

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 1

WEDNESDAY, 31 MAY 2017

---

*PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES*

---

The Council met at 14:01.

The Deputy Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Hon members, I have reliably been informed that the Whippery has agreed that there wouldn't be any motions for today. I will now get to the subject matter. But before I do that, may I welcome and appreciate the participation of our provinces of the NCOP, and welcome all special delegates, MECs and so forth, who are part of the subject matter. On the basis of that I will then proceed on the subject matter by calling on the Chairperson of the Council to please introduce the subject matter for today.

**DEBATE IN TERMS OF RULE 84 OF THE NCOP RULES:**

**PROTECTING WOMEN AND GIRL CHILDREN AGAINST VIOLENCE AND ABUSE**

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 2

Ms T R MODISE: Deputy Chairperson, permanent and special delegates, ladies and gentlemen, on behalf of this House and Parliament, may I offer my condolences to the families ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: May we please assist her with audio?

Ms T R MODISE: Thank you. Deputy Chairperson, may I on behalf of this House and Parliament in general, offer our condolences to the families of the young women and children, who have perished in South Africa, at the hands of those who were supposed to love them in these recent times. Too many women; too many children have become victims of violence. We are a nation in mourning against this brutality.

*Setswana:*

Bagaetsho, go lekane ebile go ntse!

*English:*

It is enough!

*Afrikaans:*

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 3

Dit is nou genoeg!

*English:*

I think we must call on men and society to rise up against digatamarukwana [cowards], because we must make a distinction between real men and these ones who are in the bodies of men, who prey against us, our children, their nieces, their mothers, their sisters and their grandmothers. Because, if we don't do that, we are likely not to see what the former United Nations, UN, Secretary, Ban Ki-moon said, when he said: "When women thrive so will we all live." It is because, if we do not strive; if we do not live, nations die.

This week has also been declared as the Child Protection Week, under the theme: Child protection is everybody's business. Now, the rights of children are human rights. It is our duty to protect children. In the last few weeks, we have seen an increasing brutality and violence against women and children. These brutalities are seen as the highest form of betrayal against women and children, killed by men within our societies.

I don't think any human being deserves to be killed by somebody who has declared love to them. Yesterday, we were again alerted about the fate of Thembisile Nyende from the East Rand in Gauteng, who was

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 4**

last seen going to work two weeks ago and later, she was found dead after 10 days. A very strange set of reasons has been proffered; a very sad scene has been found and a very sad kind of policing has been done. We want to also offer our sincere condolences to her family and that of Hanna Cornelius, the student of Stellenbosch University who was hijacked on Friday, and her body was found on Monday.

We are aware of many, many more. We are aware of bodies of women and children which are discovered in shallow graves; some burnt beyond recognition; some raped and some mutilated. I don't think that we have words enough to express our outrage and our disgust. Violence against women, therefore, remains a serious problems within South Africa. The gender-based violence, can we ever say we will eradicate it?

Many victims of gender-based violence go to the police stations and come back to the same homes, or they go to places of safety. Many times, the same victims go back to the police or the courts to withdraw the cases. We are aware of the many times that Karabo Mokwena herself went to report the abuse to the police station. But, I suspect that the problem lies with us, the society.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 5

This thing where you say to women, nyamezela [persevere]; this thing where you, mothers, tell you daughters to stay in the relationships which are killing them; this thing where you force young girls into marriages as women in South Africa, and fathers also, because sometimes you still want to get lobola; this thing where we are not raising our girls to stand up and to believe that, actually, the best love is the love you can give to yourself first.

That no other human being must love you more than you love yourself and that respect does not come with pain or denigration. This thing that women must be married because without marriage we are not complete, is completely a bucket full of something which will be unparliamentary if I said it in this House. There is also this thing where we as the parents, have not yet begun to raise our boy children to respect others and themselves.

