 365 Days Programme.

For instance the new Programme outlines activities in line with the same three pillars of the NAP (i.e. Protection, Prevention and Response). Under the Prevention pillar, the Programme includes a sub-programme activity labelled *'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.

In addition to the DSD, the Women's Ministry in the Presidency released its Annual Performance Plan which contains an activity labelled *'The 365 Days Campaign'* as one of the outreach initiatives the department will be undertaking for the next five years.¹¹ However it is not clear whether this programme is just one of the internal activities of the department, or part of the broader NAP of the 365 Days of Activism for No Violence Against Women and Children – the latter still has to be reviewed and revived as one of the key objectives of the NCGBV.

While this is evident that some departments are forging ahead with programmes and projects intended to address gender based violence, it is also clear that these departmental programme activities have important implications for the work of the Council as they seem to derive their basis from the same national mandate to deal with gender based violence, which primarily rests with the NCGBV. In particular, some of the DSD programme work derived from aspects and features of (Pillars) the NAP. And yet the NCGBV appears not to be playing any role, directly or indirectly, as a key institution with a mandate to deal with gender based violence in the country.

It is apparent therefore that the non-participation or non-involvement of the NCGBV in the work of the two key ministries dealing with areas of responsibility falling within its jurisdiction could be an indication of its marginalisation or even its imminent demise.

3.2.2. Review of Implementation of the National Vikela Mzansi Campaign

The Vikela Mzansi campaign was intended to bring together "an association of civil society organisations, development partners, business, faith-based organisations and the youth representatives to unite to build and steer a national movement for the protection and safety of children, women,

¹¹ Department of Women Annual (2015), Annual Performance Plan 2015/2016

lesbians, gays, bisexuals, transgender, intersex (LGBTI) and people with disabilities".¹² The Council had initiated the idea behind this campaign, and had decided that the campaign would serve a strategically important purpose of popularising its work and mandate to the South African public.

During this assessment the CGE discovered developments that appear to suggest that some of the key activities of the Council were being adopted and continued in new guises. For instance, the Annual Performance Plan of the Ministry of Women in the Presidency refers to a five-year GBV Communication Strategy.¹³ The development of this strategy will be a consultative process that will incorporate inputs from stakeholders in the sector. This process appears to share important similarities with the process of developing the Vikela Campaign.

As indicated above, the Council's Vikela Campaign was also intended as a public outreach strategy to create awareness and serve as a public platform for publicising the work of the Council around gender based violence, including providing whistle blowers a platform to report on incidents of gender based violence. In addition, the statement released by the Ministry for Women on the occasion of the reactivation of the 365 Day Programme calls on the public to 'join hands' to break the silence around gender based violence, through the use of all available platforms. The call even encourages the use, by whistle blowers, of anonymous and independent platforms – something consistent with and a key tenant of the Council's Vikela campaign. These developments appear to indicate that some of the Council's key initiatives are being adopted, adapted, refined and carried forward as new initiatives, and without the involvement and participation of the Council.

It is plausible to argue therefore that, while the Council has effectively become moribund, instead of this state of affairs being addressed in order to revive the Council and ensure that it carries forward its mandate, it would appear that its programmes and projects (or at least key aspects of these programmes and projects) are being migrated to other departments. This raises key questions for which answers do not seem to be readily available. For instance, some of the following key questions remain unanswered are: Is the Council about to be abolished? If so, when and how is this process going to unfold? Also, would the Minister for Women be responsible for making the decision to abolish the Council? If the Council is to be abolished, would there be a new multi-stakeholder institution established to replace it and carry forward its mandate to co-ordinate the work of multiple stakeholders across the country to combat gender based violence? How would such a new institution, if any, differ from the way the current is structures and mandated? Or instead, would the work of the Council be parcelled out and divided among different ministries such as the Department of Social Development, the Ministry for Women in the Presidency and other relevant departments?

3.2.3. Review of Progress on the National Strategic Plan

The development of the five-year National Strategic Plan to fight gender based violence was one of the key priority programmes that the Council set for itself during its first year of operation. However, the

¹² Information obtained from documents provided by the NCGBV (undated)

¹³ See Depart of Women (2015), Annual Performance Plan 2015/2016, p.26

Council appeared to lose control over this process. Firstly, according to interviews conducted with some of the key stakeholders, the appointment of the service provider to drive the process of developing the NSP was not done by the Council but the old DWCPD. Secondly, the process took much longer than was expected because the Council was weak and lacked effective Secretarial leadership to impose clear timeframes on the process to ensure that it was expedited. Therefore the service provider was only appointed in the last quarter of the financial year 2013/2014. Thirdly, the Human Science Research Council was appointed to drive the process of the development of the NSP. Based on interviews conducted during this assessment, it would appear that the appointment was done without the Council being consulted. It appears tough that the process was nonetheless endorsed and supported financially by the United Nations Population Fund (UNFPA).

