

## **OUT OF MIND OR OUT OF SIGHT?**

Reviewing the Implementation of the 365 Days of Action  
To End Violence against Women and Children

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Research Report

Compiled by

The Commission for Gender Equality

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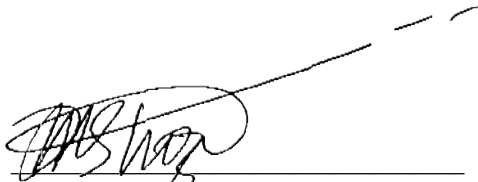
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## Foreword

Following its 2012 study on the implementation of the National Action Plan (NAP) of the 365 Days of Action to End Violence against Women and Children, the Commission for Gender Equality (CGE) has undertaken another study to review and assess progress in the fight against gender-based violence (GBV). This current study was taken in the context of important institutional developments relating to the NAP. In the first place, the National Council on Gender Based Violence (NCGBV) has been established to take over the responsibility of providing strategic direction and national co-ordination of national strategies to combat gender-based violence in line with the NAP.

Secondly, the Council has been mandated to review the NAP, given that its five-year cycle of implementation came to an end in 2011. The NAP therefore needs to be reviewed urgently in terms of determining not only whether or not a new five-year cycle of implementation is necessary, but also to ensure that its objectives and priorities, determined in 2006, are still relevant.

The Commission is therefore pleased to present this report, and the findings that it contains, to the public for discussion among those concerned with curbing the scourge of gender-based violence.



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**Mr. Mfanozelwe Shoji**  
Chairperson  
Commission for Gender Equality



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**Ms. Keketso Maema,**  
Chief Executive Officer  
Commission for Gender Equality

## Acknowledgements

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The Commission would like to convey its gratitude to all the government departments and other state entities for making available the information used to assess the implementation of the National Action Plan of the 365 Days of Action to End Violence against Women and Children Campaign.

## Acronyms and Abbreviations

<b>ASGISA:</b>	Accelerated and Shared Growth Initiative for South Africa
<b>BEM:</b>	Boys Education Movement
<b>CEDAW:</b>	Convention on the Elimination of all Forms of Discrimination against Women
<b>CSOs:</b>	Civil Society Organisations
<b>CGE:</b>	Commission for Gender Equality
<b>DoE:</b>	Department of Education
<b>DoH:</b>	Department of Health
<b>DoJCD:</b>	Department of Justice and Constitutional Development
<b>DSD:</b>	Department of Social Development
<b>DWCPCD:</b>	Ministry of Women, Children and Persons with Disabilities
<b>GBV:</b>	Gender-based Violence
<b>GCIS:</b>	Government Communication and Information System
<b>FCS:</b>	Family Violence, Child Protection and Sexual Offences
<b>GBV:</b>	Gender-based Violence
<b>GEM:</b>	Girls Education Movement
<b>IDMT:</b>	Interdepartmental Management Team
<b>JCPS:</b>	Justice Crime Prevention and Security
<b>JIPSA:</b>	Joint Initiative on Priority Skills Acquisition
<b>LGBTI:</b>	Lesbians, Gays, Bisexuals, Transgender & Intersex persons
<b>NAP:</b>	National Action Plan
<b>NCGBV:</b>	National Council on Gender-based Violence
<b>NOC:</b>	National Operations Centre
<b>NPA:</b>	National Prosecuting Authority
<b>NRSO:</b>	National Register for Sex Offenders
<b>PEP:</b>	Post Exposure Prophylaxis
<b>REID:</b>	Rural Enterprise and Industrial Development
<b>SADC:</b>	Southern African Development Community
<b>SAPS:</b>	South African Police Services
<b>SOCA:</b>	Sexual Offences and Community Affairs Unit
<b>SORMAA:</b>	Criminal Law Sexual Offences and Related Matters Amendment Act
<b>TCCs:</b>	Thuthuzela Care Centres
<b>UNICEF:</b>	United National Children's Fund
<b>VEP:</b>	Victims Empowerment Programme
<b>VFRs:</b>	Victim-friendly Rooms

## Executive Summary

The Commission for Gender Equality (CGE) undertook the second study to assess and evaluate the implementation of the National Action Plan (NAP) of the 365 Days of Action to End Violence against Women and Children. This follows a similar study conducted in 2011/2012. The current study was a follow-up to the previous study. Both studies sought to assess the extent of progress in implementing the NAP by state institutions earmarked to execute that programme.

The 365 Days of Action to End Violence against Women and Children is a joint government/civil society co-ordinated national strategy to combat violence against women and children in South Africa. It was implemented through a five-year NAP – the result of a multi-sectoral stakeholder conference held at Kopanong, Johannesburg, leading to the Kopanong Declaration in May 2006.

The first review revealed that the implementation of the NAP was beset with a number of problems, both systemic/organisational and operational. In particular, the broader systemic problems included poor co-ordination, lack of budgetary resources, lack of institutional capacity and poor planning. These broad systemic problems negatively affected the effectiveness of the operational implementation of the plan and progress on the ground. The operational challenges that were identified were related to the three pillars (Prevention, Support and Response) and their respective priority areas, as discussed later in this report.

The current study was based on an in-depth review and analysis of available official documents, reports and publications relating to the NAP and the work of government departments in implementing the plan for the 2012/13 financial year. Among these publications were departmental annual reports and annual strategic planning documents. Some of the information relating to the programme activities of the different state entities was obtained from their respective internet websites. This documentary analysis allowed us to gain insights into the challenges, constraints and key issues around progress in implementing the NAP. It also provided valuable information on the programmes of selected government entities in terms of their commitments to issues identified and priorities in the NAP.

The findings of this study revealed that not much change has occurred since the last study in terms of departmental commitments to implementing the plan. Some of the departments carried out programme activities consistent with the objectives of the NAP, while others largely abandoned the effort of integrating the relevant NAP objectives in their annual programme priorities.

In the cases where departments did incorporate activities consistent with the objectives of the NAP this was found to be a coincidence rather than part of a coherent plan to prioritise the NAP in their programmes.

The major stride that government has made in terms of facilitating this implementation is the establishment of the National Council on Gender Based Violence (NCGBV). The Council is a high-level strategic advisory national body that serves as a platform for forging political consensus on national strategies to combat gender-based violence. Its mandate is to provide high-level strategic guidance and the coherence of strategies across sectors to address GBV in South Africa. One of the NCGBV's

main responsibilities was to review the NAP and use the findings to develop a way forward for its effective implementation. The Council recently completed the first stage of the review of the NAP, and is expected to chart the way forward.

One of the key findings of the study is that the Council is also experiencing teething problems as it is still a fairly new structure; hence it has not yet been able to execute its mandate in full. The Council also lacks the necessary institutional capacity and financial resources to carry out its work of co-ordinating the national strategies to combat violence against women.

As a result of this lack of capacity and resources, the Council has not been able to co-ordinate the work of state entities mandated to implement the NAP. This has led to fragmentation, lack of coherence and different approaches by individual departments in dealing with gender-based violence. The findings of the study show that some of the state entities mandated to implement the NAP have failed to make provisions for and to integrate the objectives of the NAP into their plans.

A number of conclusions have been formulated based on the discussion and analysis of the findings in this report.

- It is concluded that co-ordination at national level of the 365 Days of Action programme has not been effective, due to ineffective national-level structures established for this purpose.
- During this financial year, the NCGBV was not able to develop the necessary institutional capacity, nor systems and mechanisms, to co-ordinate all the programme activities of state entities mandated to combat GBV in line with the NAP's objectives.
- The NCGBV was still new, institutionally weak and lacking in financial resources during this financial year. Therefore it could not have been expected to provide the necessary strategic leadership for state institutions mandated to implement the NAP.
- When the NAP's five-year cycle of implementation came to an end in 2011, there was a failure at a national level to provide clarity as to the future of the Plan. This resulted in a lack of effective national co-ordination of programmes by the individual departments, leading to fragmentation of approaches and, in some cases, departments stopped devoting attention and resources to NAP-related programme activities.
- Despite the lack of national strategic direction on the NAP after its implementation cycle came to an end, this did not necessarily prevent relevant state institutions from continuing to implement programmes and rendering services consistent with the NAP's objectives. Departments and entities, especially within the Justice, Crime Prevention and Security Clusters, continued to implement programmes that are in line with the objectives of the NAP to combat gender-based violence.

The following are some of the key recommendations.

- It is recommended that urgent attention is paid to developing the institutional capacity of the NCGBV to fulfil this function. The functioning of the NCGBV

should be reviewed thoroughly and urgently to clarify the institutional mechanisms and resources necessary to enable it to fulfil its function.

