

ONE STEP FORWARD, ONE STEP BACKWARDS



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

**Assessing Current Government's
Responses and Interventions to
Combat Gender-Based Violence and
Femicide In South Africa**

Commission for Gender Equality
Research Report

2021





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Publisher: Commission for Gender Equality.

ISBN: 978-1-77628-212-8

Copy Editor: Proof Communication Africa Ltd

Design, layout & printing: Lebone Litho Printers

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FOREWORD AND ACKNOWLEDGMENTS

This report is part of the Commission for Gender Equality (CGE)'s long-standing strategic focus on monitoring and assessing government's responses and interventions to gender-based violence in general and violence against women in particular.

At its 967th and 968th Sessions in 2011, the Committee of the Convention of the Elimination of all forms of Discrimination Against Women (CEDAW) released its concluding observations on South Africa's combined second, third, and fourth period country progress reports on compliance with the provisions of the convention. Among its general recommendations, the CEDAW committee drafted General Recommendation 19, which called upon the country to establish a multi-sectoral national coordinating structure (NCS) to create national strategies, plans, and programmes to deal with escalating levels of gender-based violence in the country.

The CGE has, therefore, made compliance with CEDAW's General Recommendation 19 part of its strategic focus on the government's efforts to combat gender-based violence. This report serves as testimony to the efforts made by the CGE. We continue to hold government responsible to deliver on this commitment through various initiatives, including our research focus on gender-based violence. This report contains some of the insights on the challenges that have, and continue to face, the joint efforts of government, civil society, and other stakeholders to develop effective policy, legislative and programmatic responses, and interventions to combat gender-based violence in the South Africa.

While many of the country's efforts to deal with gender-based violence are no doubt underpinned by good intentions and serious commitment from government and civil society, the little that has been achieved continues to be a source of frustration for many key role-players in the sector. Many have witnessed, at times, a step forwards only to be followed by what seems like a step backwards. Over the years, a plethora of policies, legislation, strategies, and programmes of action have been developed, only to be followed by poor planning, limited resources, and ineffective implementation, leading to the continued escalation of gender-based violence in the country.

We are grateful for the cooperation we received from some of those who were identified and approached to assist with their insights, knowledge, and expertise, as well as access to information on some of the government's response and intervention programmes to combat gender-based violence. As indicated in this report, some of the critical role-players who fall in this category were reluctant to provide assistance. The reasons for that reluctance included fear, while others did not disclose their reasons to the CGE. We are eternally thankful to those who were willing to provide their insights to enrich the CGE's efforts to hold public office bearers accountable.

We also appreciate the efforts of the CGE team that carried out this work and compiled this report to bring the findings and recommendations to the public in order to contribute to general public debates about best ways to combat the scourge of gender-based violence in South Africa.

LIST OF ACRONYMS AND ABBREVIATIONS

APPs:	Annual Performance Plans
CEDAW:	Convention on the Elimination of all forms of Discrimination against Women
CEO:	Chief Executive Officer
CGE:	Commission for Gender Equality
CSOs:	Civil Society Organisations
DOJ & CD:	Department of Justice and Constitutional Development
DPSA:	Department of Public Service and Administration
DSD:	Departments of Social Development
DWYPD:	Department of Women, Youth and Persons with Disabilities
ERAP:	Emergency Response Action Plan
GBV:	Gender Based Violence
GBVF:	Gender Based Violence and Femicide
HSRC:	Human Sciences Research Council
IMC:	Inter-Ministerial Committee
ISC:	Interim Steering Committee
IWFSA:	International Women's Forum South Africa
LGBTQIA:	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual
M&E:	Monitoring and Evaluation
MTEF:	Medium Term Expenditure Framework
MTSF:	Medium-Term Strategic Framework
NCGBVF:	National Council on Gender Based Violence and Femicide
NDP:	National Development Plan
NGOs:	Non-Governmental Organisations
NSP:	National Strategic Plan
PFMA:	Public Finance Management Act
PMG:	Parliamentary Monitoring Group
SAPS:	South African Police Service
SPs:	Strategic Plans

1. INTRODUCTION

South Africa has long experienced high levels of gender-based violence and femicide (GBVF). Over the years, government has undertaken various initiatives to address the scourge of violence. These interventions have ranged from strong legislative and policy frameworks to elaborate programmes and institutional reforms. In 2019, and as part of the outcomes of the first ever Presidential Summit on Gender Based Violence and Femicide in the country, President Cyril Ramaphosa, together with representatives from civil society organisations, signed and launched a declaration listing a number of key commitments to tackle the problem of gender-based violence and femicide (GBVF) in the country.

In the 2019/20 financial year, the Commission for Gender Equality (CGE) research team embarked on a study to monitor and assess progress achieved in the programmes and activities put in place following the summit declaration. The team specifically focused on reviewing the work of the interim steering committee (ISC) on GBVF, a structure created by the declaration and charged with the mandate to develop specific responses and interventions to combat gender-based violence and violence against women in South Africa. The study culminated in a research report that contained discussions and analysed the progress made with these activities, as well as some of the key challenges facing the now defunct ISC on GBVF. At the time of the report conclusion, the former ISC on GBVF's work was incomplete. The CGE therefore carried on into the current financial year to track developments and monitor and assess the work of relevant government departments to continue implementing programmes and initiatives to combat GBVF in the country after the ISC was abolished.

The current report is an outcome of the work undertaken in the 2020/21 financial year to monitor progress on three specific measures, namely: (1) the establishment of the national coordinating body on GBVF (also referred to as the NCGBVF); (2) the implementation of the National Strategic Plan (NSP) on GBVF; and (3) government's implementation of the six-month Emergency Response Action Plan (ERAP) on GBVF. The exercise was empowered by the CGE mandate as outlined in Section 187 of the Constitution of South Africa, to promote respect for, protection, development, and attainment of gender equality in the republic, and its powers to "monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality".

This report provides the CGE's assessment of progress, the achievements and challenges that have faced, and continue to face, national efforts to combat gender-based violence in the country. The report is structured as follows: the introductory section outlines the research approach, focus, and methods that guided the study; a brief background to the study, identifying some of the milestones since the 2018 Presidential Summit on Gender Based Violence and Femicide; a section that presents the findings of the current year of study; an overview discussion of these findings; and the concluding section with recommendations.

1.1. Objectives of the study

The study objectives that underpinned the work carried out are as follows:

- To examine and assess the programmes, processes and activities of the government aimed at addressing GBVF as set out in the Presidential Summit Declaration against Gender-Based Violence and Femicide.
- To examine and assess the role and participation of key role-players, particularly government and civil society organisations, in the work of establishing the multi-sectoral coordinating body on GBVF in line with Article 4 of the Summit Declaration.
- To monitor and assess the development and implementation of the National Strategy and Action Plan on GBVF in line with Article 4 of the Summit Declaration.
- To assess the implementation of the six-month National Emergency Response Action Response Plan.

1.2. Research approach and methods

This study is a continuation of the project that commenced in 2019/2020 to establish progress on the implementation of the provisions of the Presidential Summit Declaration against Gender Based Violence and Femicide, as well as the overall work of government towards combating GBVF in the country. The study employed a qualitative research approach and adopted the use of individual interviews and the observations of important activities as undertaken by various stakeholders, including the Department of Women Youth and Persons with Disabilities (DWYPD), the disbanded ISC on GBVF, the development community, and civil society organisations (CSOs) in their attempts to implement the provisions of the Presidential Summit Declaration against Gender-Based Violence and Femicide and other important programmes related to GBVF in the country.

The qualitative approach was deemed appropriate because it is suitable for research studies that are focussed on revealing the nature of particular situations, settings, processes, relationships, systems, and people. According to Oakley¹, a qualitative interview is a type of framework in which the practices and standards are not only recorded, but also achieved, challenged as well as reinforced, which is what the study intended to do with regard to the work of establishing the National Coordinating Structure (NCS), the mapping of how the NSP was to be implemented, as well as the implementation of the ERAP. Furthermore, the qualitative research team was able to interpret new insights about progress relating to these issues, while developing new perspectives about the phenomena.

Individual semi-structured interviews and unstructured interviews² were conducted with the participants. In some instances, the use of the unstructured interview enabled an informal, conversational interview, based on an unplanned set of questions that were generated instantaneously during the interviews as a strategy for probing for more information from the participants based on their perspectives.³

Another method used to collect data, as already mentioned, was the observational method, where the research team participated in the key stakeholders' meetings to gain insight into the processes involved in implementing the Presidential Summit Declaration. Observational methods are, sometimes, supplemental means for corroborating research findings; hence the importance of also

¹ Oakley A. Gender, Methodology and People's Ways of Knowing: Some Problems with Feminism and the Paradigm Debate in Social Science. *Sociology*. 1998;32:707–31.

² Mason J. London, Routledge: 1994. *Linking Qualitative and Quantitative Data Analysis. Analysing Qualitative Data*; pp. 89–110.