Deputy Chairperson, I come from a household where my mother said to her sons, because she raised all her children: Take your jacket and take a walk; don't come home until you can discuss coherently with your spouse. But she also said to her girls, make sure you do what you need to do to keep the relationship to work, but exercise girl, because no man beats my child. And if the exercise doesn't help, the courts of law are there.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 6

I think that we need to begin to worry that the South African average of rape, is greater than the global average. One woman or child out of 833 is raped, when in other areas it is out of 10 000. This level of rape, we suspect that it is lower because, not everybody reports rape. The victims of rape continue to be disempowered because, the lack of training or reluctance of the police to deal with rape cases, leaves much to be desired.

Most women who experience violence in their own homes, at the hands of their partners or husbands, don't talk. This thing about make up amongst black women has become more of a problem than an enhancer, because it is sometimes used to mask the marks of beatings. Now, you can't love anybody if you humiliate that person. That's not love! Immediately you start touching the dignity of a fellow human being, we must conclude that something is amiss. And this fellow human being must begin to augment the love by saving her own life.

According to SA Medical Research Council, SAMRC, a woman is killed by an intimate partner in every eight hours. In South Africa, one in five women that are in the relationships has experienced physical violence by a partner, and that makes up 21%. That's what the Statistics SA, StatsSA, tells us. It can't be healthy!

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 7**

Increasingly, when you analyse the murder cases in South Africa, you find that, those who died in domestic violence situation, outnumber those who died perhaps by tsotsis [thugs] outside. Between April and the end of December 2016, 30 069 cases of rape were reported. In South Africa, we have just fewer than 110 rape cases per day. There were 4 815 cases of sexual assault in that same period.

The rate of sexual offences per province is also very interesting to note. Gauteng tops with 9 671 cases; KwaZulu-Natal follows with 8 947 cases; the Eastern Cape with 8 797 cases; the Western Cape with 7 130 cases; Limpopo, with 4 369 cases; the North West, with 4 164 cases; the Free State, with 3 928 cases; Mpumalanga, with 3 331 and the Northern Cape, with 1 717 cases. These figures suggest that we must hang our faces in shame, not only as the people who are in the top 500 of leadership in South Africa, but it says that something is going terribly wrong with us.

It also says that, we must go back and analyse the reasons for domestic violence. Now, the studies have showed us since we began to look at the impact of recession and the slow growing economy that, when pressure mounts, the weakest amongst the society suffers most.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 8**

During the war, the recession and in the instances we are not sure about; it is women and children who suffer most.

Women of South Africa, the sad thing about this are that, we predicted a backlash. Few years ago we spoke about the backlash on the South African women. We did nothing, but we have pollicised the matter. Now, it is time to leave the politics behind, to stand up and say: It cannot continue under our watch, at least as the leaders of the society! When you are a Member of Parliament, you are a leader; you are supposed to give guidance somewhere.

I think that it is important to isolate inequalities, poverty and unemployment to deal with issues of moral decay. We should deal with issues that tell us whether democracy in its much forward, has somehow put in rushed, the galloping of women into the economic space faster than our men could appreciate; whether when we became triumphant as women, we navigated the space properly without leaving the men folk behind. But whatever the reason is, nobody has any right to improperly touch anybody else, if that person doesn't want to be touched. Nobody has any right to kill a child!

I think that culturally, we must also go back to review the practices of ukuthwalwa or tshobediso [forced marriages] to



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 9**

ascertain if these had any impact to what is happening. Has the advent of 1994 presented us with anything? Can we go back to the tranches as when we did fighting for the national liberation to say that, now we need to do the following so that this scourge does not happen to women in South Africa?

Hon members, the one achievement that we have made is to put key legislations in place. We must then police it to make sure that it is implementable. We must live it and advocate it! We must regulate the images in the TV; we must engage with the media in the depiction of women by all forms of media. But we must also remember that we are proudly the signatories of he for she, which means that, men will stand up for women; which means that we will also stand up for boy children and girl children.

The Sustainable Development Goal 5 is on achieving, not only the promotion of gender-equality and empowering all women and girls, but it is a promise to all women and girls in their diversity of circumstances and status, to end all forms of discrimination against them in law and practice; to eliminate all forms of violence and harmful practices; to have an equal voice; to participate in leadership and decision-making in every field, at all levels of

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 10

governance; to value, to reduce, to redistribute and to provide, to ensure that their unpaid domestic work, does not go unnoticed.

