



ILITHA LABANTU

PEOPLE WHO CARE ABOUT PEOPLE

**SUBMISSION ON THE NATIONAL COUNCIL ON
GENDER-BASED VIOLENCE AND FEMICIDE BILL**

[B31-2022]

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ATTENTION: The Parliament of the Republic of South Africa

Ms. Neliswa Nobatana at ncgbvfbill@parliament.gov.za

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Ilitha Labantu hereby welcomes the opportunity to comment on the The National Council On Gender-Based Violence And Femicide Bill. **The organization is also available for Oral Presentation**

INTRODUCTION

Ilitha Labantu, established in 1989, is a social justice community organisation based in Gugulethu Township, Cape Town with a specific focus on addressing violence against women, children, vulnerable groups and supporting those affected by it. Its services include psycho-social services, legal and policy advocacy services, educational and outreach services as well as community nutrition and development services. This is accomplished through individual and family counselling, providing emergency accommodation for women and their children, skills training, empowerment and capacity building workshops.

The scope of its work is centred around meeting the needs of communities affected by high levels of violence and limited socio-economic opportunities. Located within the residential areas of its target group, Ilitha Labantu provides easily accessible services to Gender-Based Violence and Femicide survivors, victim families and the broader community. This violence perpetrated against women denies women in both townships and rural areas an opportunity and legal right to live in an environment that is healthy and conducive for them to thrive. Gender based violence has crippled most communities in South Africa and we have seen how over the years, the plight faced by women and children in the form of abuse, secondary victimisation and trauma suffered by those who are directly and indirectly impacted by this pandemic is ever increasing.

While we acknowledge that the prevalence of violence and all forms of abuse on women, children and the vulnerable is not a uniquely South African problem but a worldwide epidemic, we welcome the attempts to rectify where there has been failure to properly implement strategies in addressing this violence in our society and we will promote the advancement of the implementation of the National Strategy against GBVF.

THE NATIONAL COUNCIL ON GENDER-BASED VIOLENCE AND FEMICIDE BILL [B31-2022].

The organisation welcomes the National Council on Gender-Based Violence and Femicide Bill that is aimed at establishing a multi-disciplinary council that will coordinate and guide the country's response to gender-based violence and femicide (GBVF) in the country. It is clear that the problem of GBVF in South Africa is a serious one that requires urgent action, and the proposed National Council on Gender-Based Violence and Femicide could be an important step forward in addressing this issue and we welcome the opportunity to comment as bill is still undergoing revisions and consultations.

We take cognisance that the bill seeks to establish a National Council on Gender-Based Violence and Femicide, comprised of representatives from various government departments, civil society organizations, and other stakeholders and will be responsible for coordinating and monitoring the country's response to GBVF.

Our submission is as Follows:

SECTIONS	COMMENTS
INTRODUCTION TO BILL – sections 1 and 2	While the bill proposes to establish the National Council on Gender-Based Violence and Femicide, which will be responsible for developing a national strategic plan to prevent and combat GBVF, as well as monitor and evaluate the implementation of the plan, we are concerned that the bill is precisely a machination for the administration of the council. It appears insufficient to be used as a foundation for creating other laws, which are very important for the promotion of the Implementation of the National Strategic Plan on GBVF. Whilst the current laws seem to be sufficient on paper, there is need for this council to be empowered to have input on the formation of laws, remedies and sanctions for any GBVF matter. One of the challenges with the current laws is that they are not always effectively enforced due to a variety of factors and as such, perpetrators of GBVF

	<p>usually do not face the full consequences of their actions, which can lead to a lack of deterrence. The perpetrators always find loopholes in the criminal justice system which they use to their advantage and it is a critical area that we had hoped the bill would zone in and address such challenges.</p> <p>Another issue is that the bill must address are the laws that may not be comprehensive enough to address the full scope of GBVF, and the bill must be the platform to cover and address not only legal measures but also efforts to change societal attitudes and norms.</p> <p>For example, the organisation launched a bail conditions campaign wherein we advocate for the right of a complainant to be given a copy of the bail conditions if a perpetrator is given bail in GBVF matters. Ideally, we would want the perpetrators of GBVF not to receive bail and this is just one example where we feel that this bill should have the capacity of refining and tuning some of the laws that would greatly improve the service to complainants of GBVF.</p>
<p>ESTABLISHMENT OF THE GBVF COUNCIL -Section 3</p>	<p>The establishment of the council as a statutory body to provide strategic leadership on all matters GBVF while important, is not the most important issue as there already exists statutory bodies that have been established who are at par with what the GBVF council seeks to do. For example, section 9 institutions have a mandate to strengthen constitutional democracy by ensuring that the Constitutional obligations are met including oversight on the executive and judiciary system(criminal justice in particular). The council will be taking away the capacity in terms of funding which can actually be channelled to the existing structures and equip them. Our justice system is already severely burdened (courts and the SAPS) which has led to a lack of trust of these institutions.</p>

