



ILITHA LABANTU
PEOPLE WHO CARE ABOUT PEOPLE

Pre-CSW70 CIVIL SOCIETY CONSULTATIVE MEETING REPORT

1) Purpose and context of the meeting

- This is a **Pre-CSW70 civil society consultative meeting** to inform **South Africa's national position** ahead of the **70th session of the Commission on the Status of Women (CSW70)**, taking place **9–20 March 2026** at the UN in New York.
- The consultation is meant to be **inclusive, evidence-based, and grounded in lived realities**, so that South Africa's CSW70 engagement reflects what women and girls actually experience when seeking justice.
- **CSW70 Priority Theme: strengthening access to justice for all women and girls** by promoting inclusive and equitable legal systems, removing discriminatory laws/policies/practices, and addressing structural barriers.

2) Main themes covered (as framed by the moderator)

The consultation focuses on:

- Civil society perspectives on access to justice
- Oversight, accountability, and compliance
- Human rights and legal representation
- Justice sector reform and state response

3) Speaker 1: Simnikiwe Maboe (Ilitha Labantu) — “From law to lived reality”

Core message: South Africa has progressive laws, but access to justice fails in practice, especially for poor, rural, migrant, and disabled women and for children.

Key points raised

- **Strong legal framework exists** (Constitution; Domestic Violence Amendment Act; Sexual Offences Act; Children’s Act; Equality Act), but law ≠ justice in real life.
- **Practical barriers in the system:**
 - **Language and information gaps:** survivors don’t understand legal terms, postponements, court processes, or what “withdrawn provisionally” means.
 - **Disbelief and dismissal by first responders:** police at CSCs sometimes act like “magistrates” by judging credibility instead of taking statements and opening dockets.
 - **Poor first-contact treatment** at police stations and service points.
 - **Survivor notification failures:** e.g., bail conditions are often not shared with survivors unless an NGO insists.
 - **Slow, intimidating, costly processes** with little explanation for delays.
 - **Weak coordination** across police, courts, health, and social services.
- **Structural drivers behind these barriers:**
 - **Implementation gaps** and weak monitoring of legal duties.
 - **Capacity constraints:** lack of trauma-informed, gender-sensitive training.
 - **Secondary victimisation:** institutional processes re-traumatise survivors (e.g., case withdrawals due to DNA backlogs leading to perpetrators returning to communities).
 - **Geographic and socio-economic exclusion:** transport and distance prevent reporting; rural/customary “settlements” (like compensation) replace real justice.
 - **Migrant/undocumented barriers:** survivors are questioned about documentation status before receiving help.
 - **Accountability is missing:** officials blame each other (magistrate ↔ prosecutor ↔ investigating officer), so failures repeat.
- **Role of civil society:** accompanies survivors, translates rights into plain language, documents systemic patterns, and advocates for reform.
- **Big conclusion:** the biggest gap is not the absence of laws, but the **absence of accountability**.

4) Speaker 2: Kayan Leung (Lawyers for Human Rights) — litigation, reform, accountability

Core message: access to justice is undermined by systemic practice failures, and some reforms have unintended consequences; strategic litigation helps expose gaps and build accountability.

Key points raised

- Confirms the same lived reality barriers: delays, withdrawals, poor communication, secondary victimisation, lack of victim-centred/trauma-informed response.
- Adds an important warning: unintended consequences of reforms and policy shifts, including the weaponisation of the criminal justice system against survivors.
 - Example pattern: survivor opens a DV/assault case → perpetrator opens a counter-case → police apply rules mechanically → survivor gets arrested.
 - Case example: perpetrator allegedly faked evidence (tomato sauce) → two women (including a pregnant woman) were arrested and spent the weekend in custody due to poor police judgment and process failures.
 - Another example: post “GBVF national disaster” declaration, police interpreted it as automatic strictness and routine bail opposition, without applying context—leading to survivor arrests even when they acted in self-defence.
- Highlights litigation contributing to stronger jurisprudence:
 - **Consent and trauma responses**: submissions in the “Embrace matter” emphasizing freeze/tonic immobility/collapse during sexual assault and how courts/prosecutors should interpret consent and credibility.
 - **State accountability case law**: cites Constitutional Court developments (e.g., police duty and negligence in rape/kidnapping investigations) reinforcing constitutional and international obligations.
- Policy/process priorities:
 - Finalise the Victim Support Services Bill (still delayed since 2020).
 - Align CSW70 advocacy with NSP on GBVF (2020–2030), Pillar 3 (access to justice & legal reform).
 - Strengthen the National Council oversight powers (“teeth”) so it can enforce accountability and proper budgeting.
 - Encourage submissions on shortlisted candidates (deadline mentioned: 31 Jan, per speaker).
- Key recommendations:
 - Survivor notification rights (especially bail conditions) must be automatic.
 - Improve trauma-informed application of laws (not “black-and-white” enforcement).
 - Equal access for migrants, refugees, undocumented people (including undocumented South Africans).