To have universal access to both sexual and reproductive rights, and health; to have ownership and control over the productive assets and resources, and more importantly, to also be counted amongst those who demand and should enjoy decent work. Now, as the South Africans, we must remain steadfast that we will produce strong families. Can we start with the men of the NCOP?

Fathers, can we hear you, standing up for your girl children; for your sisters; for your wives ...

*Setswana:*

... le bo makhwapheni [and your mistresses.]

*English:*

Can we hear you also telling us why it is important to marry one and to keep others dangling out there. Can you tell us, why the public must have trust in you, if you do not trust your own feelings to commit to one partner? Can you tell us why we should put our trust, as the women of this country, in your hands if we feel unsafe in our own homes? So, it would be very nice to hear the men of this House,

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 11

out there in their constituencies, standing up and saying, not in our gut; not in our time; not in our name.

*Setswana:*

Go lekane. Ke a leboga. [Legofi.]

Ms W TIKANA: Deputy Chairperson of the House, Chief Whip of the NCOP, hon permanent delegates, distinguished guests and members, good afternoon. We meet here today as the country marks the 2017 Child Protection Week and a couple of days after the burial of three- year-old Jayde Amber Veldman of Buffalo Flats in East London, Eastern Cape. The lifeless body of this child was found in a stream a day after she went missing.

In another incident, the SA Police Service are still investigating two separate murder dockets after bodies of two women were found over the weekend. Nothandekile Vellem who was 47 years old and Buyiswa Hokisi who was 44 years old, respectively from Greenfields and Gonubie, died in the hands of their perpetrators. In recent months, stories of abuse and killing of women and children have risen to levels we have never seen in South Africa's young democracy.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 12**

Violence against women and children in our country has reached unparalleled levels. This scourge is undermining the nation's economic and social development. The cases I have mentioned represent only a fraction of the incidents of violence against women as many go unreported. What becomes more frightening is the fact that the perpetrators are mostly known members of the community or members of the families.

We cannot run away from the fact that, widespread abuse of alcohol and drugs is the biggest contributor to these incidents. Some of the victims of violence are also rendered vulnerable by prior consumption of alcohol and or drugs.

Poverty and social inequity have also been found to be the key drivers of violence; unequal access to wealth and opportunities results in feelings of low self-esteem, which is then channelled into anger and frustration. Violence is then used to gain the sought after respect and power through violent robbery, rape, severe punishment of children or violence against partners.

The exposure of both boys and girls to physical, sexual and emotional trauma as children increases their chance of being violent as adolescents and adults and increases the risk of re-victimisation

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 13**

as adults respectively. In the Eastern Cape, we have also noted a trend in the high numbers of women and children seeking health care for injuries resulting from violence. Unwanted pregnancies due to rape and the increase in sexually transmitted diseases, STDs, HIV and Aids are some of the challenges we are grappling with.

The incidents of cannibalism, while isolated but they sent shock waves throughout the country. As government, we continue to strengthen our work in creating awareness on violence against women and children. We have during the last financial year reached areas such as Ntabankulu, Punzana, Maclear, Fort Brown, Lukholweni, Bedford, Ezibeleni, Mlungisi, Katkop, Despatch and KwaZakhele.

The country has the policies and clear processes in place to deal with the issue of violence against women and children. However, the response has been disjointed and as such it has not been optimally successful. The Domestic Violence Act, Sexual Offences and Related Offences Act and Child Justice Act have been introduced by our government. We need to strengthen coordination and implementation of a multisectoral approach on violence against women and children.

The government must introduce or strengthen gender violence units in all police stations to reduce barriers in reporting sexual offences.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 14**

Also, the victims must stop withdrawing reported cases in our police stations. Lastly, as the government we must strengthen our justice system to better deal with the cases of gender-based violence. The provincial safety strategy's outcome on prevention of violence speaks to activities that can be implemented to close the gap that seems to exist between policy and implementation.

Going forward, civil society must also play a major role in the implementation of policies that are targeted at preventing and responding to the challenges at hand. Local level structures must play an oversight and coordination role in mobilising communities for all programmes that seek to prevent violence against women and children.

