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COMBATING GENDER-BASED VIOLENCE – THE ROLE OF PARLIAMENTARIANS

22 April 2013

"Violence against women is a form of discrimination and a violation of human rights. It causes untold misery, cutting short lives and leaving countless women living in pain and fear in every country of the world. It harms families across the generations, impoverishes communities and reinforces other forms of violence throughout societies. Violence against women stops them from fulfilling their potential, restricts economic growth and undermines development. The scope and extent of violence against women are a reflection of the degree and persistence of discrimination that women continue to face. It can only be eliminated, therefore, by addressing discrimination, promoting women's equality and empowerment, and ensuring that women's human rights are fulfilled".¹ Violence against women is a global phenomenon, affecting millions of women across the world – it transcends socio-economic status, culture and religion. Reports indicate that at least one out of every three women around the world has been beaten, coerced into sex or otherwise beaten in her lifetime – with the abuser usually someone known to her.² This silent epidemic³ manifests itself in a variety of forms ranging from the physical and sexual harm of women to psychological and emotional abuse and suffering.

In light of the high levels of violence against women, government has committed itself to the eradication of violence against women. South Africa has ratified the Convention on the Elimination of All Forms of Violence Against Women (CEDAW) which makes specific provision for the protection of women's rights in all spheres of private and public life, which therefore places it under international legal obligation to ensure the safety and security of women in South Africa. In addition, the Bill of Rights as contained in Chapter 2 of the Constitution (Act No. 108 of 1996), also entrenches the right to equality, freedom and security for all persons within the country, thus imposing a duty on government to ensure the respect and protection of these basic human rights. This commitment is further manifested in laws intended to protect the rights of women which include the Domestic Violence Act (Act 116 of 1998) and the Criminal Law (Sexual Offences and Related Matters) Amendment Act, (No. 32 of 2007).

Given Government's commitment and the existing legislative framework, what role can Parliamentarians play to combat gender-based violence?

The Inter-Parliamentary Union and Parliamentary Assembly of the Council of Europe identify a number of priorities that Parliaments could use to effectively address violence against women. These are highlighted below and provide a framework within which Parliamentarians can intensify their efforts to combat gender-based violence.

¹ Centre for Human Rights, 2007

² Political Affairs Magazine, 2003

³ UNIFEM, 2008

1. Using Parliamentary Office to help combat violence against women

Parliamentarians are, first and foremost, elected representatives with local constituencies. They promote their fellow citizens' interests, and protecting their human rights is part of this. As parliamentarians and party members, they have influence and the power to initiate change. Often, too, they have community functions. Their contacts with local business, social and cultural actors put them in close touch with the public and their everyday problems. Parliamentarians are thus well poised to:

- Suggest ways of publicising the problem of violence against women, making people see that this is an assault on human dignity.
- Launch, support and raise funds for local anti-violence projects, having first identified local needs and interests and get involved in the implementation of these projects.
- Help secure parliamentary backing for anti-violence projects launched by NGOs and by local and regional authorities.
- Promote dialogue with local authorities, encourage them to combat gender-based violence, and persuade decision makers and fund providers to back their efforts.
- Encourage their various political parties to prioritise the combating of gender-based violence.

2. Adopt laws that work

- Assess the existing legislative framework – identify gaps, and define the legislative goal for the adoption or revision of legislation on violence against women.
- Where a number of laws exist ensure that there is harmonisation among the different laws.
- Ensure that national legislation meets international standards and benchmarks.
- Ensure that legislation is comprehensive and includes provisions to address the prevention of gender-based violence, protection and support for complainants/survivors and the prosecution and punishment of the perpetrator.
- Legislation must take into account and address national realities, i.e. recognise that women are not a homogenous group and that violence may affect different groups of women differently.
- Legislation should provide for implementation mechanisms including budgetary support, the creation of institutional mechanisms to monitor implementation, and the collection of statistical data.

3. Take a clear, decisive stand on violence against women

Parliamentarians can achieve this objective by:

- Ensuring that Parliament discusses action to stop all forms of violence against women.

- Organising public and parliamentary debates to highlight the problem, and parliamentary hearings to review laws and other measures introduced to deal with it, and assess their effectiveness.
- Taking a political and public stand against gender-based violence. Possible actions in this regard include a solemn declaration, in which Parliament affirms its determination to eliminate such violence, or a declaration signed by individual parliamentarians, who themselves pledge to work against it.

4. Exercise parliamentary supervision

Parliaments can exercise their oversight function over the Executive by:

- Putting pressure on governments to ensure that they respect and comply with their international legal obligations.
- Questioning the Government on action taken to enforce laws on violence, and on resources committed to combating it.
- Campaigning for the appointment of a parliamentary commissioner/ ombudsperson for violence against women.
- Ensuring that every effort has been taken to publicise the laws adopted and action taken to assist the victims of violence.
- Helping to audit/assess action taken by Government on violence, and promoting the necessary reforms.
- Including actions against violence on the programme for study tours and oversight visits to allow parliamentarians to learn from one another, exchange good practices and/or provide technical assistance for parliaments wishing to make their laws on gender-based violence more effective.

5. Mobilise appropriate financial resources in Parliament

Most national budgets must be approved by Parliament, and this gives Parliament a voice in the use of public money. Parliament can use their oversight function over the budget to:

- Ensure that expenditure on combating gender-based violence is prioritised and utilised effectively.
- Encourage governments to set up a compensation fund for victims, using money obtained through, for example, fines paid by perpetrators of gender-based violence.
- Encourage governments to contribute voluntarily to the funding of international co-operation schemes aimed at ending violence against women. These contributions should be formally provided for in national budgets.

6. Build Partnerships

The Inter-Parliamentary Union highlights that progress in the fight against gender-based violence will only be achieved through the combined efforts of all stakeholders.

- Partnership between men and women is imperative for progress – specific programmes and initiatives to engage men in the fight against gender-based violence should be developed and supported.
- Men in general, and male parliamentarians specifically, should also be encouraged to champion and lead efforts to end violence against women. Engaging men as equal responsibility bearers for transformation is key to addressing violence against women. Gender-related issues are primarily considered a women's issue as it has been placed on the public and policy agenda by women – this is as a result of women being the principal victims of gender-based violence and thus having a perceived claim for redress. However, men have an important role to play, and from a human rights perspective, an ethical obligation, to addressing violence against women.
- Parliamentarians also need to coordinate efforts and work together with provincial and local government, and civil society.

The elimination of violence against women therefore requires not only the implementation of legislative measures but also strong political will by politicians as agents of change and transformation. In addition the existence of an enabling environment and the recognition of violence against women as a violation of their fundamental human rights are crucial elements to combating the scourge of violence against women.

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