**5) Speaker 3: Adv. Nthabiseng Sepanya-Mogale(Commission for Gender Equality)
— state accountability & oversight**

Core message: South Africa has laws and institutions, but systemic misalignment, poor implementation, and value failures keep women and children unsafe; accountability must be enforced across the state and society.

Key points raised

- Starts with a deliberately “unpopular” view: South Africa has done a lot (progressive laws, courts, prosecutors, more police recruitment, social awareness), but outcomes remain deeply harmful.
- Asks the central question: why is GBVF still so severe despite legal and institutional presence?
- Contributing reasons (as argued):
 - **Failure to embrace constitutional values** (equality, dignity); rising narratives that rights are “too many,” and misuse/misinterpretation of rights to justify harm.
 - **Systemic problem, fragmented response:** institutions operate in silos; duty bearers treat work as “a job,” doing the bare minimum.
 - Example: educators/health workers not reporting sexual offences despite legal duties (they refer instead of report).
 - **Insufficient understanding/training by justice actors:**
 - Example: the “Omotoso case” referenced to show misunderstanding of trauma dynamics (e.g., survivors returning, coercion/Stockholm-type dynamics).
 - **Reluctance to confront harmful sectors and norms:** harmful practices in some religious/cultural settings; tolerance of sexist/racist speech with weak consequences; ongoing persecution of LGBTQI persons.
 - **Poor implementation of laws that should protect women:**
 - Domestic Violence Amendment Act’s broader categories (including spiritual abuse and broader family relationships) are not applied properly by duty bearers.
 - Customary marriage registration remains extremely low; women carry the burden of litigation to secure rights.
 - Land rights under customary systems: women denied secure tenure; property can be taken by male relatives despite women’s investment and contribution.
 - **Alcohol/substance abuse and structural poverty/inequality/unemployment** as major drivers of violence—often treated as “separate” instead of integrated into GBVF strategy.
- Strong accountability framing:
 - Emphasises Section 7(2) of the Constitution: the state must respect, protect, promote, and fulfil rights.

- Calls for escalation: when the “must” fails, communities/activists should enforce accountability.
- Also calls for accountability of community-appointed leaders.

6) Cross-cutting insights (what the transcript consistently reinforces)

- South Africa’s biggest justice gap is implementation and accountability, not absence of law.
- Survivors face secondary victimisation through institutional behaviour and delays.
- Information, language, and explanation are central barriers.
- Vulnerable groups face compounded exclusion: rural women, migrants/refugees, undocumented people, women with disabilities, children.
- There is growing emphasis on:
 - Trauma-informed justice
 - Automatic survivor notification rights (especially bail conditions)
 - Stronger oversight bodies with enforcement powers
 - Strategic litigation as a tool to reform practice and accountability

7) Practical CSW70-ready “message” distilled from the session

- South Africa should not only present legislative achievements at CSW70; it must acknowledge the gap between law and lived reality, and commit to measurable reforms:
 - enforce accountability for police/prosecutors/courts,
 - improve survivor-centred and trauma-informed practice,
 - strengthen intersectoral coordination,
 - protect vulnerable groups equally (including migrants and undocumented persons),
 - and ensure survivor rights (information, protection, bail condition access) are automatic and enforceable.