In the memory of young Jayde and many other women and children who have suffered and died in the hands of their perpetrators, as this House and the rest of South Africa we must come together and say: No! Let us be counted amongst the men and women who stood up and fought against this scourge that is threatening to bring our country to its knees. I thank you. [Applause.]

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Thank you very much, hon member. I know I should have done this from the

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 15

beginning: Let me recognise and appreciate the participation of these young girls in the gallery who found it necessary to be part of the debate. I would like to thank them very much, although they re leaving now and it is when the debate is heating up. Nevertheless, let's proceed with the debate.

Ms B A ENGELBRECHT: Hon Chairperson, today I stand here as a Member of Parliament's legislature where we need to ensure that laws are debated and implemented to serve our people. Unfortunately, the laws we have passed have failed kidnapped and murdered Anelisa Dulaze whose murderer only received a 15-year sentence.

Rape is one of the most underreported crimes and only a small proportion of reported rapes result in incarceration. We need to ensure that our laws are effective, with the police and judiciary, enforcing them for speedy justice. Together with the necessary training, our police should show the necessary, yet often wanting, compassion and empathy for the victims and their families.

A parliamentary question revealed that more than 189 police stations have no victim-friendly rooms, a shocking indictment to victims of violence who deserve better protection from our police, who must enforce protection orders. Our violated women and children deserve

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 16**

more Family Violence, Child Protection and Sexual Offences, FCS, units and Thuthuzela centres where victims of abuse can report, lay charges and receive medical treatment with access to social workers.

Today, I stand before you as a mother - the joy of pregnancy, the exhilaration of holding your baby in your arms and the dreams of a bright future for your child. You would do everything possible to protect that precious little body. Three-year-old Courtney Pieters was raped twice before being killed by a person living in her home. Her mother will never again hear the sound of her laughter and never again have those little arms hugging her and saying, "Good night, mommy".

Why have we as South Africans allowed this to happen? What are the causes of this destructive behaviour that is destroying families and what must we change to prevent this from happening?

Researchers have come up with models of violence, with multiple factors explaining battering and the common roots of verbal, physical, and sexual coercion toward women to answer the question: Why does this particular man batter, sexually assault and murder their victims? At the heart of this research stand the structural features of our society, where in patriarchal family social systems,



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 17**

verbal, physical and sexual coercion toward women are unfortunately common.

The body of pregnant Nicola Pienaar was found in a shallow grave behind her boyfriend's home.

Studies have found that most male beaters confine their violent behaviour to their partners, and case histories from battered women indicate the extreme sexual jealousy displayed by their partners as a common motive of men who kill their wives.

Vivacious Karabo Mokoena's life was extinguished by her boyfriend when her burnt and bruised body was discovered.

Alcohol use has been reported in between 25% and 85% of incidents of battering and up to 75% of acquaintance rapes, with research linking, drinking and alcohol abuse to physical aggression. Binge drinking was especially associated with marital violence across all ethnic groups and social classes.

Beautiful 21-year-old Stellenbosch student Hannah Cornelius and a friend were hijacked and she was subsequently raped and killed.

Power and control frequently underlie intimate partner violence, but the purpose of the violence may also be in response to a man's feelings of powerlessness and an inability to accept rejection.

Annelene Pillay was shot five times, allegedly by her ex-boyfriend.

Male violence against women often endures in society because it is modelled in families and society and there is rarely serious punishment for the perpetrator.

Noluvo Swelindawo was killed because she was gay.

Our families are the starting point of socialisation, including that of violent behaviour. Research has shown violent criminals and violent sex offenders to have been more likely to have experienced poor parental childrearing, poor supervision, physical abuse, neglect, and separation from their parents. Increased risk of adult partner violence is associated with exposure to violence between a person's parents while growing up.

Taxi rape victims are at last coming forward to share their stories like a Johannesburg woman, raped in a taxi minibus in front of her 10-year-old son.

Sons of violent parents are more likely to abuse their partners and men raised in male-controlled family structures are more likely to become violent adults, to rape women acquaintances, and to batter their partners, than men raised in loving and compassionate homes.