	<p>Furthermore the redundancy of actions as we already have the CGE, the SAHRC and the Public Protector.</p>
<p>OBJECTIVES OF THE COUNCIL -Section 4</p>	<p>Just a facilitating role in terms of GBVF matters will not give the council powers to effectively address real issues even if it is a multi-sectoral approach facilitation. The funding, training and capacity building of stakeholders especially the NPOs and CBOs who are always at the forefront of fighting GBVF is not adequately addressed by the bill. This can involve education and awareness campaigns, as well as community-based interventions that aim to prevent GBVF before it occurs. Most civil society as stakeholders are at the forefront of raising awareness in the communities but with very little resources. The objectives as stated should rather also entitle powers and those powers should be linked with either Chapter 9 institutions and or can allow for independent proceedings, as this is an intersectoral approach, if one or the other of the departments fails to comply with orders given by the council we have no recourse.</p>
<p>FUNCTIONS OF THE COUNCIL -Section 5</p>	<p>The council seems not to be given mandatory powers to advise the Minister on the relevant issues of GBVF matters. The council must be empowered to call out and set standards for effectively curbing GBVF in all its forms. Furthermore, the council's reporting to the Department of Women, Youth and Persons with Disability places the council in a peculiar position of having to hold this department accountable should matters arise and not the various other departments including the department of justice, South African Police Services Department of Correctional Services etc</p>
<p>BOARD OF COUNCIL -Section 6</p>	<p>The bill seems to be discriminatory in nature in terms of the women as consisting 80% of the board. While appreciation is made of women from all spaces spear-heading GBVF thereby</p>

	<p>promoting the empowerment of women, the bill fails to advocate for the promotion of gender equality and excludes men who are qualified and play important roles in the fight against GBVF. Moreover, the bill should not set targets that excludes other persons in terms of its composition.</p>
<p>REMOVAL FROM OFFICE -Section 12</p>	<p>Matters concerning GBVF are serious in nature such that the board and Minister must have express powers to deal with non-compliance by members especially those that will not hold the values and the ethos of the council. The bill must set a clear and precise sanction by the Minister should this happen.</p>
NOTED SECTIONS	
<p>DISQUALIFICATION FROM MEMBERSHIP OF BOARD -Section 7</p>	Noted
<p>DECLARATION OF FINANCIAL OR OTHER INTEREST OF MEMBERS -Section 8</p>	Noted
<p>TERM OF OFFICE OF BOARD MEMBERS -Section 9</p>	Noted
<p>REMUNERATION OF MEMBERS -Section 10</p>	Noted
<p>VACANCIES IN BOARD -Section 11</p>	Noted
<p>MEETINGS OF BOARD -Section 13</p>	Noted
<p>COMMITTEES OF BOARD</p>	Noted

-Section 14	
APPOINTMENT OF CHIEF EXECUTIVE OFFICER -Section 15	Noted
FUNCTIONS OF CHIEF EXECUTIVE OFFICER -Section 16	Noted
SECRETARIAT OF COUNCIL -Section 17	Noted
FUNDS OF COUNCIL -Section 18	Noted
FINANCIAL MANAGEMENT -Section 19	Noted
AUDIT, ANNUAL AND FINANCIAL REPORT -Section 20	Noted
USE OF NAME OF COUNCIL -Section 21	Noted
PROVINCIAL AND LOCAL STRUCTURES -Section 22	Noted
DELEGATIONS -Section 23	Noted
REGULATIONS -Section 24	Noted

The establishment of this Council can go to great lengths in establishing greater partnerships between Civil Society and Government, but the overall objective should be the eradication and systematic approach to dealing with Gender based Violence and Femicide. A dedicated council can work on crafting policies specifically designed to combat GBV and femicide, and have the authority to ensure these policies are implemented effectively. The creation of a new council can draw attention to the issue of GBV and femicide, helping to raise public awareness and understanding. This can lead to increased public support for measures to tackle these problems.