The development of the NSP was not only a critical objective as it sought to create the roadmap for the country's collective efforts to combat gender based violence, but also because it would have defined the Council's approach and strategic vision for the country in terms of dealing with gender based violence for the next five years. It was the framework that was meant to guide the annual operational activities of the Council. It was proposed to be conducted in three phases:

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

Having effectively lost control and authority over the process of reviewing the NSP to the DWCPD, the Council nonetheless accepted the outcome and participated in the nation-wide consultative process driven by the HSRC like other stakeholders. However the process was confronted by numerous developments and logistical problems that eventually led to its termination in 2014. Firstly due to limited resources, only five out of the nine provinces were earmarked for holding consultative hearings, and the process was scheduled for completion by October 2014. Secondly, the CEO of the Council resigned on 5 September 2014, after serving less than a full year at the helm of the NCGBV. Thirdly, 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. For instance as indicated above, after the elections the DWCPD was replaced by a new Ministry in the Presidency, whose relationship with the Council is considered less than cordial by those in the gender sector. In addition, the post-election period has largely been characterised by the Council's state of suspended animation, with no sense of certainty, purpose and direction among its members.

Most crucial though is that the post-election period also saw the decision to contract the HSRC to develop the NSP being rescinded by the new Ministry for Women. Once again, based on interviews with the stakeholders in the Council, it would seem that the decision to terminate the work of the HSRC on the NSP did not involve the Council leadership and membership. At the time of the termination, the process had reached the third phase. These developments seemed to highlight a new phase in the existence of the Council, amidst deteriorating relations with the new Ministry for Women.

These developments around the process of developing the NSP led to widespread confusion not only within the Council but among key stakeholders within the gender sector, and prompted 20 civil society organisations to write to the new Minister for Women in the Presidency requesting a formal meeting to clarify some of these developments, including the institutional and operational status of the NCGBV. The Minister addressed these organisations in her speech at the launch of the 16 Days of Activism for No Violence against Women and Children on 6 November 2014.¹⁴

In addition to their unsuccessful attempts to get clarity from the new Ministry for Women regarding the institutional and operational status of the Council, and in the wake of the failed HSRC-driven NSP development process, a number of organisations (some represented in the Plenary of the NCGBV) embarked on a new and alternative civil society-driven process of developing the NSP. The failure of the formal national process to develop the NSP promoted some of the key players in the gender sector to seize the initiative to take charge of the process and located it outside of the Council, given its internal institutional and operational weaknesses.

Some in the sector felt that the failure of the formal (HSRC-driven) process meant that it was up to the communities as well as civil society organisations to seize the initiative to push for an independent process with direct accountability to citizens through public campaigns.¹⁵ However, this new process appeared not to have the blessing or acknowledgement of the new Ministry for Women. Based on interviews with some of the key players in this process, there was hope and expectation not only that the Ministry for Women would acknowledge the process, but that it would also nominate representatives to be part of the new civil society-driven process of developing the NSP. This did not happen.

The new, civil society-driven initiative to develop the NSP was underpinned by the following objectives:

- A fully costed NSP by the end of 2015 and
- 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
- Is fully costed and commits significant new resources
- Is developed through an open consultative process.¹⁶

The new civil society-driven process was intended to be fully consultative, with a planned series of consultations across all the provinces. The CGE research team was invited to participate as observers

¹⁴ An invitation to the consultative forum with civil society organisations (CSOs) dealing with gender based violence at the Lake Hotel and Conference Centre, No.1 country lake, Lakefield Benoni (6 November 2014)

¹⁵ South African National AIDS Council (2014), Women Sector End the Violence: Towards National Strategic Plan on Gender Based Violence (7 November 2014) available at: <http://www.ngopulse.org/pres-release/end-violence-towards-national-strategic-plan-gbv>

¹⁶ Ibid

in some of the roundtable discussions held in Johannesburg, Durban and Cape Town. However the new civil society-driven process was also not without its problems. For instance once the new process had started, divisions and conflicts began to develop amongst the role players in the new process. One of the key sources of conflict in the new process was in deciding which institution had the legitimacy to take the lead in the new civil society-driven process of developing the NSP. Interviews with key role players in the process indicated that Sonke Gender Justice had taken the lead in the process, largely due to its better financial resources from donors, but that some members had contested its leadership of the process, arguing that 'Sonke Gender Justice was a men's organisation' and therefore not suitable to take the lead in developing the NSP to combat gender based violence, which affects women more than men.

It would appear that some of the organisations that opposed Sonke Gender Justice taking the lead in the new process felt that this would increase the risk of entrenching a patriarchal approach in the process. Clearly, just as the formal HSRC-driven process had faced problems, the alternative civil society-driven process of developing the NSP was also fraught with problems, particularly internal conflicts, divisions and lack of unity among civil society stakeholders. In addition, the fact that the government in general and the Ministry for Women in particular withheld its endorsement meant that the civil society-driven alternative to developing the NSP also lacked the formal legitimacy that it desperately needed.