Twenty-nine-year-old Priska Schalk was found handcuffed in a pool of blood, apparently killed by her boyfriend.

A study by the Children's Institute found that 34% of our children will have suffered sexual assault, violence or abuse by the age of 18 years by family members, teachers and care givers. One-third of children who have been abused or exposed to parental violence become violent adults. It stands to reason that sexual abuse in childhood has therefore been identified as the main risk factor for sexual offending adults.

Ten-year-old Siphamandla Madikane and 3-year-old Cuburne van Wyk's partially burned bodies were found next to a dump heap.

Developmental and environmental factors in the family environment play a very large role with Television and movies filled with scenes of women being threatened, raped, beaten, tortured, and murdered.

Easy access to pornography is adversely affecting our children's emotional development, portraying a dysfunctional view on intimacy, love and relationships, where immediate sexual gratification means everything.

Maybe the time has arrived for us to seriously consider a type of censorship, to reduce the influx of violent images and pornography penetrating our homes. Parents need to be more vigilant in screening their children's video preferences and violent video games.

Franziska Blochliger, a teenager, was raped and murdered in the Tokai Forest.

An international study found that children who watched many hours of violence on television during elementary school tended to exhibit more aggressive behaviour as teenagers and were more likely to be arrested for criminal acts as adults.

Amanda Tweyi and Lelona Fufu, two gorgeous, young, intelligent Rhodes University students were recently murdered.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 21**

It is unacceptable that women in this country are subjected to such brutal acts of violence and live in fear, terrified to go out where violence against women has almost become an everyday occurrence. The DA will do everything in its power to promote and ensure the safety of women in this country.

The consequences of violence against women are far-reaching, affecting the sustainability of families and society. As early as 1974, Burgess and Holmstrom described what they termed "rape trauma syndrome" to describe the psychological aftermath of rape. Victims of partner violence and rape exhibit a variety of psychological symptoms, experiencing shock, denial, disbelief, fear, confusion, and withdrawal. They suffer from depression and attempt suicide. In one community sample, 19% of rape victims had attempted suicide. Other psychological symptoms reported by both victims of rape and partner violence include lowered self-esteem, guilt, shame, anxiety, alcohol and drug abuse and dependence, generalised anxiety, obsessive-compulsive disorder, and posttraumatic stress disorder.

I therefore stand before this House as a parliamentarian, but primarily as a woman and a mother who like all of us, have a crucial role to fulfil in a broken and destroyed society. We cannot allow this to continue in our country any longer. We must, as a society,

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 22

be the watchdogs and we need to be fearless and speak out against any abuse.

Thembisile Lucia Yende's body was found after two weeks in her office, with a black bag over her face.

As mothers and fathers, we need to bring back the moral fibre in our families and in our communities. Enough is enough and no longer must we allow destructive social practises to dictate how we live our lives. We need to stop condoning abuse, we need to stop being ashamed of speaking up against abuse. You and I must speak up. Let us be the precursor of change, not just 16 days of activism and one week of child protection, but 365 days where we as parents and communities take control of our families; start showing respect for others and the woman in our lives; be the role models for our children; show them they are precious and that we love, care and protect them. Above all, let's protect our most vulnerable, our women and children. I thank you.

Mr S MASHININI (Free State): Hon Deputy Chair of the NCOP, I stand here today in this House with a very hard. I am sure you have realised that amongst the speakers I am the first one to speak as a man. I am out of words and lack of courage to articulate my dismay

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 23**

towards the horrible deeds committed by some men towards women and children abuse. No man self respecting man attacks a woman. Chapter 12 of the National Development Plan, NDP, prescribes that in 2030:

Our vision is to make sure that our people living in South Africa must feel safe and have no fear of crime. Everyone must be safe at home, school and at work and enjoy the active community life free of fear; women to walk the streets freely and the children to play outside.

There is a saying that says a woman is a thing of beauty her loveliness cannot turn into nothingness. If you do that as a man it means that you are not a self respecting man. Crime against women and children remains an apex priority for the Free State government and of course for the South Africa at large. Crime associated with women varies from common assault to commit grievous bodily harm, rape, attempted rape, sexual assault and murder.