³ Corbin J, Morse JM. The Unstructured Interactive Interview: Issues of Reciprocity and Risks When Dealing with Sensitive Topics. *Qual Inq*. 2003;9:335–54.

employing observation to ensure the triangulation of the sources available for the study.⁴ Further data was sourced through secondary sources including published and unpublished documents made available to the CGE or obtained independently from other sources such as the internet, independent research institutions, government, and informants.

- Sampling

The technique that was used to select the participants for this study was purposive sampling. This enabled the research team to purposefully choose appropriate and relevant informants, which were important in helping the study achieve its objectives.⁵

The focus was on the key stakeholders tasked with various roles within the defunct ISC, the DWYPD, members of civil society, field experts as well as members of the relevant parliamentary committee to which the DWYPD reported. The research team determined that officials from these government departments (which were part of the ISC), as well as members of civil society, field experts, and members of the relevant parliamentary committee would be appropriate to be interviewed. Participants were selected based on their perceived understanding, knowledge, and experiences in the structures and activities of the former ISC, as well as their role in the establishment of a national coordinating body on GBV, and processes related to the NSP. The approach used to gain access and secure the cooperation of the identified informants was a formal written letter from the office of the CEO, seeking to explain the purpose of the exercise and the reasons why specific individuals were identified as relevant and crucial for the study based on their knowledge, expertise, and direct involvement in activities and programmes being assessed by the CGE.

1.3. Constraints/limitations of the study

During the field work phase of the study, the research team faced various constraints/limitations that created delays and obstacles in obtaining some of the data that would have assisted the study further. These constraints/limitations will be briefly outlined below:

- The primary constraint encountered during this study were the unprecedented circumstances in which it had to occur. Initially, the intention was to collect data through individual face-to-face interviews with participants and to physically attend meetings to observe relevant interactions and activities of the stakeholders. This method of data collection, however, had to be abandoned due to the Covid-19 pandemic, and researchers had to source data through virtual interviews, telecons, webinars, television reports, and online sources. Covid-19 and the lockdown that followed also made it difficult to get hold of some of the participants due to remote working.
- Some participants who could have provided valuable insights into the study withdrew from arranged interviews at a late stage of the fieldwork.
- The CGE could not secure the cooperation and commitment of some members of the relevant parliamentary portfolio committees who we sought to interview for this study, especially parliamentary committees with oversight responsibilities over the work of the ISC, DWYPD as well as the Department of Social Development.
- Once the ISC was abolished, it became challenging to track developments on the establishment of the council due to lack of cooperation from entities in charge of the process. The wealth of information under its possession was no longer available and/or easily accessible after its abolition in April 2020.
- Although some members of the now abolished ISC were interviewed during the first round of interviews, they were unwilling to make themselves available for follow-up interviews or requests for additional information, thus leaving some gaps in some of the information obtained through the interviews.

⁴ Gray DE. 2nd ed. Thousand Oaks, California: Sage Publications; 2009. *Doing Research in the Real World*.

⁵ Pascoe, G. 2014. . *Research Matters*. Edited by Celliers, F., Davis, C. & Bezuidenhout, R.M. Cape Town: Juta.

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- Due to the termination of the ISC, researchers had to rely on key departments such as the DWYPD for the most recent information related to progress of the establishment of the NCGBVF and the implementation of the NSP. However, officials from these departments were largely reluctant to be interviewed or to provide relevant information that would assist this study significantly.

1.4. Statement of research ethics

The CGE abides by accepted ethical standards of research and has adopted and subscribes to the Human Sciences Research Council's (HSRC) Research Code of Ethics.⁶ Central to this code of ethics are key principles, including:

- Respect and protection
- Transparency
- Scientific and academic professionalism
- Accountability.

The code of ethics entails various key principles as indicated above but also includes commitment to other standards that the CGE researchers should abide by in undertaking research work involving human beings, communities, and other social entities with rights. The code of research ethics provides guidance primarily with aspects of the research work that involve interaction with selected individuals, households, communities, etc. Through this code, researchers are required and expected to comply with universally accepted professional standards of research and to ensure that they always consider and respect the rights and concerns of those affected and potentially impacted by the activities related to the study.

- Informed consent

Before each interview, participants were informed about the goals, objectives, and methods of the study through individual letters that were sent to them, as well as verbally in the interviews. Participants were also afforded the opportunity to ask questions or seek clarification on any aspect of the study that may have been unclear.

- Voluntary participation

None of the participants were coerced to participate in the study, nor were they promised any incentives or any material inducements for their cooperation. Cooperation was always sought to partake in the study.

- Confidentiality and anonymity

Participants were informed that the study would culminate in a research report and that for purposes of confidentiality, their names would not be disclosed, or statements directly attributed to their names in any documentation or presentations resulting from this study. This step is necessary in instances where such disclosure of identities of informants could lead to severe repercussions.

- Beneficence

The right of participants to be free from harm, uneasiness and, mistreatment was respected. Since this research involved human participants, it sought to contribute positively to the human condition, because should it not aspire to do this, it ran the risk of being unethical.

⁶ See the HSRC's Code of Research Ethics (www.hsrc.ac.za/about/code-of-research-ethics).

2. BRIEF BACKGROUND

2.1 Brief synopsis on the 2019 findings of the study

For the 2019/20 financial year, the Commission for Gender Equality (CGE) decided to continue its work of monitoring government's responses and interventions aimed at combatting gender-based violence in the country. This project study sought to monitor and assess the work of the interim steering committee (ISC) which included, among others, the implementation of the resolutions contained in the 2018 Declaration of the Presidential Summit on Gender-Based Violence and Femicide (GBVF). The ISC was established in terms of Article 3 of the Presidential Summit Declaration against Gender-Based Violence and Femicide to facilitate the implementation of specific articles as contained in the declaration document⁷. Among the critical resolutions was the task of establishing a national multi-sectoral coordination structure that would oversee the implementation of national strategies, plans, and programmes of action to fight gender-based violence and femicide in the country.

The CGE's assessment of the ISC's work has identified numerous challenges to the implementation of the resolutions contained in the summit declaration. First, there was a lack of transparency regarding the establishment of the ISC as a structure responsible for the coordination of the work of implementing the resolutions of the summit; the membership selection criteria, as well as the processes employed to nominate or select the membership of the ISC. The CGE was unable to probe into these issues due to pervasive reluctance and fear amongst some of the members of the committee to be interviewed for the study. As a result, this made it difficult to access information, thus limiting the prospects of gaining insights into the internal systems, processes and governance structures of the ISC.

Secondly, unlike the former National Council on Gender Based Violence (which ceased to exist in 2014) which was established in an open, transparent, and consultative public process that involved all key role-players, the establishment of the ISC (which oversaw the current process of re-establishing the national structure on gender-based violence [GBV]) was widely criticised for lack of transparency. For instance, the availability of information relating to its establishment was limited. The establishment of the ISC was largely shrouded in obscurity, with many informants interviewed for this study only able to provide limited information on issues such as clarification of the roles, activities, and functions of different members of the ISC; the terms of reference that spelled out how the members of the ISC were to be nominated, selected or elected; internal decision making processes; its reporting and accountability processes for holding its leadership or office bearers accountable not only to parliament, but also to civil society stakeholders as well as its funding/resources.

Thirdly, there was uncertainty about the appointment of the leadership and membership of the of ISC. Due to scanty information about the internal workings of the ISC, it was difficult to establish the nature of governance within the structure, as well as levels of inclusivity and representation of stakeholders. Some of its civil society stakeholders complained of lack of transparency and effective representation in decision making processes. This process of establishing the ISC was in response to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee's General Recommendation 19, which called on the country to design an effective national multi-sectoral coordinating structure to drive national strategies, plans, and programmes to combat gender-based violence in the country. CEDAW's General Recommendation 19 resulted from its concluding observations on South Africa's periodic reporting in 2011.

⁷ Declaration of the Presidential Summit on Gender-Based Violence and Femicide, 2 November 2018. Article 3, p. 9.

Fourthly, the ISC was established in line with Article 3 of the Presidential Summit Declaration, to perform the following tasks:

- Establish a permanent national multisectoral coordinating body.
- Implement actions listed in the declaration as agreed on the said interim steering committee (ISC).

Article 4 stipulates the urgent need for the establishment of a multi-sectoral national coordinating structure to be responsible for coordinating the implementation of a national strategy and programmes to combat gender-based violence and femicide (GBVF) in the country. However, the ISC effectively shifted focus from the process of establishing the national coordinating structure on gender-based violence towards greater focus on developing the National Strategic Plan (NSP) which initially was the responsibility assigned to the national coordinating structure in line with a resolution of the Presidential Summit Declaration.