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- It is recommended that the review of the NAP should be expedited, involving all the state entities mandated to implement it, including the civil society organisations (CSOs) that were part of the Kopanong Declaration of 2006 where the NAP was collectively agreed to.
- Once the future of the NAP has been decided on collectively, and the programme objectives and priorities reviewed and re-evaluated, it is recommended that a clear political commitment of resources is made at national level to ensure that the NAP is accorded the necessary institutional mechanisms for its sustainable implementation over the short to medium term.
- It is recommended that, once the NAP has been reviewed and its objectives re-evaluated, the NCGBV develop clear operational plans on the way forward. These plans should be widely disseminated through public presentations to the stakeholders, including the relevant Portfolio Committee of Parliament, to ensure that state entities mandated to implement the NAP make the necessary commitments and plans in order to do so effectively.



# 1. Introduction

The Commission for Gender Equality (CGE) has, for the second year, conducted a review and assessment study on the implementation of the National Action Plan (NAP) of the 365 Days of Action to End Violence against Women and Children. The current review was conducted during the 2012/13 financial year. This follows the review study of the same programme conducted by the CGE for the previous financial year (i.e. 2011/2012) to determine the extent to which the NAP was being implemented by state entities mandated to implement it, including successes and constraints experienced.<sup>1</sup>

The 365 Days of Action to End Violence against Women and Children campaign is a joint government/civil society co-ordinated national strategy to combat violence against women and children in South Africa. It was implemented through a five-year National Action Plan (NAP) that resulted from a multi-sectoral stakeholder conference held at Kopanong, Johannesburg, which led to the Kopanong Declaration in May 2006.

This report presents the findings of the review on the programmes, strategies, plans and projects currently under way by state institutions (i.e. government departments and other state entities) formally responsible for implementing the NAP. The findings of the current review appear to show that, despite some departments continuing to carry out activities related to the 365 Days of Action, institutions mandated to implement the Plan have largely abandoned it or made no significant provisions for implementing it. The review also shows that the key problems that were identified in the previous review (i.e. systemic/structural and operational constraints) were still affecting prospects for effectively implementing the NAP during the financial year under review.

The contents of this report are structured to present and discuss the findings under two themes: broad structural and systematic issues, and the operational issues at programme-implementation level. The report ends with its conclusions and recommendations.

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<sup>1</sup> For more details on the findings of the study, see CGE (2012), *365 Days of Action To End Violence Against Women and Children: Assessing progress on the implementation of the National Action Plan, 2007-2011* (CGE Research Report).

## 2. Briefbackground to the Study

The implementation of the NAP came to an end in 2011 because it was on a five-year cycle (i.e. 2007-2011). However, while the lifecycle of the 365 Days of Action has come to an end, the programme itself is still ongoing as a formal national strategy to combat violence against women in South Africa. The previous study was a review of the NAP's five-year period of implementation of the Plan. This report is therefore a follow-up effort by the Commission to determine whether government departments had made their own plans to continue implementing it, or abandoning it, after the end of the five-year life cycle.

As already indicated, the 365 Days of Action came about as a result of deliberations at a conference held at Kopanong, Johannesburg, in May 2006. This was a gathering of government departments and a number of major CSOs in South Africa in an effort to develop a multi-sectoral approach and strategy to combat violence against women. The five-year NAP that was adopted to guide the efforts of relevant state institutions in this regard marked South Africa's compliance with the Addendum to the SADC Declaration on Gender and Development for Eradicating Violence against Women and Children, as well as other regional and international instruments. It should also be noted that international treaties such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Beijing Platform for Action and the SADC (Southern African Development Community) Gender and Development Protocol, which South Africa is a state party to, call for multi-sectoral and multi-disciplinary approaches to dealing with GBV.

During its implementation, the ownership of the programme changed hands several times from one institution to another. At its inception the NAP was being implemented under the tutelage of the National Prosecuting Authority (NPA), co-ordinated by an Inter-Departmental Management Team (IDMT). The IDMT comprised several national departments and entities including the National Prosecuting Authority (in particular its Sexual Offences and Community Affairs Unit (SOCA)), Department of Social Development (DSD), the Department of Justice and Constitutional Development (DoJCD), the South African Police Services (SAPS) and the Department of Health (DoH). The IDMT was also supposed to include selected CSOs among its participants, to ensure effective co-ordination and collaboration between the state and civil society in formulating multi-sectoral strategies to combat violence against women. However the CGE study of the role of CSOs<sup>2</sup> in the implementation of the 365 Days of Action campaign has revealed that CSOs lacked the necessary resources, including support from government, to be part of this process. Also these organisations felt excluded and marginalised from this process, thus leaving the responsibility to implement the NAP to the government and its entities.

The establishment of the Department of Women, Children and People with Disabilities (DWCPD) in 2009 saw the responsibility for the co-ordination of the 365 Days of Action campaign NAP shifted away from the NPA to the DWCPD. The Department was unable to co-ordinate the work of implementing the NAP effectively, leaving many CSOs frustrated about the lack of visible progress in this regard. When the

<sup>2</sup> See CGE (2012), *365 Days of Action to End Violence against Women and Children: assessing the work of Civil Society Organisations in relation to the National Implementation Plan*, (CGE Research Report).

establishment of the CGBV<sup>3</sup> was mooted in 2010 and eventually established and launched on 10 December 2012, it became a new focus of attention among gender activists and renewed expectations of greater public policy attention from national government policy makers. The fact that Deputy President Kgalema Motlanthe was identified as the chairperson of the Council was taken as evidence of the high-level attention that the national government was beginning to demonstrate towards the challenges of combating gender-based violence.

At this stage the NCGBV is formally in charge of the programme and the implementation of its NAP. One of the key items in the mandate of the NCGBV is the review of the 365 Days of Action. Several studies have been conducted by various institutions in the past, including the CGE,<sup>4</sup> showing that the implementation of the NAP has largely failed to achieve its objectives and that the co-ordination of the Plan has been ineffective. Even the NCGBV conducted a study recently, intended to inform the Council about the way forward in terms of reviving the programme. Based on the findings of the study, it would appear that the Council has decided to put on hold the implementation of the NAP, pending its full review and a plan of action going forward. It would appear that the intention is to identify the weaknesses of implementation and develop a new implementable plan of action.<sup>5</sup> The NAP is currently undergoing appraisal of the NCGBV and the outcome of this process will be used to feed into the formulation of the NCGBV's five-year National Strategic Plan.

### **2.1. OBJECTIVES OF THE STUDY**

This study sought to achieve the following objectives.

- To determine the extent to which the NAP of the 365 Days of Action campaign has been implemented by state institutions
- To identify key successes and constraints in the implementation of NAP
- To draft a research report containing the findings and recommendations of the study.

### **2.2. METHODOLOGY, DESIGN AND APPROACH**

A qualitative approach was employed in conducting this study. Particular emphasis was placed on in-depth analysis of the contents of available official reports, documents, publications and other secondary sources relating to the NAP and the work of the various state entities mandated to implement the NAP – the focus was on the 2012/2013 financial year. Among these publications were departmental annual reports and annual strategic planning documents. Some of the information relating to the programme activities of the different state entities was obtained from their respective internet websites. Phone calls were made and emails sent to a number of

<sup>3</sup> See DWCPD (2011), Concept Document for the Proposed National Council on Gender Based Violence, [www.sanacws.org.za/af/](http://www.sanacws.org.za/af/)

<sup>4</sup> CGE (2012), op.cit.

<sup>5</sup> For more details and discussion on the NCGBV's intentions on the NAP, see CGE (2013) Expectations Unfulfilled: Assessing the effectiveness of the National Council on Gender Based Violence.

officials in some of the state entities included in the review to solicit information and documentation. However, no formal interviews were conducted with officials and other state functionaries, mainly because many officials either lack the necessary knowledge of the NAP, or refused to be interviewed formally as some of them were under the impression that the NAP was no longer applicable to their departments. These documentary analyses allowed us to gain insights into the challenges, constraints and key issues around progress relating to the implementation of the NAP. It also provided valuable information on the programmes of selected government entities in terms of their usual programmatic commitments towards issues identified and prioritised in the NAP.

### **2.2.1. Constraints of the study**

Certain constraints were experienced during the review and these are identified below. The intention here is to draw attention to the fact that the Commission acknowledges the potential for these constraints to limit the veracity of the insights to be drawn from this review. These constraints were as follows.

- The report is based mainly on a desktop review of available official documents from the various government entities formally mandated to implement the NAP.
- Interviews and other forms of data gathering were not used.
- Some of the state entities formally mandated to implement the NAP did not have readily available information on their programme activities to implement the NAP – the research team had to extrapolate relevant information from available official documents and reports to determine its relevance and consistency with the objectives of the NAP.
- The study did not include the work of CSOs – a separate study by the CGE revealed clearly that CSOs that were originally involved in the formulation of the NAP were not involved in its implementation, due to lack of government support and fragmentation of efforts, among other things.