Recommendations

A. Core CSW70 message from Ilitha Labantu (framing)

1. **From law to lived reality:** South Africa's legal framework is strong, but access to justice is still unequal because implementation and accountability fail at the point where women and girls seek help.
2. **Justice must be measured by outcomes, not policies:** justice is real only when survivors are believed, protected, informed, and supported, and when perpetrators face swift, fair, consistent consequences.
3. **A survivor-centred justice system is a constitutional duty:** the state must protect rights in practice (not only on paper), and systems must be coordinated, trauma-informed, accessible, and accountable.

B. Recommendations to take to CSW70 (comprehensive package)

1) Make accountability enforceable (the missing link)

Recommendation 1.1: A national accountability framework with consequences

- Establish a publicly reported accountability framework for GBV case management across SAPS, NPA, courts, health and social services.
- Include measurable standards: timeframes for docket opening, arrest decisions, investigation milestones, forensic submissions, court scheduling, survivor notifications, protection order enforcement.
- Introduce clear consequences for non-compliance (disciplinary pathways) and rewards for consistent compliance.

Recommendation 1.2: Independent oversight and complaint pathways survivors can actually use

- Strengthen independent oversight bodies and complaints mechanisms so survivors can report police/prosecutorial misconduct without fear.
- Create survivor-friendly complaint access points (hotlines, online, support desks at courts/Thuthuzela/clinics) supported by NGOs.

Recommendation 1.3: Stop “blame shifting” through case-tracking accountability

- Implement a shared accountability approach where every case has a traceable chain: who did what, when, and why (police → prosecutor → court).

- Standardise “reasons for postponement/withdrawal” communication in plain language to survivors.

2) Guarantee survivor information rights (language, updates, bail, withdrawal explanations)

Recommendation 2.1: Automatic survivor notification as a right

- Survivors must receive automatic updates on:
 - bail hearings and outcomes,
 - bail conditions (in writing and explained),
 - postponements and reasons,
 - withdrawals (especially “provisional withdrawal”) and what it means,
 - trial dates and witness preparation steps.
- This should not depend on whether an NGO is present.

Recommendation 2.2: Plain-language justice access

- Mandatory plain-language explanations at first contact (police station and court).
- Create multilingual survivor information packs (Xitsonga, isiXhosa, isiZulu, Sesotho, Setswana, Afrikaans, etc.), using visual guides.

Recommendation 2.3: Survivor liaison officers at police stations and courts

- A designated trained liaison officer at every high-volume station/court to ensure survivors understand processes and receive updates.

3) Make the justice system trauma-informed and survivor-centered (practice, not slogans)

Recommendation 3.1: Mandatory trauma-informed training tied to performance

- Make training compulsory for SAPS, prosecutors, magistrates, court staff, healthcare workers who handle GBV/sexual offences.
- Training must include:
 - trauma responses (freeze/tonic immobility),
 - secondary victimisation prevention,

- survivor interviewing,
- risk assessment and safety planning,
- disability inclusion and child-sensitive protocols,
- working with migrant/refugee survivors.
- Link training completion and demonstrated competence to performance management.

Recommendation 3.2: Stop secondary victimisation by design

- Survivor-sensitive waiting areas, privacy at CSCs, confidential statement-taking, dignity protocols.
- Protect survivors from repeated storytelling across institutions through secure information-sharing protocols.

4) Fix the “system” problem: coordination between SAPS, courts, health, and social services

Recommendation 4.1: Functional intersectoral GBV response teams

- Every district should have an active intersectoral team with clear roles, meeting schedules, escalation pathways, and a joint dashboard.

Recommendation 4.2: One-stop referral pathways that work in real life

- Strengthen and expand integrated service points (including rural/mobile models): medical, psychosocial, legal, and safety support.
- Make referral pathways time-bound (same-day referrals, transport plans, after-hours options).

5) Reduce case collapse: forensic delays, investigations, and withdrawals

Recommendation 5.1: Forensic turnaround targets and lab capacity investment

- National targets for DNA/forensic processing times with public reporting.
- Ringfenced funding to expand forensic labs, staffing, equipment, logistics and chain-of-custody support.

Recommendation 5.2: Withdrawal safeguards

- Require written survivor explanation and safety planning where cases are withdrawn provisionally.
- Ensure survivors are told exactly what happens next, what triggers re-enrolment, and how protection continues.