In the report, the aim was to assess the work of the ISC, especially the rationale behind the ISC taking over the responsibility to develop the NSP, responsibility initially assigned to the national coordinating structure that was yet to be established by the ISC itself. It appears that the rationale for this was that the ISC thought this was based on 'good practice' for the ISC to develop the NSP before establishing the body that would have been responsible for ensuring that the NSP was developed. However, there was possibly a misreading of the summit declaration which was clear in terms of assigning this task to the national coordinating structure that was soon to be established by the ISC. In addition, the ISC also undertook the responsibility to coordinate the implementation of the Emergency Response Action Plan (ERAP) which the president announced as a six-month emergency plan (October 2019 – March 2020) for the country to combat GBV. The ERAP was a short-term intense initiative aimed at dealing with some short-term aspects of GBV within a six-month period. Given the enormous responsibilities already assigned to the ISC in terms of the Presidential Summit Declaration, the additional workload of coordination the implementation of the ERAP initiative was possibly too burdensome for the ISC. This could explain why, at the time the ISC was abolished, it had not accomplished one of its key summit declaration related tasks – the establishment of a multi-sectoral national coordinating structure on GBV. This task remains outstanding at the time this report compiled.

Fifthly, while the summit declaration was signed on 28 March 2019, with establishment of the ISC soon afterwards, the task of establishing the coordinating structure was meant to take a period of six months to be completed. The ISC, itself a short-term structure meant to exist for only six months, continued to operate even after its six-month life cycle had expired. Despite this, it did not complete the task of establishing a national coordinating structure on GBV at the time it was abolished by the president on 30 April 2020, soon after submitting a progress report on the implementation of the ERAP initiative. In short, the ISC did not complete one of the key tasks mandated by the presidential summit, for which it was established.

3. PRESENTING THE FINDINGS OF THE STUDY

3.1 Assessing progress on the establishment of the Council on Gender Based Violence

The establishment of a national multi-sectoral coordinating body on gender-based violence and femicide (GBVF)⁸ was among the key interventions derived from the Presidential Summit on Gender Based Violence and Femicide to address the high spate of gender-based violence and the senseless killings of women in the country.⁹ The multi-sectoral body would exist as an institutional measure to lead, coordinate, and provide oversight of the national response to GBVF, as well as to drive the implementation of the National Strategic Plan (NSP) on GBVF. The call to establish a multi-sectoral body on gender-based violence and femicide (GBVF) in the country, was also made by the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee in its Concluding Observations during South Africa's second, third, and fourth combined periodic progress reporting during the 967th and 968th sessions, after noting the escalating cases of GBVF in spite of the introduction of numerous policy and legislative frameworks, as well as other mechanisms to address the scourge of GBVF in the country. As such, the committee called for the establishment of a national institutional mechanism in line with the committee's General Recommendation Number 19 on gender violence.

The responsibility to set up the National Council on Gender Based Violence and Femicide (NCGBVF) was initially assigned to the now defunct interim steering committee (ISC) on GBVF under pronouncements made in Article 3 of the summit declaration that "an interim Gender-based Violence and Femicide Committee be established immediately with resources allocated in terms of the Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999) with the aim to (a) establish a permanent national multi-sectoral coordinating body."¹⁰ In Article 4, the ISC was granted a period deadline of six months to ensure that the council is set up with the relevant statutory framework in place to ensure its effective functioning, and that it is allocated adequate resources for its optimal functioning.¹¹ On 30 April 2020, however, President Cyril Ramaphosa made a public statement, formally announcing that the ISC would be disbanded, with no council in place. On the same day, the operational duties of setting up the council were transferred to the Ministry for Women, Youth and Persons with Disabilities (DWYPD).¹²

The above events took place against the backdrop of cabinet's approval of the NSP that also contained the proposed model structure of the NCGBVF, as well as cabinet's establishment of an inter-ministerial committee (IMC) on GBVF. The IMC comprises the ministers for the following departments: the South African Police Service (SAPS), Department of Justice & Constitutional Development, Department of Correctional Services, Department of Public Service and Administration, Department of Social Development, and the Department of Women in the Presidency as the convener¹³. The IMC was established to ensure that the institutional arrangements and coordination related to the implementation of the NSP take effect.

⁸ Also referred to as the National Council on Gender-Based Violence and Femicide (NCGBVF).

⁹ Presidential Summit Against Gender Based Violence, 2 November 2018, Pretoria, South Africa.

¹⁰ Declaration of the Presidential Summit on Gender-Based Violence and Femicide, 2 November 2018. Article 3, p. 9

¹¹ Declaration of the Presidential Summit on Gender-Based Violence and Femicide, 2 November 2018. Article 4, p. 9.

¹² Public launch of the Emergency Response Action Plan Report. 30 April 2020.

¹³ South African Government News Agency. 12 March 2020. Cabinet approves establishment of the National Council on GBVF, <https://www.sanews.gov.za/south-africa/cabinet-approves-establishment-national-council-gbvf>.

As already mentioned, at the time of its disbandment, the ISC had not met the summit declaration imperative of setting up the council. The circumstances that the Commission for Gender Equality (CGE) believes led to its failure are well documented in the CGE 2020 report that also sought to assess progress made towards the establishment of the council.¹⁴ Among these factors are the ISC's preoccupation with the crafting of the NSP, which was a task clearly outside of its scope of responsibilities as set out in the summit declaration, as well as the ISC's role and involvement in the unplanned processes of conceptualising, costing and managing the implementation of the Emergency Response Action Plan (ERAP) on GBVF that was unveiled abruptly by the President on 18 September 2019. These important, yet unexpected processes appeared to have caused delays in the progress of the ISC's work towards the development of the NCGBVF within the six-month time allocation.

Since the ministry's take over from the ISC, efforts towards bringing the council to fruition have faced several stumbling blocks, with fragmentation and disagreements amongst key stakeholders emerging as the main source of delays in the process. It can be observed that squabbles and lack of cooperation between government and civil society organisations (CSOs) have become a common feature in processes related to the setting up of key institutional mechanisms to manage country responses towards fighting GBVF. The situation was first observed in the initial process of the setting up and running the NCGBV in 2012/2013, where the government component of the council was seen to be dominant over CSOs.¹⁵ The current process also finds itself entangled in disputes between the two key stakeholders, with similar challenges of conflict-ridden and uncordial relations resurfacing.

Two meetings between the DWYPD and CSOs were attended and observed by the CGE where these dynamics were seen in display. In the first meeting titled "Roadmap to establishment of the National Council on Gender-Based Violence and Femicide"¹⁶ members of CSOs raised concerns over what appeared to be the deliberate exclusion of CSOs from participation in the shaping of the institutional and operational aspects of the council. For critics of this development, this is likely to appear as evidence of lack of consensus and exclusion. It appeared that the transition from the era of the ISC that encompassed the representation and participation of key stakeholders had been replaced by a new post-ISC era where CSOs consider themselves marginalised from key decision-making processes. CSOs thus expressed deep regret over what seemed to be their relegation and their being reduced to the subordinate role of only being consulted when decisions have already been made. Another complaint of the CSOs was that the imminent inauguration of the NCGBVF that was proclaimed at the meeting referred to above was being rushed given that the development of the necessary legislative framework to underpin the work of the council was still underway. CSOs thus urged government to halt the appointment of the members of the structure of the NCGBVF at this meeting, pending the resolution of these issues.

In a subsequent meeting¹⁷ that took place at the time government had announced plans to move towards initiating a board of trustees that would establish the council, signs of conflict and lack of consensus emerged again. For instance, CSOs have distanced themselves from the process and questioned the logic behind the establishment of the board. On the face of it, the inception of the board of trustees would seem to resolve problems of lack of inclusivity and transparency in processes of setting up the council by incorporating CSOs at a higher representation of 51% (49% from government).¹⁸ CSOs, however, refused to buy into this process and criticised it as an attempt on the part of government to circumvent the legislative process of setting up the council.

¹⁴ CGE. 2020. Accounting for Work in Progress? Assessing progress on the establishment of a national coordinating structure on gender-based violence, Research Report.

¹⁵ CGE. 2013. Expectations Unfulfilled? Assessing the effectiveness of the National Council on Gender-Based Violence, Research Report.

¹⁶ A Webinar on Gender Based Violence and Femicide: Roadmap to establishment of the National Council on Gender-Based Violence and Femicide. 13 June 2020. Convened by DWYPD.

¹⁷ CSO Consultation Meeting. 13 October 2020. Convened by DWYPD.

¹⁸ Ibid.

The lack of trust between the two entities on this matter, appeared to have been fuelled by the silence from the Department of Justice and Constitutional Development (DOJ & CD) on progress relating to the development of the legislative framework to set up the NCGBVF. This, as a result, raised concerns amongst CSOs, leading to increased speculation that government intended to bypass the legislative process. Legislation in this regard would require accountability by setting out clear and binding principles to be followed in the setting up and running of the council. On the face of it, it appears critics are largely justified in suspecting government of attempting to side-line this process as a way of retaining power and exerting influence over the operations of the structure.¹⁹ Below is the model structure capturing the proposed board of trustees by the DWYPD.

¹⁹ Ibid.