The following state entities were formally involved in the implementation of the NAP. Therefore official reports and documents relating to the programme activities of these state entities were examined and analysed in line with the relevant areas and objectives of the NAP.

- The Department of Justice and Constitutional Development
- The National Prosecuting Authority
- The Department of Social Development
- The South African Police Services
- The Government Communication Information System (GCIS)
- The Department of Education
- The Department of Rural Development and Land Reform
- The Department of Health.

## 3. The Findings of the Study

As indicated earlier, this report is based on a review undertaken by CGE of the work of state entities formally mandated to implement the NAP. This is the second such review, and follows the review undertaken during the 2011/2012 financial year, after the five-year cycle of the NAP came to an end in 2011. The report is based on assessing progress, if any, made by the different government institutions with regard to implementing the NAP. The findings of the 2011/2012 study form the background to this study and therefore constant reference will be made to its findings.

As was the case with the findings of the first study, this study shows that the implementation of the NAP was not always provided for and taken into account in the plans and priorities of many state entities formally mandated to implement it. While some of these entities carried out programme activities consistent with the objectives of the NAP, others largely abandoned the effort of integrating the relevant objectives of the NAP into their annual programme priorities. In those state entities where some of the programme activities were found to be similar to, or consistent with, the programme priorities identified by the NAP, in many cases these were found to be coincidental rather than part of coherent plans to prioritise the NAP.

### 3.1. BROAD STRUCTURAL/SYSTEMIC MATTERS

The implementation of the NAP during the year under review faced a number of structural/systemic difficulties. These are issues that affect the management and execution of the programme at a broad national level, particularly affecting the national-level structures, processes and practices intended to underpin the implementation of the NAP. These issues are grouped into the following categories: co-ordination, capacity, budgetary/funding, planning and monitoring and evaluation.

#### 3.1.1. Co-ordination

The NAP was designed to be a comprehensive, inter-sectoral and collaborative national approach/strategy to fight gender-based violence. However the Kopanong Declaration had failed to specify an effective national governance structure for the programme to handle the relations among the multiple stakeholders, or to specify the necessary participation mechanisms for the different stakeholders. As a result, in 2008 the IDMT was established and tasked with the co-ordination of the implementation of the NAP. This responsibility was placed under the Sexual Offences and Community Affairs Unit of the NPA. However, the IDMT could not commit to the deliverables set for it, as its legal standing was not clear. It was also not properly institutionalised in relation to the government entities whose work it had to co-ordinate. In addition the IDMT did not have a budget allocation for its operations. This undermined its ability and institutional capacity to co-ordinate the implementation of the NAP effectively. The lack of an operational budget also prevented it from attracting the necessary skilled personnel, thus limiting its capacity to operate effectively as a multi-sectoral co-ordinating body.

While the IDMT was intended to be a multi-stakeholder participatory mechanism for co-ordinating the work of other state entities implementing the NAP, a CGE

2012 study on the role of CSOs in implementing the NAP revealed that CSOs were completely excluded from the work of the IDMT. This, it was found, undermined the strategic objective of the Kopanong Conference of bringing together both state and civil society actors under one roof to tackle the scourge of violence against women. The CGE studies also found that the IDMT was largely unsuccessful and ineffective in achieving the necessary level of institutional co-ordination that was necessary to implement the NAP. In particular, the necessary political clout needed for the IDMT to co-ordinate and bring synergy to the work of the different departments involved in the implementation of the NAP was surely lacking, with the various departments involved in the IDMT working in a fragmented manner. The IDMT therefore ceased to operate in 2011.

The establishment of the DWCPD in 2011 came at the right time, as it heralded a new era and a new institutional location for the NAP – this was also an era of doubt and uncertainty for the programme, characterised by lack of clarity on its future, until the recent establishment of yet another institution, the NCGBV, in December 2012. The NCGBV is also a multi-sectoral, multi-stakeholder entity intended to do what the IDMT was doing – i.e. co-ordinating national strategies/efforts to combat gender-based violence. Its composition entails CSOs, government entities, business and labour.<sup>6</sup>

The Council is a high-level strategic advisory national body that serves as a platform for forging political consensus on national strategies to combat gender-based violence.<sup>7</sup> In her presentation to the Portfolio Committee on Women, Children, Youth and People with Disabilities in November 2013, the Minister for DWCPD stated that the mandate of the NCGBV “is to provide high level strategic guidance and coherence of strategies across sectors to address GBV in South Africa.”<sup>8</sup> In a report by the DWCPD, one of the responsibilities of the Council is to drive the implementation of the NAP by those entities mandated to implement it.

The NCGBV has only been in existence for just over a year at the time of writing this report. The CGE conducted an assessment study of the effectiveness of the Council in 2013 and the study revealed that the Council has not been able to fulfil its role of providing co-ordination and strategic guidance on the way forward for the 365 Days of Action programme. In addition, the Council has only been able to commission a consultant to do a review of other studies that have been published in the past on the 365 Days of Action programme and the implementation of the NAP.<sup>9</sup> The CGE's study of the NCGBV has revealed that the Council is still experiencing severe teething problems a year after it was established, and it was not yet in the position to provide effective co-ordination of the work of state entities mandated to implement the NAP. The work of reviewing the NAP and determining the way forward for the 365 Days of Action programme was still at an early stage by the end of 2013. It was expected that the review would provide concrete options for the Council on how to take the NAP forward. However, the Council still lacks the necessary resources and institutional capacity to co-ordinate and fund its own programmes. In addition, its internal structures are still uncoordinated and unconsolidated, while internal systems and processes are still evolving, albeit slowly.

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NCGBV (2013), Draft of the review and analysis of South Africa's implementation of 365 days of National Action Plan



As a result of this lack of strategic coherence and effective national co-ordination of the work of combating gender-based violence, the different state entities mandated to implement the NAP have not implemented it with a sense of unity of purpose. In some cases government departments have virtually abandoned the programme, under the false impression that the programme was no longer being implemented after the demise of the IDMT in 2011.

### **3.1.2. Capacity for co-ordination**

Capacity issues were some of the structural challenges that emerged from the 2012 CGE research work as a hindrance to the implementation of the NAP. The CGE's monitoring of the NCGBV in 2013 revealed that it did not have the necessary institutional capacity to co-ordinate not only the work of other institutions mandated to implement the NAP but its internal processes as well. It has not yet built the internal capacity, with the necessary resources, to fulfil all its objectives. The NCGBV is in charge of the work of reviewing the NAP with the objective of improving its implementation going forward. The NCGBV ultimately intends to re-launch<sup>10</sup> the NAP with renewed commitment from government and other stakeholders, particularly civil society, and better allocation of resources. However the NCGBV has not given a clear time frame as to when the processes of reviewing the NAP will be finalised, and when the re-launch is likely to take place.

However, since its inception in 2012, the Council has made some progress by way of a review study of the NAP which looked at other studies conducted on the 365 Days of Action programme. The review provides options on the way forward where it comes to boosting the NAP. However, the Council is a newly established and still-evolving body, still grappling with internal organisational matters and limited resources. As a result, it does not yet have the necessary institutional capacity and resources to fulfil its objectives of reviving, re-launching and co-ordinating the implementation of the NAP. The CGE 2012 study reported on the findings with regard to the capacity of relevant state institutions to implement the NAP.<sup>11</sup>

### **3.1.3. Budgetary and funding constraints**

The issues of budget and funding constraints were some of the reasons that led to the failure of the implementation of the NAP during its five-year implementation cycle that ended in 2011. The CGE 2012 study report revealed that even though the NAP was costed, its implementation faltered largely because many of the departments mandated to implement it were failing to integrate it into their annual strategic plans as per their commitments, and also failed to allocate the necessary financial and human resources to ensure its effective implementation. As indicated earlier in this study, the IDMT itself lacked the necessary resources and institutional capacity to co-ordinate the implementation of the NAP by the relevant state entities, as well as the necessary political or legal clout to command the various departments to make the necessary resources available for the NAP-related programme activities. The result was disjointed and fragmented approaches by various state entities mandated to implement the NAP.

<sup>10</sup> See NCGBV (2011), Concept Document (Draft Plan of Action), op. cit. pp. 15-18.

<sup>11</sup> See CGE (2012), *365 Days of Action to End Violence against Women and Children*, (CGE Research Report).