6) Protect survivors from the “weaponisation” of the criminal justice system

(Directly from the consultation examples)

Recommendation 6.1: Protocols to prevent counter-charge abuse

- Issue national guidance requiring SAPS to apply contextual assessment before arrest in DV counter-charge situations.
- Require supervisory review before arrest where:
 - there is evidence of ongoing abuse,
 - protection orders exist,
 - self-defence is plausibly raised,
 - the complainant is pregnant/has dependents/has prior reports.

Recommendation 6.2: Bail decisions must be survivor-informed, not blanket

- Avoid “blanket bail opposition” practices; adopt structured risk assessments that protect survivors while respecting due process.
- Ensure survivor safety plans accompany bail decisions.

7) Finalise and implement key policy instruments

Recommendation 7.1: Finalise the Victim Support Services Bill (VSS)

- Prioritise the VSS Bill and ensure it includes enforceable survivor rights, service standards, and resourcing for implementation.

Recommendation 7.2: Make the NSP on GBVF “real” through a Council with teeth

- Strengthen the National Council’s powers to enforce coordination, compel reporting, and influence budget alignment.
- Ensure meaningful civil society representation (including grassroots, rural, disability, migrant/refugee, youth voices).

8) End exclusion: rural women, undocumented South Africans, migrants/refugees, and women with disabilities

Recommendation 8.1: “No wrong door” access

- Guarantee that documentation status cannot be a gatekeeping tool to deny assistance for GBV reporting and protection.
- Train officials that “undocumented” includes many South Africans and must not equal “no service.”

Recommendation 8.2: Rural access packages

- Transport vouchers or mobile reporting units.
- Expanded after-hours and weekend services.
- Partnerships with community structures that are rights-aligned (while rejecting informal “settlements” that replace justice).

Recommendation 8.3: Disability-inclusive justice

- Accessible police stations and courts; sign language services; simplified formats; assistive technologies; trained intermediaries.

9) Challenge harmful norms and structural drivers without compromising rights

Recommendation 9.1: National dialogue and enforcement against harmful practices

- Engage cultural and religious sectors through rights-based partnerships while enforcing the law where abuse occurs.
- Strengthen Equality Court outcomes so remedies are meaningful and deterrent, not symbolic.

Recommendation 9.2: Alcohol/substance abuse as a GBV risk multiplier

- Integrate substance abuse prevention and response into GBV strategies (community programmes, treatment referral, risk screening in DV cases).

Recommendation 9.3: Economic justice is part of access to justice

- Expand survivor economic empowerment and safe housing pathways (because economic dependence is often the barrier to pursuing justice).

10) Resource civil society as an essential partner (not a substitute for the state)

Recommendation 10.1: Multi-year funding for survivor accompaniment and monitoring

- CSOs like Ilitha Labantu are on the frontlines: court accompaniment, survivor navigation, community education, and oversight.
- Create predictable funding models to sustain:
 - paralegal and legal support,
 - court accompaniment,
 - psychosocial support,
 - monitoring and reporting of systemic failures,
 - community-based prevention and referral networks.

Recommendation 10.2: Formalise civil society referral and data roles

- Formal MOUs for referral pathways, case tracking support, and systemic reporting—while protecting survivor confidentiality.

C. What to present at CSW70 (global-stage positioning)

To the international community and UN partners, South Africa should present:

1. **A commitment to close the “implementation gap”** with time-bound accountability measures.
2. **A survivor-centred justice model** as the benchmark (informed by lived experience).
3. **A pledge to end exclusion** (rural, migrant/refugee, undocumented, disability).
4. **A financing commitment:** ringfenced budgets for forensic capacity, survivor notification systems, training, and integrated services.
5. **A partnership model** that recognises civil society as a crucial contributor to outcomes, monitoring, and trust-building.

D. Ilitha Labantu’s “calls to action” (speaker + community friendly)

These are easy for speakers to say, and communities to understand:

1. Believe survivors at first contact.
2. Explain rights and processes in plain language.
3. Protect survivors immediately and consistently (bail, protection orders, safety plans).
4. Coordinate services so survivors don't carry the system alone.
5. Make accountability real—no more blame shifting.
6. Justice must reach rural women, migrants, undocumented people, and women with disabilities.
7. Resource the frontline—community and civil society support saves lives.