Figure 1: Model Structure of the Board of Trustees

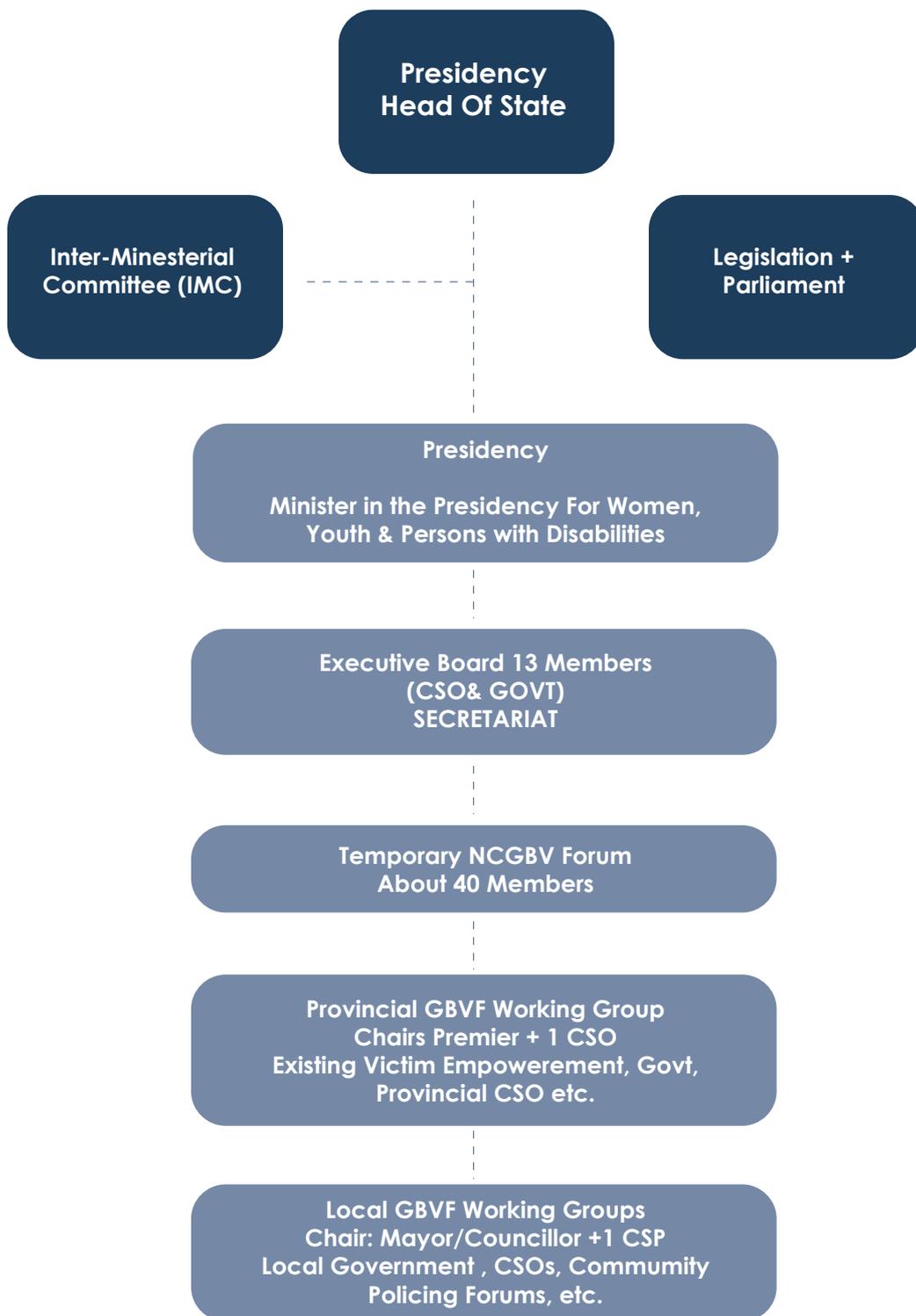


Figure 1 above was presented by the DWYPD to illustrate the model structure of the proposed board of trustees. Although this board has been proposed as a temporary structure with the clear purpose of setting up the NCGBVF, the trust appears to replicate the model of the proposed NCGBVF, which explains concerns by CSOs that the trust may serve either as a replacement of the NCGBVF or transfigure into the final structure without going through the process meant for that purpose. Furthermore, the public announcement of the establishment of the trust was not accompanied by any clear document or terms of references describing the scope of its work and duration, and

thereby indicating that it would exist for the sole purpose of establishing the council. The presentation by the department also purported that the temporary NCGBV forums, which will fall under this trust would meet bi-yearly, adding more to the scepticism that the Board would be a temporary measure that aims to set up the Council.

Another key concern rising from Figure 1, is that it places more seniority or authority on the state and government than to other role players, which only gain representation in the lower levels of the structure. In other words, the envisaged structure appears heavily state-centric, with high-level offices of government represented in the higher structures of the proposed model, while civil society stakeholders appear represented in the less authoritative platforms of the proposed structure. This means that government would essentially play a dominant role over civil society and other stakeholders, rendering the ideal of equal participation an illusion.

In addition to the board, the proposal/presentation tabled by the DWYPD entailed a comprehensive organogram labelled 'the secretariat', with the position of Chief Executive Officer (CEO), and others such as capacity building and communications, identified. The intricate details of this institutional set-up, therefore, raise questions as to what 'temporary' really means in the context of this trust. It doesn't appear as a model of a temporary structure with a limited lifespan.

A document titled "Terms of Reference for the Appointment of Civil Society Representatives to Serve on the National Council on Gender Based Violence and Femicide (NCGBVF) Board of Trustees"²⁰ exists. A closer scrutiny of the title suggests that the terms of reference serve as a regulatory framework for the nomination and appointment of members of the CSOs into the trust, and not necessarily as a guideline for the overall process of setting up the trust. Nonetheless, a call for the public nominations of the seven members from CSOs to serve on the board was made, with no clarity on how the government posts would be filled. There is also a lack of clarity as to the outcomes of the nominations process for membership of the board of trustees. This is because since the commencement of the process, formal announcements have yet to be made regarding developments around the trust, its composition, and other related matters.

The terms of reference²¹ outline several functions for the board of trustees, none of which mention the role of setting up the council. Instead, these functions appear to be expanding on the functions already identified for the NCGBVF in the NSP. Furthermore, the terms of reference do not state the trust as a transitional structure with a short-term lifespan. In fact, some of the functions of the trust exist on a long-term basis, such as the function of "Setting priorities at three-year intervals (short-term), five-year intervals (medium-term) and long-term, aligned with the National Development Plan (NDP) outcomes, Medium-Term Strategic Framework (MTSF) and Medium-Term Expenditure Framework (MTEF) priorities".²² This causes confusion, given that President Ramaphosa publicly announced at the launch of the 16 Days of No Violence Against Women and Children Campaign in November 2020²³ that the NCGBVF would come to effect in 2021, meaning that the trust would cease to exist at this point. So far, however, key differences between the proposed NCGBVF structure and the board of trustees is that the NCGBVF follows a legislated approach that seeks to ensure that there are accountability measures in place²⁴, whereas the board of trustees does not appear to need enabling legislation.

²⁰ DWYPD. 2020. Terms of Reference for the Appointment of Civil Society Representatives to Serve on the National Council on Gender Based Violence and Femicide (NCGBVF) Board of Trustees <http://www.women.gov.za/images/GBVF/NCGBVF-Board-of-Trustees---Terms-of-Reference.pdf>.

²¹ DWYPD. 2020. Terms of Reference for the Appointment of Civil Society Representatives to Serve on the National Council on Gender Based Violence and Femicide (NCGBVF) Board of Trustees.