Violent nature of these crimes has recently occupied, we all know about this, social media space and as such has instilled fear among our people. Social media is abuzz with incidents reported albeit that many have been identified as being baseless. I want to elaborate on this as follows: the incident reported recently in the

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 24**

University of Free State it was portrayed that two females were kidnapped and immediately we followed up the matter because we have agreed as a province that we are going to leave the stone unturned in dealing with any perpetrator of violence against women and children abuse. Here is a setback, at the end the investigator revealed that that was not true. Another incident on social media created an impression that a mother kidnapped her daughter in Bain's Vlei and again we followed this matter. The fact of the matter is the mother took her daughter to Cape Town and reported at the nearest Police Station after being told about the social media coverage.

I am raising these areas that today in this House we are debating what must be done in South Africa to deal with this challenge of violence against women but we must be careful, the social media must not be used to perpetrate the matter. From a statistical perspective in the Free State, we have shown that decline in 2012-13 with regards to violence against women and children abuse. We have shown a decline of 7% decrease.

I want to speak on those sticky areas which show an increase and I will later indicate what we are doing as a province because it does not help to speak and do nothing. You have to make sure that you



UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 25

come up with a mechanism to deal with the matter. We have experienced an increase in contact sexual offences, abduction, including others but these are the areas we are spending and leaving no stone unturned to make sure that the perpetrators are brought to book.

Having said so is that I need to indicate that there are areas that we also in the Free State have identified as areas which actually contribute to the increase in these crimes against women. That area is an area of abused alcohol and drugs.

*IsiXhosa:*

Masiyithetheni inyaniso....

English:

... where it is necessary. The use of drugs is the matter. The second one that we have identified is the illegal closing times of places that sell liquor. When the license that says you close at a particular time you will find that they close in the early hours of the morning. That contributes to the abuse against women and children.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 26

Another area that we have identified is the dark places where there are no street lights. That creates an opportunity for these criminals to continue with their work.

*IsiXhosa:*

Uyabona ke thina siyiqhelile into yokuba...

*English:*

...you call a spade, a spade. The buildings that are abandoned and not being used create a heaven for these criminals to use them. We have to deal with those areas. The last speakers I have heard who spoke before me have indicated about that upper thing by parents.

*IsiXhosa:*

Uyabona ke ukuba ungumama okanye ungutata...

*English:*

... take care of your children. Know where your children go.

*IsiXhosa:*

Ukuba ungumama okanye ungutata...

*English:*

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 27

... take an interest to make sure that at a particular time all your children are inside the house. If we are not going to phase out these issues that are before us, we will continuously talk beside and not deal with the matter and we have said this is a matter that we have to look as the Free State. We are working around the clock to engage these crimes and I have indicated earlier on with more emphasis on those that have shown an increased.

What are the steps taken to deal with this matter? We have created a unit of men and women in blue in the province I can tell you now. I spend no time, every week I am looking and monitoring progress in the area called Heidedal in Bloemfontein. Another area we are increasing our presence there is the place called Small Street focusing on this area to make sure that we bring down the levels of crime and abuse against women and children.

The next area that we are also focusing on...

*IsiXhosa:*

... iyingxaki ke Sihlalo into yokuba...

*English:*

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 28

... when you are a detective, you get a case but the statement that you write is not the statement that you will win the case. We said that is a matter that we must focus on deal with it to make sure that the statement that is written can be able to bring down the perpetrator to book. It is an open secret that some of the people that are taken to court - What angers our society is that a perpetrator is arrested but the next day, you find that perpetrator on the streets. The only that we have to do is to make sure that we tighten in the area of detectives to be able to write statements that will enable the magistrates to make judgements.

Part of the programmes that we are engaging on to deal with this matter is to visit the schools. We have created a unit of young policemen and women that goes into different schools and speak to these young learners. If you can have young people speaking to young learners so that they can relate to them as they are in the same age group. This is a unit of young police officers which we have created in the province to talk and relate stories to the learners in these schools.

We have also working with the churches.