Currently, while the NCGBV is responsible for reviewing and reviving this implementation, the Council is still unable to secure the necessary financial and other resources to do so. Moreover, implementing the NAP cannot take place until the Council has completed the intended review of the NAP, followed by a new plan of action with the necessary time frames and budget costing. The Council has not indicated how long these processes will take to complete. The CGE's 2013 study of the NCGBV has also revealed that the Council has failed to secure funding from the government for its activities during the 2013/2014 financial year. However, the Minister for DWCPD reported at the end of 2013 that the National Treasury had made a commitment to allocate R6.8 million to the work of the Council every year for the next three years, to enable it to address GBV issues in South Africa.<sup>12</sup>

### **3.1.4. Planning challenges**

During the first five-year cycle of the NAP, the capacity to plan at national strategic level was limited. This was the responsibility of the IDMT. The lack of a common operational plan was a severe limitation that affected the ability of state entities mandated to implement the NAP to work collaboratively to achieve its objectives. This lack of a common national plan and lack of capacity within the IDMT to co-ordinate this effort at national level led to fragmented approaches, with individual departments either abandoning implementation of the NAP, or carrying out limited and ad hoc activities based on their own individual circumstances. The loss of capacity at national strategic-leadership level was an important factor in the loss of momentum among relevant government departments, leading to the NAP being abandoned by many departments.

The arrival of the NGBVC was partly intended to reverse the loss of strategic direction and momentum at national level where implementing the NAP was concerned. As discussed earlier in this report, the NCGBV has commissioned a consultant to conduct a review of the NAP. The outcome of this process is to be used as inputs into the NCGBV's National Strategic Plan that will help provide strategic focus and direction in the NCGBV's planning processes. However, as indicated already, the Council is still new and is institutionally weak. It lacks the necessary institutional capacity for effective large-scale planning. At the level of individual departments, our examination of the annual strategic planning documents of the various state entities mandated to implement the NAP shows that many of these documents have failed to make planned provisions for, and to integrate the NAP into, their programmes in line with the NAP. This might not necessarily reflect poor planning, but rather a failure to prioritise the Plan within departmental programmes of action. Yet some of the entities did pursue programme activities that are largely consistent with the objectives and priorities outlined in the NAP document. This, however, did not necessarily imply a conscious and systematic attempt to implement and comply with the Plan's provisions.

### **3.1.5. Monitoring and evaluation**

Although one of the tasks allocated to the NCGBV is the development of indicators and measures to assess progress in implementing the NAP, these have not yet been developed. According to the concept document for its establishment, the Council is

<sup>12</sup> The Minister stated this during the NCGBV meeting held on 3 March 2014 at the Department of Women Children and People with Disabilities Building in Pretoria.



mandated to monitor and evaluate the execution of all interventions related to the 365 Days of Action programme. The concept document also notes that an exhaustive number of initiatives on GBV have been carried out, but stresses that these have not yet been evaluated due to a lack of consensus on which of the measures to use for this purpose. At one meeting<sup>13</sup> of the Council Plenary, it was announced that a tool for measuring the impact of the 365 Days of Action programmes would be developed. However, this has yet to be done. Given the CGE's mandate to monitor the implementation of programmes to deal with gender-based violence, including the NAP, the Council has called on the two institutions to ensure that their mandates do not clash where their monitoring and evaluation responsibilities are concerned. While it is clear that the Council has not yet developed the necessary capacity to undertake its monitoring and evaluation function, some independent CSOs do have the capacity to monitor the work of state institutions implementing programmes related to the 365 Days of Action. For instance, between 2011 and 2012, the Shukumisa Campaign<sup>14</sup> evaluated 83 police stations, 29 courts and 30 hospitals across South Africa to assess the services rendered to victims of rape. The geographical areas in the assessment included Gauteng, Western Cape, Limpopo, Eastern Cape, Northern Cape and KwaZulu-Natal. The findings of this appraisal follow.<sup>15</sup>

- There were a sufficient number of officers to assist clients in police stations.
- Posters and pamphlets were not displayed in all police stations and where they were, most of them were written in English.
- Only half of the police stations produced station orders.
- Ninety-four per cent of police stations had access to specialist detectives and 74 per cent had a trauma room.
- Police stations did not have interpreters for the deaf victims and only partly made provision for victims with mental disabilities.
- Fifty-seven per cent of the courts had clear direction markers to the court; 82 per cent had access for people with physical disabilities; 89 per cent were easily accessible by public transport; 64 per cent had witness waiting rooms; 36 per cent had a room/office for NGO use; 88 per cent had CCTV facilities and 56 per cent had preparation officers.
- Of the 30 health facilities monitored, only 19 provided services to rape survivors and 18 provided post-exposure prophylaxis (PEP). Twelve of the 19 facilities conducted compulsory HIV testing of offenders and in 4 facilities offenders and survivors were not placed in separate waiting rooms.

While these findings indicate clearly that there were both gains and challenges with respect to the work of state institutions rendering services for victims of violence, they also show existing institutional capacity and expertise for monitoring and evaluation within the civil society sector. Given that the newly established NCGBV does not yet have the necessary capacity to monitor and evaluate these programmes, it might be beneficial for it to expedite its partnership-building programmes to enable it to collaborate with some of these institutions to augment its own limited institutional capacity in the short to medium term, while building its own internal capacity in the long term.

<sup>13</sup> NCGBV meeting held on 31st of January 2014 at the Manhattan Hotel in Pretoria.

<sup>14</sup> A network consisting of 20 CSOs around South Africa that monitors the extent to which the SAPS, the DoJCD and the DoH are meeting their mandates of providing services to victims of sexual offences.

<sup>15</sup> CGE (2013) CEDAW: Are we there yet? Measuring South Africa's progress under the Convention on the elimination of all forms of discrimination against women.

### **3.2. OPERATIONAL ISSUES AT PROGRAMME LEVEL**

The broader structural/systemic issues discussed earlier in this report that affect the institutional capacity of the NCGBV to fulfil its mandate in relation to the NAP are important in providing the background within which the operational activities of either the Council or other state entities have to be carried out on a daily basis. This review therefore looked at the operational/programme-level issues to assess the extent of progress, if any, given the broad systemic challenges already discussed. An in-depth examination and review of official reports and documents sourced from some of the state entities such as the DoE, NPA, SAPS, DoH and DoJCD has revealed a number of programme-level initiatives relating to the fight against GBV in South Africa. Some of these activities are consistent with the NAP objectives, even if the state entities concerned did not present them as part of the NAP.

The NAP identifies three key pillars in terms of which the efforts of these different entities to combat violence against women can be categorised. These are Prevention, Support and Response.<sup>16</sup>The following sub-sections therefore assess the work of the various entities in terms of these three pillars.

#### **3.2.1. Prevention**

The prevention pillar focuses on efforts undertaken by various entities towards educating, raising awareness and therefore empowering communities and individuals with the knowledge and ability to make interventions within their social surroundings to end violence against women and children. It seeks to address prevailing social norms, attitudes and behaviours within local communities and at societal level, empowering communities as collective and collaborative partners in tackling negative attitudes and behaviours that perpetuate and condone GBV. Within this pillar the NAP identifies the following key priorities.

- Public education and awareness
- Media and communication
- Advocacy.

##### **3.2.1.1. Public education and awareness**

#### **The Department of Justice and Constitution Development (DoJCD)**

In the year under review, the DoJCD, which falls under the prevention pillar, was mandated to provide public education and information on the Criminal Law Sexual Offences and Related Matters Amendment Act (SORMAA).<sup>17</sup>Based on reports<sup>18</sup> obtained from the department, the DoJCD disseminated information on this Act, targeting boys and girls in schools. Furthermore, to evaluate the practicality of public education among the learners, the Department conducted a situation analysis to determine whether using educational games would be more effective in public

<sup>16</sup> South Africa Violence Prevention Model and Action Plan (NPA, UNICEF, Danida & Gender Links)

<sup>17</sup> Through SORMAA critical changes have been seen as compared to the old Act. It repeals the common law offence of rape and replaces it with an expanded statutory offence of rape which is applicable to all forms of sexual penetration without consent, irrespective of gender, thus suggesting that rape can be experienced by a man, woman or child and the perpetrators can also be a man or a woman.

RSA Department of Justice and Constitutional Development *Annual Report 2012-2013*.

<sup>18</sup> RSA Department of Justice and Constitutional Development *Annual Report 2012-2013*.

education on SORMAA. Although the results of this analysis were not available at the time of writing this report, the DoJCD kept its commitment to developing prevention interventions that focus on mobilising and educating both girls and boys about GBV-related crimes. In its 2013 report the CGE<sup>19</sup> indicated that the DoJCD, in collaboration with the NPA, regularly conducted awareness programmes on the trafficking of persons, underpinned by the department's Red Card campaign, a strategy plan implemented from the 2010/2011 financial year.

### **The Department of Social Development (DSD)<sup>20</sup>**

The Department's Victims Empowerment Programme (VEP) directorate critically engages men and women in dialogues about GBV as an awareness-raising initiative, and tackles limitations concerning notions of patriarchy that undermine non-violence in gendered relationships. In these dialogues, issues pertaining to rape, abuse, domestic violence and poverty are brought to the fore. The Department reports also reveal that the minister for social development has led an inter-ministerial committee on GBV, focusing on the prevention pillar. During the year under review, the department also played an important part in the National *Vikela Mzansi/Kwanele* campaign<sup>21</sup> of the NCGBV, which included door-to-door campaigns and street dialogues.