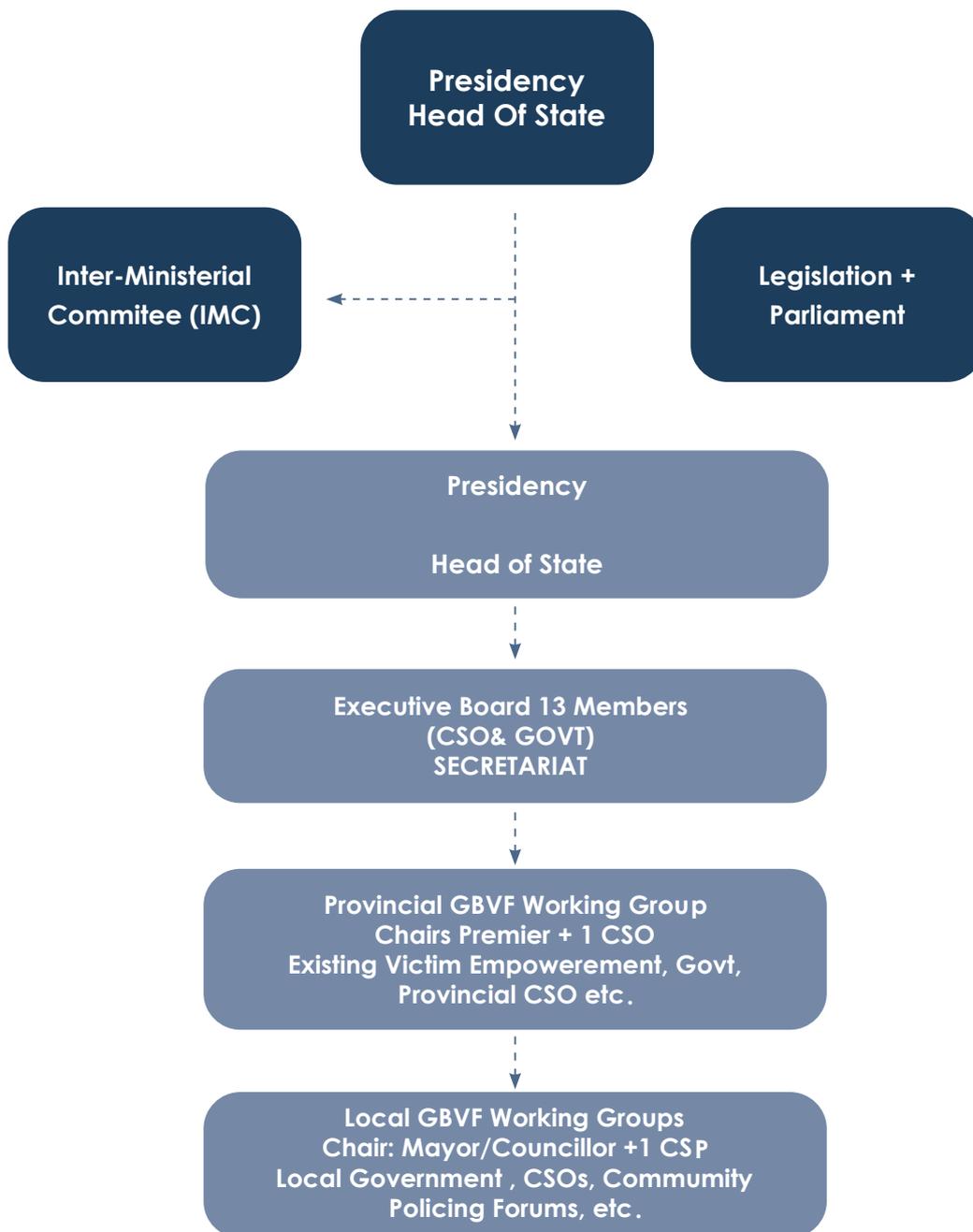
²² DWYPD. 2020. Terms of Reference for the Appointment of Civil Society Representatives to Serve on the National Council on Gender Based Violence and Femicide (NCGBVF) Board of Trustees. P. 3.

²³ President Cyril Ramaphosa at the public launch of the 16 Days of No Violence Against Women and Children Campaign, 25 November 2020.

²⁴ National Strategic Plan on Gender Based Violence and Femicide. 2020. p. 58.

In terms of the NCGBVF model structure, numerous models emanating from the work of the disbanded ISC have been proposed and deliberated upon by various stakeholders. It does not seem like the process has been concluded, despite the inclusion of a model structure in the approved NSP document. Parliamentary records²⁵ reveal that the DWYPD has made several presentations before the Parliamentary Portfolio Committee on Women, Youth and Persons with Disabilities on proposals of the model structure even after the NSP was approved. It is unclear whether cabinet approval of the NSP was conditional upon the proposed structure being agreed upon after approval or made in spite of the outstanding issues relating to the proposed model structure of the NCGBVF. Nonetheless, the NCGBVF structure that was endorsed by the crafters and approvers of the NSP is presented below.

Figure 2: Proposed organogram of the NCGBVF²⁶



²⁵ Parliamentary Monitoring Group. 6 October 2020. DWYPD on establishment of GBV & Femicide Council; with Minister and Deputy Minister, <https://pmg.org.za/committee-meeting/311156/>.

²⁶ adapted from the NSP on GBVF.

The above proposed model structure incorporates two main changes from the one that existed at the time the 2020 CGE study report on tracking progress in the setting up of the council was published. The first is the introduction of the inter-ministerial committee (IMC), with the role of playing “a key facilitation and political liaison role in the NCGBVF processes; ensuring that government provides the needed financial support, spending approvals and policy inputs to the NCGBVF; overseeing the implementation of the GBVF programmes and activities; and ensuring that the NCGBVF has the requisite operating environment to perform functions free of manipulation and undue influence.”²⁷ Perceptions of several stakeholders, including members of CSOs suggest that the role of the IMC would be temporary until such a time that the NCGBVF comes into effect.²⁸ The IMC on this model structure, however, appears to have considerable powers, particularly over the operations of the Council. It remains to be seen how these functions would be carried out, given the apparent conflicting sentiments of the CSOs towards the IMC, especially the CSOs’ perceptions that the IMCs lack transparency and that it is likely to marginalise the role of CSOs in terms of decision-making powers within the proposed structure.²⁹

The second change is in the incorporation of 13, as opposed to 12, executive board members (i.e. seven from civil society and six from government departments). The NSP does not, however, specify who will lead the executive board, including its powers as was noted with the previous structure that was analysed by the CGE. The document instead, creates roles for civil society and government separately, signifying that there may be a role difference between the stakeholders, which may lead to power imbalances if not harmonised. Another point of uncertainty is the role of the president that is merely stated as that of championship, presumably to afford the NCGBVF the prestigious political symbolism that comes with the office of the president.

Other than the noted changes, the structure continues to be large and potentially cumbersome, especially given the fact that it is supposed to be a coordinating structure. It also creates a secretariat, headed by a CEO but does not provide clarity on whether or not the CEO will have executive powers and functions in relation to the powers and functions of the executive board (which are not enumerated).

A noteworthy observation, as already mentioned, is that the NSP charges the DOJ & CD with the mandate to draft legislation that sets out the powers and functions of the NCGBVF to provide a mechanism for holding those responsible for the operations of the council accountable. This measure has never existed with similar multi-sectoral coordinating bodies on GBVF in the past, suggesting that it may have been incorporated to remedy some of the challenges that emerged due to a lack of an empowering piece of legislation with the former NCGBV.

3.2 Assessing progress on the National Strategic Plan on Gender Based Violence & Femicide

In assessing the progress on the NSP on Gender Based Violence and Femicide (GBVF) it is important to outline from the onset the background with regards to its development and its evolution overtime. The NSP was developed initially by the ISC established in April 2019 until its tenure ended in March 2020 to respond to the gender-based violence and femicide crisis following the historic 2018 presidential summit on this subject.³⁰ The development of the NSP on GBVF, was conducted jointly by civil society organisations (CSOs) and government through the ISC. At the time, the ISC was led jointly by advocate Brenda Madumise-Pajibo (a representative from Civil Society Organisations) and

²⁷ National Strategic Plan on Gender Based Violence and Femicide. 2020. p. 58.

²⁸ Informal conversations with a member of a civil society organisation (October 2020).

²⁹ CSO Consultation Meeting. 13 October 2020. Convened by DWYPD.

³⁰ National Strategic Plan on Gender-Based Violence & Femicide. Human dignity and healing, safety, freedom & equality in our lifetime. <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf> (May 2020). Accessed February 2021.

Dr Olive Shisana (a presidential special advisor on social policy), who were co-chairpersons.³¹

The official rationale for the creation of the two positions of co-chairpersons to lead the ISC was not immediately clear. As already indicated, the terms of reference which presumably would have provided such rationale, including other details about the establishment, functioning, selection of office bearers, powers, and functions of the ISC, were never disclosed. However, it is plausible to argue that the creation of the two co-chairperson positions, jointly occupied by a representative from civil society and from the presidency, might have been a gesture intended to symbolise collaboration between government and civil society in joint efforts to deal with the country's enormous challenge of combatting GBV.

Available information indicates that the ISC enjoyed financial, technical, and other support from developmental partners, government departments, and civil society.³² The aim of the NSP is stated as follows: "to provide a multi-sectoral, coherent strategic policy and programming framework to strengthen a coordinated national response to the crisis of gender-based violence and femicide by the government of South Africa and the country as a whole."³³ "The strategy seeks to address the needs and challenges faced by all, especially women across age, sexual orientation, sexual and gender identities; and specific groups such as elderly women, women who live with disability, migrant women and trans women, affected and impacted by the gender-based violence scourge in South Africa."³⁴ The NSP statement above covers a lot of detail related to women and GBVF, however it has some shortcomings in that issues of GBVF for men and the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA) sector are not really articulated in detail, although they are elements of this in passing. In a nutshell, the NSP should be comprehensive enough to cover all gender-based violence (GBV) issues for women, men and the LGTBQIA sector.

Furthermore, The NSP centres around six pillars³⁵ which are the following:

1. Accountability, Coordination and Leadership,
2. Prevention and Rebuilding the Social Cohesion,
3. Justice, Safety and Protection,
4. Response, Care, Support and Healing,
5. Economic Power; and
6. Research and Information Management.