*IsiXhosa:*

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 29

Masiyithetheni le nto phaya ezicaweni kwaye sishumayele ngayo...

*English:*

... because a crime against women and children is no more a government's matter alone but a societal matter. It cannot be fought by a certain section of the society but has to be fought by an entire society. The awareness campaigns of bullying, teenage pregnancy, human trafficking, drugs and kidnapping...

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: As you are about to do, that can you as well try to wrap up?

Mr S MASHININI (Free State): Okay, these are the areas that we are working on. We have the multidisciplinary task force to deal with the human trafficking, daily and weekly analysis of crime patterns trying to inform the deployments and operations, strict application of the Domestic Violence Act, Act 116 of 1998, enhancing sector policing, implementation of the provincial crime prevention framework and resolutions on the youth summit. We will continue to make sure that we deal with the matter Chair. Recently, I can indicate in the road N1 between the Free State and the Eastern Cape. Thank you very much and I am sure that my colleague in the Eastern Cape will remember that we have arrested a foreign national and a

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 30**

woman with drugs to the value of R450 000. You will not pass the Free State and if you pass it will be by your luck.

As I conclude, we need to make sure that it becomes impossible for the victims to withdraw cases. We need to make sure that victims report all cases of domestic violence. We also intensify the campaign against the abuse of drugs and alcohol. Chair, no self-respecting man attacks or harm a woman because a woman is a thing of duty because her loveliness will never turn into nothingness. Thank you very much. [Applause.]

The DEPUTY CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES: Thank you very much. I have noticed that we have got too many Presiding Officers. You know, I will forgive special delegates and especially if it is a maiden speech. There is nothing that stops me, as a Presiding Officer, to give a member two more minutes to wrap up his or her speech. Equally so, as I call on special delegates to observe the clock and let it guide you as you wrap up. That will assist us not to have too many Presiding Officers in the House. Thank you very much.

Ms L L ZWANE: Deputy Chairperson of NCOP, hon members, guests and special delegates from the different provinces, I see my MEC for

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 31**

Department of Social Development from KwaZulu-Natal, KZN, mama Wesi Thusi, the Chief Whip and everybody good afternoon, this is a very difficult and a sad topic to debate, because it is an issue that the ANC-led government has tried to address using different instruments and tools. But it doesn't seem to abate instead the perpetrators are sharpening their game day in and day out to demonstrate violent acts against women and children.

A measure of society's advancement is how it treats its women and children. Since the start of this year, a shocking number of women and children have been brutally killed in our country. Many of them died at the hands of their own boyfriends, or loved ones and their relatives or men that they knew and heartless criminals.

Chairperson, allow me to take this opportunity to convey our heartfelt condolences to the families of all women whose lives perished since the beginning of this year; although I may not be able to enumerate all of them, but we do want to convey our condolences. The number is too big for me to be able to enumerate all of them, but I will cite some names just to demonstrate that. We are taking note of this situation and we are aware of it. We are also concerned and we are going to take steps to actually deal with the situation and become victorious.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 32**

I would like therefore to dedicate my speech to these women whose stories are very tragic. I want to refer to a quotation by Chinua Achebe we he says "for as long as the lions do not have the historians, the story of the hunt will always be in the favour of the hunter." Our story as women sad as it is, we need to tell it to the world for everybody to know the extent to which they are suffering as women.

Firstly, I want to dedicate the speech to Karabo Mokoena a 22-year-old, whose body was found in a thicket. We want to applaud the fact that her boyfriend has been charged for murder Sandile Mantsoe, a 27-year-old. I also want to refer to and convey condolences to Lerato Moloi, a 27-year-old who was murdered and her body found near Naledi in Soweto. I also want to refer to Popi Qwabe a 24-year-old who was found shot and died in hospital. I also want to refer to Bongeka Phungula a 20-year-old, she was found in Tladi in Soweto and the upper part of the body was brutally murdered and the suspect has since been apprehended. I want to refer to Mavis Mabala a 25-year-old her body was found in the bushes outside the Phadzima Village in Polokwane - may her soul rest in peace. I want to refer to Priska Schalk a 29-year-old whose body was found in Kempton Park and the perpetrator who is her boyfriend has been arrested. Mananki Anna