### **The Department of South African Police Services (SAPS)<sup>22</sup>**

There have been some improvements during the year under review. For example the SAPS produced braille materials on the Domestic Violence Act and the Maintenance Act, which target vulnerable groups. As part of their awareness initiatives the SAPS contributed to the publication of the 'Teacher' supplement in the *Mail & Guardian* newspaper on 15 June 2013. This was to sensitise communities about the protection of children from abuse, exploitation and neglect, which make children vulnerable to crime. In addition, the SAPS hosted a number of exhibitions during the Child Protection Week to create awareness around child abuse. Activities included engagements with children and adults and were usually interdepartmental. The Department also used the 16 Days of Activism to communicate messages about GBV and how victims can report it. This was also achieved through taking part in the National *Vikela Msansi/Kwanele* campaign of the NCGBV.

### **The Department of Education (DoE)**

The DoE's programmes aimed at gender equity focus mainly on life skills, HIV/Aids and sexual abuse, and are undertaken in partnership with the UNICEF.<sup>23</sup> Therefore the DoE's work focused on promoting gender equity among boys and girls in the school environment. Through the implementation of the HIV/Aids life skills education

<sup>19</sup> CGE, draft of CEDAW: Are we there yet? Measuring South Africa's progress under the Convention on the elimination of all forms of discrimination against women, 2013.

<sup>20</sup> RSA Department of Social Development *Annual Report* 2012-2013.

<sup>21</sup> As part of the annual global 16 Days of Activism on No Violence against Women and Children aimed at awareness raising to reaffirm the global commitment to creating a society that is safe and secure for women and children. Again, the purpose of this campaign is to address, assess, monitor, evaluate and promote interventions and programmes that seek to prevent and respond to the scourge of violence against women and children. South Africa's theme for 2013 was *VIKELA MZANSI - KWANELE!* Communities United in Preventing Violence against Women and Children. The campaign strapline remains: Don't Look Away – Act against Abuse.

<sup>22</sup> South African Police Services *Annual Report*, 2012-2013.

<sup>23</sup> The United Nations Children's Fund.

programme, as reflected in their 2012-2013 annual plan,<sup>24</sup> the Department integrates health-related matters, such as HIV/Aids, into gender-equity issues as recognition of how HIV/Aids infections among women<sup>25</sup> are closely related to GBV and, in particular, intimate-partner rape and domestic violence. The report alluded to the fact that the Department experienced operational constraints which undermined the rolling out of this programme to six of the nine provinces as was planned. An examination of this particular programme shows that it is the only gender-equity programme that was budgeted for and/or received a grant according to the Department's annual financial statements.<sup>26</sup> However, the Department's *Annual Report* also highlights that the life skills programme does have adequate funding to support the national co-ordinating function.

The development of a website and the distribution of the handbook titled *Speak Out: A handbook for learners on how to prevent sexual abuse in public schools*<sup>27</sup> show that the DoE has been able to develop and implement innovative interventions to tackle sexual abuse through creating public awareness and prevention as a response to GBV. The Girls Education Movement (GEM) and the Boys Education Movement (BEM) are ongoing programmes that the Department has developed in partnership with UNICEF, catering for the learners' psycho-social needs through using life orientation as a platform for implementation. However details of progress achieved through these programmes were not clear from information obtained from the Department.

Available information also shows that the Department has put in place measures to incorporate gender mainstreaming into the curriculum. The aim is to change the mindset of boys and girls at an early age as part of early socialisation.<sup>28</sup>

### **3.2.1.2. Media and communication**

#### **National Prosecuting Authority (NPA)**

As a response to the high levels of teenage pregnancies affecting Northern Cape villages in particular, the NPA developed a newspaper insert and distributed it through newspapers during the 16 Days of Activism for No Violence against Women and Children in 2011/2012.<sup>29</sup> The purpose of this exercise was to raise awareness on the roles and responsibilities of various departments and institutions responsible for the implementation of the SORMAA. In 2012/2013 the newspaper article inserts focused on the National Register for Sex Offenders (NRS). The NPA, however, did not reveal how they were able to cater for the linguistic diversity of the province, as language barriers were a problem in issues of awareness raising and education through media and communication platforms as indicated in the previous CGE report.

<sup>24</sup> RSA Department of Education *Annual Report* 2012-2013.

<sup>25</sup> Their focus on young and rural women is in line with research findings that indicate the high rates of infections in these areas and for these particular women, as they are structurally impacted negatively by inequality and poverty.

<sup>26</sup> RSA Department of Education *Annual Report* 2012-2013.

<sup>27</sup> *Speak Out: A handbook for learners on how to prevent sexual abuse in public schools* is focused on educating learners on issues of GVB in the school environment.

<sup>28</sup> RSA Department of Education *Annual Report* 2012-2013.

<sup>29</sup> RSA National Prosecution Authority *Annual Report* 2012-2013.

### The Government Communication Information System (GCIS)<sup>30</sup>

The GCIS role is to collate information from all government departments and put the information into their news letter or present it on TV, in Parliament and in the *Bua-News* publication.<sup>31</sup> The GCIS also regularly invites other stakeholders, such as the South African Human Rights Commission (SAHRC), the Public Protector, CGE and others to contribute to the provision of information geared towards eradicating GBV. For instance, the chairperson of the CGE was invited to give a presentation at the GCIS on the strategy for dealing with GBV in South Africa.<sup>32</sup> The GCIS also creates a platform for the ministers to engage with the public through media briefings. Similarly, the GCIS offers technical support to different constituencies on request.

### The Department of Justice and Constitution Development (DoJCD)<sup>33</sup>

The Department reports that it had an engagement with the public through media and other communication forums which focused on public education and communication programmes. These included inserts in newspapers, radio and TV talk shows, and information sessions with specific groups. These programmes also focused on the Human Trafficking Act, the Maintenance Act and GBV among others.

#### 3.2.2. Support

The support pillar is significant for the implementation of the NAP. According to an NCGBV report draft<sup>34</sup> it is important to provide structures and resources to support survivors of gender-based violence. These structures and resources are essential for breaking the dependency cycle that most survivors of GBV feel about those who abuse them. The support pillar contributes towards secondary prevention, which happens immediately after the violence has occurred. This is significant for dealing with the short-term consequences of GBV, for example, treatment and psycho-social support. The support pillar also addresses the issue of tertiary prevention, which focuses on the long-term interventions after the violence has occurred. Tertiary interventions include rehabilitation and re-integration of offenders to ensure that recidivism does not occur.<sup>35</sup> In addition, the support pillar addresses issues of economic empowerment as an important mechanism to combat the consequences of violence against women. Under the support pillar the NAP includes the following four priority areas.

- Economic empowerment
- Infrastructure and places of safety
- Children and vulnerable groups
- Co-ordination.

<sup>30</sup> Information obtained from various sources including the GCIS website: <http://www.gcis.gov.za/content/about-us>, Accessed March 2014

<sup>31</sup> *Bua-News* is a South African government news service, published by the Government Communication and Information System (GCIS). Given the Government's mandate to ensure that South Africans have access to information, BuaNews was established to provide quick and easy access to articles and feature stories aimed at keeping the public informed about implementation.

<sup>32</sup> Interview with the CGE Spokesperson. March 2014.

<sup>33</sup> RSA Department of Justice and Constitutional Development Annual Report 2012-2013.

<sup>34</sup> NCGBV Draft of the review and analysis of South Africa's implementation of 365 days of National Action Plan 2013.

<sup>35</sup> NCGBV Draft of the review and analysis of South Africa's implementation of 365 days of National Action Plan 2013.

The findings of this assessment are discussed in some detail along these four priority areas in the following paragraphs.

### **3.2.2.1. Economic empowerment**

Statistics<sup>36</sup> suggest that the rate of unemployment among women is 11.6 per cent higher than that of men in South Africa. On the other hand, research<sup>37</sup> shows that half of the women who experience GBV are economically dependent on men. The NAP thus mandates various departments to come forward with strategies that will ensure that economic empowerment is included in the different types of support offered to victims of GBV.

During the five-year cycle of the NAP, the government's Accelerated and Shared Growth Initiative for South Africa (ASGISA) and the Joint Initiative on Priority Skills Acquisition became key policy initiatives for advancing women's economic development. However, despite the laudable policy objectives and goals expressed, the two policy initiatives failed to achieve concrete outcomes in terms of actual economic empowerment, particularly in creating employment and skills development among women, and the change of government leadership in 2009 saw these policy initiatives abandoned.<sup>38</sup>

In addition, many state entities at national, provincial and local levels are currently obliged, through the government's broad-based economic-empowerment programmes to put in place preferential procurement policies to advance women's interests in this regard. This is done by way of prioritising women entrepreneurs in the issuing of state tenders or contracts for the supply of goods and services.<sup>39</sup> However, in practice these preferential procurement policies are vulnerable to corrupt activities, which include the phenomenon of 'fronting' whereby women are often used as the public faces of male-dominated private enterprises. It is widely acknowledged that government has not been successful in curbing corrupt practices in the awarding of state tenders.