What is clear is that the NSP is still in its infancy in terms of implementation, since it was only approved by cabinet on 11 of March 2020.³⁶ Based on available information when this report was compiled, implementation had not yet commenced on the ground. In assessing the progress on the NSP on GBVF one can broadly categorise the progress based on three areas. These are implementation, costing/funding, monitoring and evaluation of the NSP.

With regards to the implementation and funding of the NSP, the DWYPD had urged all the national departments to integrate the NSP targets into their annual performance plans (APPs) and strategic plans (SPs) as government departments were being called upon to reprioritise their funding plans in the wake of the Covid-19 pandemic during the 2020/21 financial year.³⁷

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Parliamentary Monitoring Group (PMG). Minister on National Strategic Plan on Gender-based Violence and Femicide. <https://pmg.org.za/committee-meeting/30547/> (June 2020). Accessed February 2021.

³⁷ Ibid.

For instance, the Minister for Women in the Presidency made these remarks in a speech to Parliament, just three months after the cabinet had approved the NSP in March 2020, “As part of coordinating the NSP, the departments would be asked to detail the percentage of funds being spent on Covid-19 that had gone to women.”³⁸ Furthermore, it outlined that the inter-ministerial committee IMC formed by the President after the adoption of the NSP would be tasked with overseeing the institutional mechanisms which would ensure the establishment of a national council on GBVF.³⁹ Over the course of 2020, this process evolved, with the DWYPD leading government consultations with civil society organisations on the need for a multi-sectoral approach in the establishment of the NCGBV. This resulted in agreement that a soon-to-be-established board of trustees would be given the responsibility to establish the NCGBVF.⁴⁰ As to whether or not this board of trustees had been set up or not was not yet clear at the time of writing.

The IMC, as already mentioned in other parts of the report, comprises six departments including the Departments of Social Development (DSD), Finance, Justice and Constitutional Development (DOJ & CD) and Public Service and Administration (DPSA) and SAPS.⁴¹ It was envisioned that the NSP would fall within the mandate on the NCGBVF once the council was established.⁴²

Despite these intentions by both the DWYPD and the IMC in terms of getting the NSP to be implemented, progress has been slow. At this stage, the NCGBVF has not yet been established. It is supposed to be the custodian of the NSP to ensure its implementation. Furthermore, according to the DWYPD, not all national departments have integrated the NSP targets into their APPs and SPs.⁴³ During a briefing in parliament on the 27 August 2020 by the Minister of WYPD on the NSP on GBV, a senior official from DWYPD pointed out that there were almost 50% of departments reporting on GBV issues consistently on a weekly basis. It was not, however, clear who these departments were reporting to or accountable to.⁴⁴ It was also pointed out that those departments that were struggling would be assisted.⁴⁵ She further said that the biggest challenge facing government was with the administrative data and the definitions of Gender-Based Violence as the Department of Social Development (DSD) and the SAPS use different definitions for the different types of violence.⁴⁶ So, implementation has not happened. Additionally, no evidence appears to exist showing that Covid-related reprioritisations of spending plans were indeed carried out by government departments during the 2020/21 financial year as requested by the Minister for Women in the Presidency at the beginning of the financial year. With regards to costing and funding of the NSP, according to a senior official of the DWYPD, during a Multi-party Women’s Caucus meeting convened on a virtual platform by DWYPD on 27 August 2020, she pointed out that “it was not possible to have an NSP that was costed/funded until it was concluded, agreed upon and endorsed, by all government departments, but as an interim measure, departments have been engaged and asked to reprioritise APPs and five-year plans through the National Strategic Plan.”⁴⁷ The official from the DWYPD further shared that “a Monitoring & Evaluation (M&E) plan that seeks to assist departments to engage and work towards targets that are feasible, implementable, and smart, and can be resourced by the departments themselves has been developed”.

³⁸ Ibid, Parliamentary Monitoring Group (PMG). Minister on National Strategic Plan on Gender-based Violence and Femicide. <https://pmg.org.za/committee-meeting/30547/> (June 2020). Accessed February 2021.

³⁹ Ibid.

⁴⁰ SA News. National Council on GBVF Board of Trustees nominations open. <https://www.sanews.gov.za/south-africa/national-council-gbv-f-board-trustees-nominations-open> (October 2020). Accessed March 2021.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Parliamentary Monitoring Group (PMG). Minister & DWYPD on National Strategic Plan on Gender-based Violence and Femicide. <https://pmg.org.za/committee-meeting/30963/> (August 2020). Accessed January 2021.

⁴⁶ Ibid.

⁴⁷ Ibid. Parliamentary Monitoring Group (PMG). Minister & DWYPD on National Strategic Plan on Gender-based Violence and Femicide. <https://pmg.org.za/committee-meeting/30963/> (August 2020). Accessed January 2021.

During a briefing in parliament on 27 August 2020 by Minister and DWYPD on the NSP on GBV, officials from DWYPD pointed out that eighteen months was still needed for proper research to be done on costing the NSP and APP and the DPWYPD will continue to work on this.⁴⁸ The Minister also stressed that “government was not waiting on funding of the NSP, but was aiding departments and will continue work with the various departments to ensure that targets are integrated and mainstreamed.”⁴⁹ Furthermore, after the COVID-19 pandemic, targets had to be reprioritised.

In recent developments during a Private-Funded GBV fund launch on 4 February 2021 (which is a collaboration between the private sector under the International Women’s Forum South Africa (IWFSA) and government, President Cyril Ramaphosa announced that a range of companies participating in the launch pledged a total of R128 170 000 in contributions to the private-sector led, multi-sectoral fund that will support the implementation of the NSP.⁵⁰ Furthermore, the president announced that nearly R21-billion will be allocated over the three years of the Medium Term Expenditure Framework (MTEF) to support all six pillars of the NSP.⁵¹ The private fund would be administered by the IWFSA under a board of directors, chaired by Dr Judy Dlamini, a businesswoman and the chancellor of Wits University.⁵² How the fund would administer funds was not yet clear at time of writing this report, but it was pointed out that the fund would announce in due course the process and criteria for funding projects.⁵³

With regards to the monitoring and evaluation of the NSP, according to the finalised NSP document, handed over by the ISC to President Ramaphosa at the end of April 2020, the NSP will use some of the elements that are contained in the broader “Government-wide Monitoring and Evaluation (GWM&E) system effective since 2008. The system emphasises the importance of performance monitoring and evaluation as key factors in ensuring an effective, accountable, and transparent performance system through continuous evaluation and linking the results to the intended delivery outcomes”.⁵⁴

In terms of accountability and reporting with regards to the NSP, the NSP document envisions that the PFMA will be used for quarterly reporting to the executive authority in order to facilitate effective performance monitoring, evaluation and corrective action.⁵⁵ The NSP envisions that elevating the GBVF interventions to a strategic level, requires, commitments made in the NSP and a declaration to be infused into performance agreements between ministers and the president; and premiers with respective provincial departments and entities through the (SPs) and APPs in order to achieve hierarchy of the desired results and impact at a political level.⁵⁶

⁴⁸ Ibid.

⁴⁹ Ibid. Parliamentary Monitoring Group (PMG). Minister & DWYPD on National Strategic Plan on Gender-based Violence and Femicide. <https://pmg.org.za/committee-meeting/30963/> (August 2020). Accessed January 2021.

⁵⁰ The Presidency. Remarks by President Cyril Ramaphosa at the virtual fund-raising event for the private sector Gender-Based Violence and Femicide Response Fund phase 1. <http://www.thepresidency.gov.za/speeches/remarks-president-cyril-ramaphosa-virtual-fund-raising-event-private-sector-gender-based-violence-and-femicide-response-fund-phase-1> (February 2021). Accessed February 2021.

⁵¹ Ibid.

⁵² Karabo Mafolo. Private sector pledges millions to South Africa's new Gender-Based Violence and Femicide Response Fund. <https://www.dailymaverick.co.za/article/2021-02-05-private-sector-pledges-millions-to-south-africas-new-gender-based-violence-and-femicide-response-fund/> (March 2021). Accessed 19 March 2021.

⁵³ SA News. GBVF response fund raises R128 million. <https://www.sanews.gov.za/south-africa/gbvf-response-fund-raises-r128-million> (February 2021). Accessed March 2021.

⁵⁴ National Strategic Plan (NSP) on Gender-Based Violence and Femicide. <http://www.thepresidency.gov.za/> (March 2020). Accessed January 2021.

⁵⁵ Ibid.

⁵⁶ Ibid.