A key development that has also emerged around the NSP, as has already been indicated above, is the involvement of the DSD in the area of gender based violence. Not only have interactions with officials from the DSD and Ministry for Women clearly identified the DSD as an emerging key role player in this area; the DSD itself has recently drafted a document called 'The South African Integrated Programme of Action: Addressing Violence Against Women and Children'¹⁷. Broadly, the content of this DSD document suggests that it is a programme of action that is substantially similar to what the NSP would be, and should be, about. In other words, this document appears to pre-empt the development of the NSP – which is yet to be developed in a consultative process driven by the Ministry for Women.¹⁸ This raises an important question regarding whether or not the DSD and the Ministry for Women are possibly duplicating their efforts in terms of both of them developing programmes of action intended to deal with gender based violence in the country.

While it appears to critique the GBV Council in terms of the limitations of its approach to dealing with gender based violence, the DSD document does not provide clarity as to whether or not the GBV Council is therefore being regarded as irrelevant and ineffective in executing its mandate as per its establishing terms of reference, and its responsibilities being taken over by the DSD. Similarly, the Ministry for Women's Annual Performance Plan indicates that the GBV Council will be reviewed, without necessarily explaining the purpose of the review exercise, as well as clarifying whether or not the Council is to be abolished and replaced with another institution.

¹⁷ DSD (2014), *The South African Integrated Programme of Action: Addressing Violence Against Women and Children (2013-2018)*.

¹⁸ Department of Women (2015), *Annual Performance Plan*

Therefore the two key departments (DSD and the Women's Ministry) that are currently becoming central players in the area of gender based violence, appear not only to be working at cross purposes in terms of developing programmes of action to deal with gender based violence, but also in terms of co-ordinating their own programmes to avoid duplication, as well as clarifying the position of the GBV Council in the light of these new policy developments. In addition, they are not providing clarity as to the status of the GBV Council in the light of the policy developments alluded to in the discussion above. Nonetheless, even if the two departments do not provide clarity in this regards, we argue in this report that the consequences and implications of these developments are that in practice the DSD appears to be assuming the role of co-ordinating national strategies and programmes for dealing with gender based violence – an area that was reserved for the GBV Council as per the terms of reference. For all intents and purposes, this leaves the NCGBV without a purpose for existence.

4. CONCLUSIONS

This study was intended to assess the progress made by the NCGBV in implementing its programmes, projects and related activities during its second year of operation. This report shows that the current legal and operational status of the NCGBV is unclear, and that crucial questions about its future remain unanswered. The Council was established as a result of deliberations and recommendations of the CEDAW Committee during South Africa's last periodic reporting. The Committee raised concerns that despite South Africa's current commendable legislative and policy frameworks dealing with gender based violence, the high levels of gender based violence in the country continue unabated, and that an effective strategic multi-disciplinary intervention was necessary. The establishment of the Council was therefore a response by the South African government not only to signal its compliance with the CEDAW Committee recommendation, but also to signal the country's willingness to deal with gender based violence in a strategic and multi-sectoral approach.

Based on the findings and discussions contained in this report, we make the following conclusions.

Firstly, the Council has failed to fulfil its mandate of effectively co-ordinating national efforts by various stakeholders, including government and civil society, to combat gender based violence in South Africa. This conclusion is adequately substantiated not only in terms of the findings contained in this report, but also by those contained in the first CGE report on the Council released in 2013.

Secondly, 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 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.

Thirdly, the continued lack of co-operation and collaboration among the Council stakeholders, particularly between government and civil society, has 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.

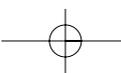
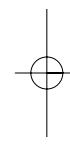
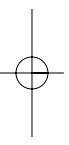
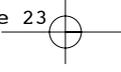
Fourthly, the Council's failure to implement many of its programme activities and projects, particularly the review of the NAP of the 365 Days of Activism Programme as well as its failure to drive the process of developing a NSP to combat gender based violence, were merely symptoms rather than causes of its institutional and operational weaknesses which were allowed by the stakeholders to deteriorate during its second year of operation.

Finally, we 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; to ensure 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 will not succeed in fulfilling its mandate.

5. RECOMMENDATIONS

Based on the discussion of the findings contained in this report, including the findings contained in the first CGE report on the work of the NCGBV, it is clear that this institution faces intractable institutional and operational problems that undermined its ability and capacity to fulfil its mandate. It is also clear that due to internal leadership conflicts and divisions amongst the participants in the Council, these problems were allowed to escalate and render the Council completely incapable of accomplishing even the basic functions of running its operations on a daily basis.

We therefore have one key recommendation: that the government issue a formal and public statement as soon as possible to clarify the current legal status of the NCGBV. The statement should 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 fulfils its mandate, or abolished and its mandate reassigned to another more effective and institutionally secure and well resourced/funded national body to co-ordinate national programmes and strategies to deal with gender based violence in the country.





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