### **The Department of Rural Development and Land Reform<sup>40</sup>**

This department developed a number of initiatives to curb the challenge of high rates of unemployment among women. Initiatives have also included strategies on ensuring food security, which will alleviate poverty. According to the CGE CEDAW report,<sup>41</sup> the Department's Programmes include the Rural Enterprise and Industrial Development (REID) programme which includes household gardens, arts and crafts and access to land, and the Comprehensive Rural Development Programme

<sup>36</sup> Figures obtained from Statistics South Africa, 2012.

<sup>37</sup> NCGBV Draft of the review and analysis of South Africa's implementation of 365 days of National Action Plan 2013 and CGE (2012), 365 Days of Action to End Violence against Women and Children, (CGE Research Report).

<sup>38</sup> Wildenboer, R. ASGISA: a study of the background to and challenges facing the new economic framework of the South African government (Masters Research report), (South Africa: University of Stellenbosch), 2008.

<sup>39</sup> For instance, this was found to be the case in many local authorities in a CGE Study of gender mainstreaming in the water sector. See CGE Report (2011), *Gender Mainstreaming in the Water Sector: Evaluating Progress by Municipalities and Provincial Water Boards – A national report*.

<sup>40</sup> CGE(2013) CEDAW: Are we there yet? Measuring South Africa's progress under the Convention on the elimination of all forms of discrimination against women.

<sup>41</sup> CGE(2013) CEDAW: Are we there yet? Measuring South Africa's progress under the Convention on the elimination of all forms of discrimination against women.



which involves recycling projects. The Department also partners with the DWCPD on a number of economic empowerment projects such as the self-help groups. The Department has programmes in Disaster Management, Technology, Research and Development and Capacity Building of Co-operatives. All these are largely run by women in rural areas.

### **The Department of Social Development (DSD)**

The Department of Social Development's strategic plan<sup>42</sup> makes provision for creating decent work for women, the youth and people with disabilities, and plans to achieve this through the Expanded Public Works Programme. It is further asserted that this Programme increases income and thus alleviates poverty and reduces inequality. In its reporting, however, the Department fails to show how women benefited from this programme and, as a result, it becomes difficult to assess progress made in improving the economic status of women. The Department's report, however, mentions a number of initiatives that sought to create employment and food security for women, but details provided were limited in terms of the successes achieved through these initiatives.

#### **3.2.2.2. Infrastructure and places of safety**

### **The Department of Justice and Constitution Development (DoJCD)<sup>43</sup>**

One of the most pressing issues that the DoJCD faced concerned prioritising matters relating to sexual offences. The re-establishment and implementation of the sexual offences courts and evaluation of the Sexual Offences Act are important institutional developments under this pillar. In addition, public education and information dissemination on these issues is critical. The re-establishment of the Sexual Offences Courts followed four research studies by the DoJCD. These courts had been abolished in the past due to a number of problems, mainly a lack of financial resources and lack of specialised and skilled personnel. Therefore during the re-launch of these courts the ministry made a clear commitment that a budget was allocated to re-establish 22 Sexual Offences Courts during the current financial year and that in the next three years, 57 courts would be established throughout the country.

In his speech, Minister of Justice, Jeff Radebe, stated that the courts were re-established with well-resourced structures to ensure efficient service delivery and an increase in rates of conviction for sexual offenders.

### **The National Prosecuting Authority (NPA)**

The Justice, Crime Prevention and Security (JCPS) Cluster under the NPA has been mandated to ensure that the 30 existing Thuthuzela Care Centres (TCCs)<sup>44</sup> in line with the JCPS service delivery agreement. In addition, the NPA is to be well resourced to meet indicators and targets set by the department of justice. Furthermore, the NPA

<sup>42</sup> RSA Department of Social Development Strategic Plan 2010-2015: Building a caring society together.

<sup>43</sup> DoJCD, *Annual Report 2012-2013*.

<sup>44</sup> TCCs are a one-stop facility, introduced as an important part of South Africa's anti-rape strategy. Their aim is to reduce secondary trauma for the survivors, to improve conviction rates, and to reduce the cycle time for finalising cases. The Thuthuzela project is led by the NPA's Sexual Offences and Community Affairs Unit (SOCA). Its implementation is, however, in partnership with various donors as a response to the urgent need for an integrated strategy for prevention, response and support for rape victims.

reported that additional sites had been identified as ideal to construct additional TCCs and that there were various stages of implementation. The NPA/JCPS are committed to offering support to victims of sexual violence through providing comprehensive services to victims in a dignified manner. The TCCs have been hailed as the most successful multi-sectoral intervention strategy, which is victim/survivor centred.

The NPA's report<sup>45</sup> however indicates that for the 2012/2013 financial year the conviction rates in the prosecution of sexual offences reported at TCCs are relatively low, decreasing by 2.3 per cent from the 2010/2011 financial year in comparison to a 64 per cent conviction rate in the previous financial year. The Department had set a target of 63 per cent conviction rates for the year indicated, and the failure to reach the target was attributed to various factors, including case-flow management being dealt with by presiding officers, a substantial drop in the number of dedicated courts, a decrease in specialised services and a considerable increase in sexual offences matters reported at TCCs.<sup>46</sup>

The shelters, TCC's and Victims Empowerment Centres which are normally housed in hospital premises where there are no TCCs, were established to ensure that victims do not suffer secondary victimisation and receive treatment and psycho-social help in a victim/survivor friendly environment. Various reports indicate that due to budgetary constraints shelters remain under-resourced, therefore failing to meet minimum standards. Resources are also skewed in favour of urban areas, while funding remains inequitably allocated across the different provinces. Shelters draw most of their funding from international donors, while the DSD provides minimal funds. As a result of this severe lack of funding, most TCCs and Victim Empowerment Centres within the hospitals have to rely on and utilise hospital resources to run their programmes.

### **The Department of Social Development (DSD)**

The DSD is responsible for co-coordinating and ensuring sustainable functioning of shelters and Victim Empowerment Centres. Therefore during the 2012/2013 financial year the Department, together with other entities responsible for the implementation of the Victim Empowerment Programme, developed a GBV prevention programme for CSOs, although the programme was still being finalised at the end of the financial year. The Department also managed to complete a national framework for the accreditation of organisations providing services to victims of human trafficking, which they claim was piloted with the involvement of the SAPS, NPA and DoJCD. The framework included directives on identifying, interviewing, and referring victims. The *Annual Report*<sup>47</sup> also shows that the indicators for VEPs that were developed in the 2011/2012 financial year continued to be implemented. It further claims that all provinces are implementing it in line with the indicators which translate to information on victims of crime being recorded. The data will be vital in the development of future departmental plans and strategies.

<sup>45</sup> RSA National Prosecution Authority *Annual Report 2012-2013*.

<sup>46</sup> RSA National Prosecution Authority *Annual Report 2012-2013*.

<sup>47</sup> RSA Department of Social Development *Annual Report, 2012-2013*.



**The South African Police Services (SAPS)<sup>48</sup>**

The VEPs were initiated to reduce secondary victimisation at the point of service delivery. The SAPS VEPs aim to provide victim-friendly services to all victims of crime, including the development, monitoring and implementation of policies, directives and instructions aimed at improving services to victims of crime. It also aims to sensitise and train SAPS members to render professional, victim-friendly services and ensure that SAPS facilities are victim friendly. In March 2012, the National Instruction for Victim Empowerment was approved and distributed nationally. Presentations were made regarding instructions as well as on other topics including provincial gender-based violence and victim empowerment capacity-building sessions.

During the 2012-2013 financial year, the SAPS played a role in the following interdepartmental programme activities aimed at improving services to victims of crime.

- Participating in quarterly Interdepartmental Victim Empowerment Management Forum meetings to clarify roles, responsibilities and progress in the implementation of victim empowerment in the SAPS.
- Participating in various workshops to discuss the Victim Empowerment learnership training programme developed by the DSD.
- Facilitating a shelter strategy for victims of crime and violence to give guidance to stakeholders.
- Convening workshops to revise the minimum standards for the VEP policy guidelines and the National Population Unit.
- Making a presentation on its programme activities at the National Victim-Empowerment summit hosted by the DSD in 2013.
- By end of March 2013, a total number of 919 Victim-friendly Rooms (VFRs) were operational at police service points, compared to 925 at the end of March 2012.<sup>49</sup>

The CGE (2012) victims' charter report indicates that the Family Violence, Child Protection and Sexual Offences (FCS) units experienced a shortage of rape kits because of ineffective distribution of material. Furthermore, places of safety did not always have sufficient capacity to assist all victims due to overcrowding. Consequently victims were sent to Victim Support Centres. The report also indicates that it is not always possible for the police to transport victims to places of safety. This is particularly true in the Limpopo province, where police vehicles were often not roadworthy. Victims/survivors therefore did not always receive the help they needed.