Monitoring and continuous tracking of progress of the NSP will involve existing efforts by government, private sector, non-governmental organisations (NGOs) and CSOs to overcome and reduce GBV, which will be aligned to the NSP six pillars (Pillar 1: Accountability, Coordination and Leadership; Pillar 2: Prevention and Rebuilding Social Cohesion; Pillar 3: Protection, Safety and Justice; Pillar 4: Response, Care, Support and Healing; Pillar 5: Economic Power and Pillar 6: Research and Information Systems).⁵⁷

With regards to oversight and co-ordination of the NSP, the NSP envisions a parliamentary committee to provide oversight. In this regard, such moves are already underway, as outlined by the chairperson of the Multi-Party Women's Caucus during a briefing on a virtual platform by DWYPD on 27 August 2020, where she pointed out that "the Multi-Party Women's Caucus will be assisted in doing oversight along with all government entities".⁵⁸

3.3 Assessing progress on the national emergency response action plan (ERAP)

As already mentioned, President Cyril Ramaphosa announced the national emergency response action plan (ERAP) on 18 September 2019 and assigned its conceptualisation and implementation to the ISC. Since it was a short-term response while awaiting long term interventions, the ERAP had a life span of six months (October 2019 – March 2020) and its broad purpose was to curb the plague of gender-based violence in the country. The ERAP was allocated a budget of R1.6-billion and had five thematic areas. The ERAP further consisted of set interventions, indicators, targets, and lead institutions which were assigned responsibilities under the five thematic areas. Below is a brief outline of the thematic areas and the findings that emanated from each thematic area during an analysis of the implementation of the ERAP conducted by the CGE in a separate report:⁵⁹

- Access to justice for victims and survivors:

Many of the claims of progress and achievements made under this thematic area could not be verified due to unanswered requests for information from some departments. One of the highlights under this thematic area came from the DOJ&CD regarding the drafting of the three bills no later than 31 March 2020 (i.e. Criminal Law (Sexual Offences and Related Matters) Amendment Bill (NRSO), Domestic Violence Bill and the Criminal Matters Amendment Bill (Bail and Sentencing)).⁶⁰ Another highlight was the SAPS compliance inspections at licensed liquor premises.⁶¹ One of the key targets not achieved under this thematic area though was the development of legislation to govern the establishment and management of the GBVF Council. Generally, due to the work still outstanding under this thematic area, the CGE could not determine the extent to which performance by lead institutions against their stated targets contributed towards improving access to justice for victims and survivors of GBV.⁶²

- Change norms and behaviour through high level prevention efforts:

This thematic area largely called for public campaigns and programs to be conducted throughout the country.⁶³ The campaign initiatives were conducted in the education sector and in the workplace. They focussed on the prevention of GBV through the change of norms and behaviour. While the DBE

⁵⁷ Ibid.

⁵⁸ Parliamentary Monitoring Group (PMG). Minister & DWYPD on National Strategic Plan on Gender-based Violence and Femicide. <https://pmg.org.za/committee-meeting/30963/>

⁵⁹ Government's Emergency Response Action Plan (ERAP) on Gender-based Violence and Femicide: Commission for Gender Equality Review of Implementation. October 2020.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

and DHET provided detailed information regarding their campaign initiatives, the progress made by government departments in terms of workplace campaigns could not be verified.⁶⁴ Nevertheless, the short-term period of the ERAP initiative made it impossible to envisage the impact of the campaign initiatives on norms and behaviour.

- Urgently respond to victims and survivors of GBV:

This thematic area aimed to “improve systems, processes, and practices to improve institutional capacity for urgent responses through relevant and appropriate services to meet the needs of victims and survivors of GBV”.⁶⁵ One highlight was the training of 74 prosecutors instead of the targeted 50. However, many of the targets under this thematic area were not achieved and information was limited, therefore, it was difficult to determine whether the urgent response to victims and survivors of GBV was realised.

- Strengthen accountability and architecture to respond to the scourge of GBV:

The main intervention under this thematic area was the setting up of the NCGBVF council. This particular intervention was unsuccessful because the process of establishing the NCGBVF council is currently still on-going.

- Prioritise interventions that facilitate economic opportunities for addressing women's economic vulnerability:

This thematic area appreciated the economic vulnerability of women. However, the long-term target calling for all three spheres of government to implement the government's Gender Responsive Budgeting Framework by 31 March 2020 was not achieved. Regrettably, performance against other seemingly short-term targets was also poor.

Overall, the CGE concluded that the ERAP was a necessary initiative given the gravity of the situation South Africa found itself in regarding the levels of GBV in the country. The CGE also assumed that the ISC had the necessary institutional capacity to successfully carry out the ERAP considering that it (the ISC) took on the ERAP in addition to other demanding tasks already assigned to it by virtue of the summit declaration. The CGE's review revealed, however, that the implementation of the ERAP lacked the necessary preparation, coordination, effective oversight, and accountability⁶⁶ to render it a success. As a result, only (21.25%) of the targets were achieved within the six – month period, (15 %) were partially achieved, and a majority of (63.75%) were not achieved within the six-month period.⁶⁷ For many of the unmet targets, the impact of Covid-19 and the lockdown that followed was presented as a stumbling block, however, this was implausible because the period of the implementation of the ERAP ended at the end of March 2020 just as President Cyril Ramaphosa declared a national state of disaster due to the pandemic.

For further reading: a detailed analysis of the ERAP by the CGE is contained in the report titled '*Government's Emergency Response Action Plan (ERAP) on Gender-based Violence and Femicide: Commission for Gender Equality Review of Implementation, October 2020*'.

⁶⁴ Government's Emergency Response Action Plan (ERAP) on Gender-based Violence and Femicide: Commission for Gender Equality Review of Implementation. October 2020.

⁶⁵ Government's Emergency Response Action Plan (ERAP) on Gender-based Violence and Femicide: Commission for Gender Equality Review of Implementation. October 2020, p. 62.

⁶⁶ Ibid.

⁶⁷ Ibid.

4. OVERVIEW OF KEY ISSUES FROM THE FINDINGS

A number of issues stand out from the presentation of findings in this report. These will be discussed in this section.

Firstly, it is clear that the interim steering committee (ISC) was dissolved on 30 April 2020 by the president, without having completed some of the key tasks for which it was established, as outlined in the 2018 Presidential Summit Declaration. In its 2020 first report⁶⁸ on this project, the Commission for Gender Equality (CGE) examined the work of the ISC and outlined some of the ISC challenges that faced this structure in its first few months of its operation, which among others saw the ISC overburdened by taking over some of the tasks and responsibilities for which it was established, over and above the tasks for which it was established at the beginning of 2019. It is the considered view of the CGE that institutionally, the ISC did not focus entirely on the responsibilities for which it was established, thus spreading itself thin, which in turn compromised its capacity to complete all its responsibilities at the time it was abolished.

As part of its workload, the ISC (which was established in terms of the Presidential Summit Declaration to be a temporary structure lasting for only six months) found itself grappling with a number of complex responsibilities. These responsibilities included overseeing the implementation of resolutions contained in the 2018 Presidential Summit Declaration Against Gender-Based Violence and Femicide. One of these complex responsibilities was to oversee the establishment of a multi-sectoral national coordinating structure to deal with gender-based violence.⁶⁹ In addition to this, the ISC also took over the task of developing the National Strategic Plan (NSP) on gender-based violence, which was also not an easy task. This task was, initially, to be carried out by the soon-to-be-established national coordinating structure on GBV, once that structure was operational. Inexplicably, however the ISC leadership decided to take over and carry out this responsibility rather than leave it to the national coordinating structures once such a structure was established. Then, in October 2019 when the president announced the six-month ERAP initiative as the country's emergency response to the scourge of gender-based violence, the ISC yet again assumed responsibility to oversee and drive the implementation of this initiative.

In its 2019 assessment report⁷⁰ on implementation of the ERAP initiative, the CGE outlines some of the complexities of this initiative and argues that the ISC should not have been given the responsibility to handle this complex initiative over and above the other complex responsibilities which it was mandated to handle at that time. was an unexpected and highly complex responsibility that was placed under the responsibility of the ISC which already had far too much responsibility on its agenda at the time the ERAP initiative was announced.

In this study, the CGE found that the sudden abolition of the ISC in April 2020 appeared to leave a temporary institutional vacuum in terms of leading the process of establishing the national coordinating structure on gender-based violence. On the face of it, the vacuum appeared to be resolve when it became clear that the Department of Women, Youth, and Persons with Disabilities (DWYPD) would take over the responsibilities of the former ISC, meaning that it would carry out and complete some of the outstanding tasks such as the establishment of the national coordinating structure on GBVF.

⁶⁸ CGE .2020. Accounting for Work in Progress: Assessing progress on the establishment of a national coordinating structure on gender-based violence.

⁶⁹ See CGE (2020), op.cit.

⁷⁰ CGE (2019), Government's Emergency Response Action Plan (ERAP) on Gender-Based Violence and Femicide: Commission for Gender Equality Review of Implementation, (Research Report, 2019).

This has, however, brought its own set of new problems. For instance, the civil society organisations (CSO)s currently participating in the process have expressed concerns about what they saw as deliberate exclusion from the new institutional arrangements whereby the DWYPD has apparently announced the formation of the Board of Trustees to oversee the responsibilities formerly assigned to the ISC.⁷¹ Some of the individuals interviewed for this study argue vociferously that the current process lacks transparency and that it limits multi-sectoral consultation. In other words, it would appear that the current post-ISC process is just as conflict ridden as it was during the era of the ISC.⁷² It is clear therefore that progress in this regard has been limited.