**3.2.2.3. Children and vulnerable groups****Department of Justice and Constitutional Development (DoJCD)<sup>50</sup>**

Recent incidents of violence against Lesbians, Gays, Bisexuals, Transgender & Intersex (LGBTI) persons have clearly indicated how vulnerable this community is. As

<sup>48</sup> South African Police Services *Annual Report*, 2012-2013.

<sup>50</sup> RSA Department of Justice and Constitutional Development, *Annual Report* 2012-2013.

a response, the minister of justice established a national task team comprising CSOs and key government departments within the JCPS Cluster to develop a National Intervention Strategy outlining measures to end violence against LGBTI persons. The Department also conducted public awareness campaigns in various communities as well as among public officials. The Department reports that it conducted a situational analysis on the treatment of LGBTI cases in the criminal justice system, with a view to developing an appropriate intervention strategy.

Available information also shows that as part of ongoing comprehensive support to victims of GBV, the NPA provides psycho-social services for the survivors before and during court processes. Also, while the NPA continues to play the role of co-ordinating authority for the TCCs, a debate is currently under way on the possibility of handing this role over to the DoH.<sup>51</sup>

### **The National Prosecuting Authority (NPA)<sup>52</sup>**

In ensuring that the NPA implements the policies and legislations effectively, including the allocation of the necessary resources, the NPA's SOCA unit established an electronic and standardised case management system for domestic violence cases. This was done in collaboration with the DoJCD's National Operations Centre (NOC) to tackle issues of domestic violence, particularly protection orders and other offences that are linked to GBV. The NPA reported that it conducted 5 training sessions on the Domestic Violence Act with 108 prosecutors. It also refers to the collaboration between the NPA and DoJCD that shows to reduce and prevent the prevalence of GBV.

The Human Trafficking in Persons Bill was enacted in 2013, followed by the establishment of the Human Trafficking in Persons Task Team by the NPA and DoJCD. Available information alludes to collaboration between the NPA and DoJCD to align national and provincial task team strategies to equip prosecutors, investigators and support service providers in identifying trafficking-related cases for combative interventions.<sup>53</sup> The NPA has also reported that it reviewed and standardised its training programme and manual to address the issue of human trafficking.

### **The Department of Social Development (DSD)<sup>54</sup>**

The DSD reports that it played a crucial role in initiating and implementing events to publicise child protection week and how different stakeholders in communities can take part in promoting and protecting the rights of children. To strengthen the prevention of neglect, abuse and exploitation through early intervention, the DSD reports that a national prevention and early intervention strategy is in place to ensure an integrated multidisciplinary approach. For social workers who work with children, the Department developed a risk assessment and safety tool to help while working with child abuse and exploitation. According to the Department's Child Protection Register, 283 officials were recorded as unsuitable to work with children. Officials working with children were also screened according to relevant regulations

<sup>51</sup> This issue was raised repeatedly by participants during CGE Policy Dialogues on the Victims Charter Reports during the current financial year.

<sup>52</sup> RSA DoJCD *Annual Report 2012-2013*.

<sup>53</sup> CGE (2013) CEDAW: Are we there yet? Measuring South Africa's progress under the Convention on the elimination of all forms of discrimination against women.

<sup>54</sup> RSA DSD *Annual Report 2012-2013*.

in the Register. The Department also appointed a research team to conduct a study to establish the incidence of child abuse, neglect and exploitation, both nationally and at provincial levels. The results of the study were not yet available at the time of compiling this report.

Although the DSD was able to illustrate the activities it was engaged in under this pillar of support, there was a lack of clear indicators as to what their objectives were. Furthermore, there was some ambiguity as to whether the DSD was adhering to the NAP objectives or just fulfilling its normal operational activities that happen to be consistent with the objectives outlined in the NAP. Neither the strategic plan of the department nor *Report* mentions the NAP. It should be noted, though, that this applies to all other state entities being reviewed in this report.

#### **3.2.2.4. Co-ordination**

This sub-pillar addresses the issue of co-ordinating the programme activities of the different state entities, in particular how each entity implemented, managed, monitored and evaluated the NAP at operational levels, and further developed partnerships to enhance capacity in the fight to end GBV. As indicated earlier, however, the level of co-ordination at national level has not met expectations since the time of the IDMT, and this has not changed since the advent of the NCGBV. However, in terms of the JCPS Cluster, the NPA and DoJCD appear to be providing some level of co-ordination of their programme activities. The partnership between the NPA's SOCA and DoJCD's NOC therefore illustrates that there is still a commitment to ending GBV in line with the NAP of the 365 Days of Action Programme. In regard to the NPA's integrated training programme for all relevant stakeholders at TCCs, a detailed programme and manual was developed, focusing on aspects such as child witnesses, medical examinations and investigations. This programme depends on the collaboration of experts from the SOCA unit, SAPS, the DoH and the DSD.

#### **3.2.3. Response**

This pillar focuses on the efforts made in implementing and enforcing interventions and legislative frameworks to strengthen the interventions and strategies in the prevention and support pillars; it connects the other two. The response pillar of the NAP includes the following priority areas.

- Legislation and policy
- The criminal justice system
- Comprehensive treatment and care
- Specialised facilities.

##### **3.2.3.1. Legislation and policy**

###### **Department of Justice and Constitutional Development (DoJCD)**

As mentioned earlier the Prevention and Combating of Trafficking in Persons Bill was passed on 19 March 2013 by the Select Committee on Security and Constitutional Development. The Act takes a more holistic and comprehensive approach to

tackling the problem of human trafficking, along with rehabilitating and supporting victims of it. The legislation gave effect to South Africa's international obligation to the United Nations Protocol.<sup>55</sup>

During the 2012/2013 financial year<sup>56</sup>the JCPS Cluster intensified its commitment to Outcome 3 of the government, which seeks to make sure that, "All people are [safe] and feel safe." This mandate particularly focuses on protecting the vulnerable groups in society. Again, this was critical in the DoJCD's implementation of the Child Justice Act (No. 75 of 2008) and the Child Justice National Policy Framework of 2010. Again, this intensified work is seen in the context of the development of an interventionist strategy to address gender and sexual orientation-based violence against LGBTI persons, even though there has not been a legislative framework that addresses specific needs and rights for the people in these communities.

With regard to issues relating to the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, the DoJCD, together with the National Policy Framework on the Management of Sexual Offences: Section 62(1) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007. This co-ordination required the minister of justice to adopt and table a National Policy Framework in Parliament. The DoJCD reported that in August 2012, the minister re-tabled the revised Framework for discussion in Parliament. This policy Framework establishes clearly defined ways to optimise the inter-sectoral response to, and prevention of, sexual offences, and is necessary to reduce the high levels of sexual offences in the country. However this policy has not yet been finalised for implementation. These developments are clearly in line and consistent with the objectives outlined in the NAP, although these are not reported as part of a coherent plan to realise the objectives of the NAP to eradicate gender-based violence.

### **The National Prosecuting Authority (NPA)**

Although much effort has been put into creating awareness around the SORMAA, the Act has not been evaluated for impact in terms of rates convention since it was implemented in 2008. Furthermore, available information shows that the NPA's Framework had to be resubmitted to Parliament in August 2011 after further consultations with Non-governmental Organisations were called for. So it would appear that this Framework has not yet been implemented. Yet the NPA's *Annual Report*<sup>57</sup> refers to a comprehensive evaluation of the SORMAA that will be undertaken in the third year of implementation of the Framework, particularly on the management of sexual offences.

The NPA also admits that no evaluations have so far been conducted on the impact of measures to combat gender-based violence, although the Domestic Violence Act has been assessed after a decade of its implementation by the gender directorate within the NPA. The findings of the evaluation of the Domestic Violence Act had not been published when this report was compiled.

<sup>55</sup> <http://www.southafrica.info/services/rights/trafficking-300713.htm>

<sup>56</sup> Annual Report

<sup>57</sup> RSA NPA *Annual Report* 2012-2013.

**The Department of Social Development (DSD)**

Upon acknowledging that the current victim-empowerment legislation does not give the Department a role in managing and registering shelters for abused women and children, the DSD drafted a bill to address this, stating that “the legislation will ensure that victim empowerment services are regulated and provided by professional staff. It will provide means for monitoring victim empowerment services, as well as addressing the scourge of gender-based violence... The legislation will improve victim empowerment services, and strengthen the protection, care and support of victims of crime and violence.”<sup>58</sup>

In terms of the Children’s Act, available information shows that five regulations and four forms were amended and gazetted in this financial year. The Act was also reviewed in 2012, with guidelines formulated for managing statutory cases. The information indicates that child care and protection forum meetings were held and the Children’s Act monitored, with plans to build capacity for implementing Chapter 13 of the Act, which deals with the transformation of child and youth care centres.<sup>59</sup>

**3.2.3.2. The criminal justice system****The Department of Justice and Constitutional Development (DoJCD)**

During the year under review, a total of 2 622 convictions were recorded, of which 2 320 were captured electronically on the National Register for Sex Offenders. This represents 88 per cent of the cases recorded on this register, against a target of 80 per cent as set in the National Register of Sex Offenders.<sup>60</sup>

**The National Prosecuting Authority (NPA)**

The NPA reports that the training manual for sexual offences was reviewed and relevant new sections added, specifically on the Criminal Justice Act, Children’s Act, and case law. During 2011/2012, a total of 6 913 sexual offence matters were finalised, with a conviction rate of 65.1 per cent, which also reflects the need for comprehensive implementation of the SORMAA, along with the establishment of the sexual offences courts.<sup>61</sup> The need for these special courts is reinforced by the fact that sexual offences prosecutions at sites linked to the TCCs have decreased.

**The South African Police Services (SAPS)<sup>62</sup>**

With the issue of secondary victimisation of survivors of GBV being widely reported, the Victim Empowerment Learning Programme is reported to have trained officials on how to be victim-sensitive and avoid putting victims through further traumatic experiences. In-service training was also provided to officials on social myths pertaining to the justification of domestic violence, particularly against women and the dynamic context of domestic violence.<sup>63</sup> However, the findings of the studies

<sup>58</sup> RSA DSD *Annual Report 2012-2013*, p. 65.

<sup>59</sup> RSA DSD *Annual Report 2012-2013*.

<sup>60</sup> RSA DoJCD *Annual Report 2012-2013*.

<sup>61</sup> RSA NPA *Annual Report 2012-2013*.

<sup>62</sup> SAPS *Annual Report 2012-2013*.

<sup>63</sup> SAPS *Annual Report, 2012-2013*.

conducted by the CGE between 2009 and 2012 on the implementation of the Victims Charters how that victims not always received the necessary care at points of service delivery to avoid exposing them to further trauma, and were on occasion placed in the same waiting rooms as the perpetrators. Secondary victimisation by members of the SAPS remains a serious challenge.

The SAPS has been able to implement successfully its Crime Administration System, which captures the full details of the domestic violence incidents reported, where it comes to regarding domestic violence as well as sexual offences. The Crime Information Management Centre is thus able to retrieve information from this Crime Administration System.<sup>64</sup>

### **3.2.3.3. Comprehensive treatment and care**

#### **South African Police Services (SAPS)**

The SAPS officials assist complainants with finding suitable shelters and medical treatment. However, as shown under the support pillar, the necessary help is not always provided given that in rural areas, in particular, SAPS vehicles are not always roadworthy to drive the survivors to places of safety. Also, because in rural areas shelters and places of safety are usually few and far between, it has proved difficult to provide effective services to survivors of crime and violence.

#### **The Department of Health (DoH)**

The DoH reports that it has provided training to its staff on how to manage victims of sexual assaults. This comprehensive training included the provision of counselling, medical treatment, collection of forensic evidence, post exposure prophylaxis (PEP) as well as compulsory HIV testing and referrals.<sup>65</sup> However, the over-reliance on international donors and lack of dedicated government funding has led to a shortage of resources for many TCCs. The implication here is that all the necessary services to be provided to the victims of crime in line with the objectives of the NAP are not always available and accessible to survivors, particularly those in the rural areas.

### **3.2.3.4. Specialised facilities**

Although a directory of services is available to victims of violence and crime, this information is not widely accessible to communities. A CGE report<sup>66</sup> shows that the directory was not even published on the DSD website. The DSD has yet to draft guidelines for bringing the subsidy of shelters in line with the proportion of victim/survivors in each shelter. As a result, there are inequities in terms of how funds are allocated to shelters in the different provinces. In particular, there is lack of alignment between the amount of funds allocated and existing needs per province and shelter.

<sup>64</sup> CGE (2013) CEDAW: Are we there yet? Measuring South Africa's progress under the Convention on the elimination of all forms of discrimination against women.

<sup>65</sup> CGE(2013) CEDAW: Are we there yet? Measuring South Africa's progress under the Convention on the elimination of all forms of discrimination against women.

<sup>66</sup> CGE(2013) CEDAW: Are we there yet? Measuring South Africa's progress under the Convention on the elimination of all forms of discrimination against women.



## 4. Conclusion and Recommendations

### 4.1. CONCLUDING REMARKS

As indicated at the beginning of this report, since the era of the IDMT, the implementation of the NAP has experienced ongoing difficulties, both systemic and operational. The establishment of the DWCPD, followed in 2012 by the establishment of the NCGBV, was expected to improve matters but this has not happened. It is evident, though, that South Africa is generally compliant in terms of formulating relevant policies, passing the necessary legislation, setting up appropriate mechanisms and developing strategies and plans to deal with GBV in the country. It would appear that the biggest challenge that these policies, plans and strategies always face is at the level of implementation on the ground and the allocation of the necessary resources.

Therefore, based on discussions in this report, it can be concluded that co-ordination at national level of the implementation of the NAP of the 365 Days of Action to End Violence against Women has not been effective. The causes of this ineffectiveness are largely ineffective national-level structures established for this purpose.

Secondly, a conclusion can be drawn that during this financial year, the NCGBV was not able to develop the necessary institutional capacity as well as systems and mechanisms to co-ordinate all the programme activities of state entities mandated to combat gender-based violence in line with the objectives of the NAP.

Thirdly, it would be reasonable to conclude that the NCGBV was still new, institutionally weak and lacking in financial resources during this financial year; therefore it could not have been expected to provide the necessary strategic leadership for state institutions mandated to implement the NAP.

Yet another conclusion can be drawn that when the NAP's five-year cycle of implementation came to an end in 2011, there was failure at national level to provide clarity as to the future of the Plan. This resulted in a lack of effective national co-ordination of programmes by the individual departments, leading to fragmentation of approaches and, in some cases, departments stopped devoting attention and resources to NAP-related programme activities.

Finally, despite the lack of national strategic direction on the NAP after its implementation cycle came to an end in 2011, it could be concluded that this did not necessarily prevent some of the relevant state institutions from continuing to implement programmes and render services consistent with the objectives of the NAP. The discussions in this report clearly indicate that departments and entities, especially within the JCPS, continued to implement programmes that are in line with the objectives of the NAP to combat gender-based violence. In many cases the departments and state entities concerned did not formally identify these activities as part the NAP, either due to lack of knowledge of the Plan, or misunderstanding that the NAP was no longer being implemented as a national strategy to deal with gender-based violence after the demise of the IDMT.

#### **4.2. RECOMMENDATIONS**

The discussions of the findings presented in this report and the conclusions drawn suggest a number of recommendations for action. These are outlined below.

- Given that the biggest challenge experienced by most departments in undertaking the work of implementing the NAP to eradicate GBV was lack of co-ordination, it is recommended that urgent attention is paid to developing the institutional capacity of the NCGBV to fulfil this function. The functioning of the NCGBV should be reviewed thoroughly and urgently to clarify the institutional mechanisms and resources necessary to enable it to fulfil this function. Where necessary, training should be provided and roles defined for officials within the NCGBV to ensure effective capacity to co-ordinate national strategies to deal with gender-based violence.
- It is recommended that the review of the NAP should be expedited, involving all the state entities mandated to implement it, including the CSOs that were part of the Kopanong Declaration of 2006 where the NAP was agreed to collectively. If necessary, a national summit should be convened where issues relating to the future of the NAP and the review of its objectives would be discussed and decided on collectively.
- Once the future of the NAP has been decided on collectively, and the programme objectives and priorities reviewed and re-evaluated, it is recommended that a clear political commitment of resources is made at national level to ensure that the NAP is accorded the necessary institutional mechanisms for its sustainable implementation over the short-to- medium term.
- It is clear that since the demise of the IDMT, many state entities have not been properly informed about the current status of the NAP of the 365 Days of Action programme. As a result, many of these institutions have failed to make the necessary provisions in their strategic plans to ensure that relevant NAP objectives are prioritised and allocated the necessary resources. It is therefore recommended that, once the NAP has been reviewed and its objectives re-evaluated, the NCGBV develop clear operational plans on the way forward. These plans should be widely disseminated through public presentations to the stakeholders, including the relevant Portfolio Committee of Parliament, to ensure that state entities mandated to implement the NAP make the necessary commitments and plans to implement it.