Secondly, the proposed board of trustees, which was intended to be a temporary institutional arrangement, has already courted controversy and criticism as some within the CSO sector have begun raising suspicions that this structure does not seem to be a short-term arrangement merely aimed at completing the process of establishing the national coordinating structure on GBVF. A number of issues seems to have fuelled these suspicions. One of these is the fact that the terms of reference describing the board of trustees, its scope of work, functions and responsibilities, and lifespan, have not been made public. Furthermore, the CGE's analysis of the proposed model structure of the board of trustees shows that a power imbalance seems to lead to a state-centric organisational ecosystem that creates a dual authority internal hierarchy that places more authority and seniority on high level state/ government functionaries while appearing to relegate the civil society actors to a lower level within the hierarchy. This may not be the intended outcome, but it is a possible outcome, nonetheless.

Thirdly, there appears to be a great deal of confusion regarding the current status of the NSP since it was approved by cabinet in March 2020. Not only does it appear that little progress has been achieved in terms of implementing the NSP, especially in the wake of statements made by the Minister for Women in the Presidency to Parliament in June 2020, indicating that the DWYPD was going ahead with arrangements for implementation. The Minister indicated at that time that government departments were being instructed to reprioritise their 2020/21 financial year annual plans and five strategic plans (SPs) to integrate NSP targets. Yet no significant evidence exists to show that this was done.

Additionally, some of the statements coming from the DWYPD have created further confusion, with one official from the ministry stating that the NSP has not yet been concluded, agreed upon and endorsed. If this was indeed the case, then it would make it impossible for departments to go ahead and integrate the NSP and its targets into their spending plans if the NSP has not yet been concluded, agreed upon and endorsed. Planning and budgeting for such a plan would be difficult, if not impossible.

In addition, the Minister for Women in the Presidency appeared to acknowledge that no costing of the NSP has been done, yet the minister seemed keen to forge ahead with actively encouraging government departments to integrate NSP targets into their APP and SPs, and to re-prioritise their spending plans to accommodate the NSP in the wake of the Covid 19 pandemic. All this suggests that not much planning and costing/budgeting has been done to ensure that the NSP is provided for in national plans since approval by cabinet in March 2020.

Fourthly, our finding that the process of establishing the national coordinating structure on gender-based violence and femicide (GBVF) remains as problematic and protracted as ever is hardly surprising. The CGE has been monitoring government's responses and interventions on gender-based violence for the past seven years, and has always noted the problematic and protracted nature of such processes, particularly attempts to create structures aimed at coordinating the country's

⁷¹ CSO Consultation Meeting. 13 October 2020. Convened by DWYPD.

⁷² See CGE (2020), op.cit.

efforts to deal with gender-based violence.⁷³ The conflict-ridden nature of these processes has been the case since the 2011 Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Concluding Observations were issued on South Africa's country report, which were accompanied by General Recommendation 19 which called upon the country to create a multi-sectoral national coordinating mechanism to lead national strategies, plans and programmes to combat gender based violence. The fact that such a structure has not yet come into existence is testimony of the conflict-ridden nature of such an endeavour.

Fifthly, progress in the fight against gender-based violence (GBV) will hinge on a lot of key issues being addressed urgently, including the implementation and enforcement of the NSP, are premised on the setting up of that national coordinating structure as a key national priority. Yet there have been repeated delays and unnecessary bureaucracy in the process of setting up of this structure, and this is hampering efforts to fight GBVF.

Finally, the CGE's review of implementation of the ERAP initiative found that the process was fraught with a number of operational obstacles, despite its basis in good and laudable intentions. The CGE's view is that there was insufficient time for adequate preparation as well as other issues such as poor coordination, ineffective oversight and limited accountability⁷⁴ leading to a general conclusion that ISC did not have adequate institutional capacity to oversee and drive the implementation of the ERAP initiative, especially in light of the other monumental responsibilities assigned to it in terms of the 2018 Presidential Summit Declaration against Gender-Based Violence and Femicide.

⁷³ See CGE (2013), *Expectations Unfulfilled: Assessing the effectiveness of the National Council on Gender Based Violence* (CGE Research Report); See also CGE.2020.

Accounting for Work in Progress: Assessing progress on the establishment of a national coordinating structure on gender-based violence.

⁷⁴ CGE (2019), *Op. cit.*

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

Following the discussion above, we draw a number of concluding observations from this study.

Firstly, the aim of the Commission for Gender Equality (CGE) in this study was to monitor and assess government's efforts and interventions in dealing with gender-based violence in the country. One of these interventions was the implementation, under leadership and oversight of the former interim steering committee (ISC), of resolutions of the 2018 Presidential Summit on Gender-Based Violence and Femicide as outlined in the summit declaration. We conclude that, based on this study, one of the central resolutions of the summit has not been fulfilled: the establishment of the national coordinating structure on gender-based violence and femicide (GBVF). Related to the above, we conclude that the protracted and conflict-ridden nature of the process has been the key factor in failure to fulfil this key Summit resolution.

Secondly, the CGE has reason to conclude that the current post-ISC process of establishing a national coordination structure to deal with gender-based violence has been handled poorly, thus leading to uncertainty and suspicion among key stakeholders, particularly from civil society. As indicated in above discussions, such suspicions are borne of a lack of transparency and clarity related to some of the current developments that followed the abolition of the ISC in April 2020, with some stakeholders alleging a lack of consultation and exclusion from critical decision-making processes regarding new institutional reforms to drive national interventions and strategies to deal with gender-based violence in the country. In particular, the apparent establishment of a new structure called the board of trustees appears to have engendered confusion and controversy, which is currently being handled poorly.

Thirdly, while the CGE commends the approval by cabinet of the national strategic plan (NSP), we conclude that not only has there been limited progress regarding the implementation of the NSP since its approval by cabinet in March 2020. More, importantly, it appears that the status of the NSP is still shrouded in uncertainty, despite being approved by cabinet. As indicated above, official statements coming from the Department of Women, Youth, and Persons with Disabilities (DWYPD) appear to suggest that the status of the NSP is still uncertain. This is unlikely to assist in terms of progress towards a timely and effective planning, costing/budgeting, and implementation of the NSP.

Fourthly, the CGE concludes that the Emergency Response Action Plan (ERAP) initiative as a necessary, appropriate, and timely national intervention and response towards a national crisis of gender-based violence. The initiative assisted significantly in providing critical baseline information on some of the key challenges relating to critical support services for victims of gender-based violence in the country. Based on the CGE's review of implementation of the ERAP initiative, we also conclude that while the initiative did achieve some of its objectives, it also did not achieve many of its very critical objectives due to a several operational challenges such as lack of adequate preparation, poor coordination, ineffective oversight, and accountability processes.⁷⁵

⁷⁵ Ibid.

5.2 Recommendations

The following recommendations are formulated in line with the findings contained in this report:

- The CGE recommends that the process of establishing the multi-sectoral national coordination structure be prioritised in line with the resolutions of the 2018 Presidential Summit on Gender-Based Violence and Femicide, as well as in compliance with the 2011 General Recommendation 19 of the Committee on the Convention on the Elimination of all forms of Discrimination against Women (CEDAW Committee). This is a long-standing recommendation that the country has yet to comply with. The CGE urges the government to ensure that this process is transparent and inclusive of all key role players, particularly civil society organisations, to ensure legitimacy of the process and greater buy-in for the final outcomes.
- In line with the above, the CGE recommends that the government, through the Ministry for Women in the Presidency, urgently prioritises the implementation of the NSP which was approved by cabinet in March 2020. In addition, the government should ensure that, once established, the national coordinating structure on GBVF is given the necessary legislative status, adequate financial resources and institutional capacity to drive the coordinating and oversee the implementation of the NSP in line with the resolutions of the 2018 Presidential Summit on Gender-Based Violence and Femicide.
- We recommend that once established and operational, the national coordinating structure on GBVF develops a national communication and information dissemination strategy and plan with clear time frames to publicise the NSP throughout the country. The development of such a nation-wide communication and dissemination strategy and plan should be consultative process that involves all key role players, especially key government departments and civil society organisations.
- Finally, the CGE compiled a separate report in 2019 based on an assessment of the government's ERAP initiative intended to serve as an emergency response plan to combat gender-based violence in the country. We recommend that government, through the DWYPD, urgently consider the findings and recommendations contained in that report. In particular, we recommend that government undertakes a thorough review and evaluation of the implementation of the ERAP initiative, to identify key challenges that faced its implementation and identify the key lessons to be learned to inform similar future interventions to combat gender-based violence. An evaluation report containing these lessons should be made public to inform citizens and stakeholders of some of the key challenges and lessons emerging out of the ERAP initiative.

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ISBN: 978-1-77628-209-8