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 33**

Boys, a 28-year-old in Boipatong, also was murdered. Nicola Pienaar a 20-year-old, her boyfriend Jacobus Oosthuizen has also been apprehended and charged for murder. Akhona Njokana a 31-year-old in Deeplands in KZN was also murdered and shot dead by her boyfriend. Thapelo Ramorotong murdered by her boyfriend in Thabazimba and the boyfriend has been brought to book. Meisie Molefe a 36-year-old was murdered somewhere near Hamanskraal. Sthembile Mdluli a 37-year-old was murdered also in Sabie near Mpumalanga. Stasha Arendse an 11-year-old, her naked body was found dead and the perpetrator who was a family member has been arrested. Randy Tracey Roman, a 13-year-old, again, a minor in Lavender Hills was murdered and there hasn't been anything said about arresting the perpetrator. Iyapha Yamile a six-year-old, the body was found in a house of the aunt in Khayelitsha and the two men were arrested for this. Jeanette Cindi, a 34-year-old was found murdered in the West Rand and she was five months pregnant.

Hon Chairperson, in April a 34-year-old unidentified woman was raped, stoned and set alight allegedly by a group of seven men. In May 13 an unidentified woman was found on a dumping side in Mofolo some seven kilometers away from Naledi. I am not going to be able to exhaust the entire list, but this is meant to demonstrate that we are not talking myth here. Women are dying and they are dying in

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 34**

drones. Another issue that perturbs us quite a lot as women and it raised a lot of concern was the issue of murdering of women just before the local government elections. In KwaZulu-Natal I can count up to about six to seven women that were shot dead and some of them were shot in full view of the husbands and children. Now, this shows the extent to which our society does not care about the plight of women. It is very, very painful. There is a lot of domestic violence. I think we need to tighten the laws and maybe even to intensify the verdict and the sentences. Ten years for murder, it's nothing. It should be about 20, 30, 40 years or even a life sentence, because that person has taken a life. He has caused stress and strife in that particular family for generations. So the sentences that are meted out are not enough in my own point of view. They need to be intensified and strengthened.

The ANC-led government has actually put institutional mechanisms over and above the Constitution and pieces of the legislation that have been passed to ensure that women and children are protected against violence. There has been an institutional mechanism to ensure that there is further protection. These are institutions such as the Sexual Offences Court, Thuthuzela Care Centres, Family, Child and Sexual Offences Units, Domestic Violence Courts, Correctional Supervision Boards and other that have been established in order to

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 35

create space and provide institutional arrangements for recourse and to promote women's human rights.

Let me now address women out there ...

*IsiZulu:*

... ezindaweni zethu lapho siphuma khona emakhaya. Ngiyafuna ukusho kubomama, abantu besifazane ukuthi kufuneka siqwashe. Ake siqaphele. Okokuqala nje, le ndaba yokuthi uma siyofaka amacala okuhlukunyezwa njengabomama ezinkantolo sifike sihlukunyezwe abomthetho.

*English:*

It is an issue that we need to take up quite vigorously, because that is infringing on our rights and threatening us.

*IsiZulu:*

Indaba uma uyofaka icala kuthiwe laphaya, hhayi. Amaphoyisa athi: hhayi ake nihambe niyokhulumisana mhlawumbe ningakwazi ukuxolelana nibonisane. Cha! Uma kufuneka uyofaka icala - faka icala!

[Ubuwelewele.] Udaba ngolwakho akulona olwamaphoyisa. Amaphoyisa kufuneka akulekelele, akusize ukuba uhambe necala uze ufike la ufuna ukufika khona. Loku kuncengwa kokuthi, hhayi lihoxise mama icala awuboni ukuthi ubaba wenze iphutha ...

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 36

*English:*

... we are not going to leave that lying down.

*IsiZulu:*

Olunye udaba okufuneka siqwashisane ngalo, udaba lwezingane zethu. Lokuhlukunyezwa akubhekisiwe kuthina sodwa njengabantu besifazane kodwa nabantwana bethu. Uyabona ke le ndaba yokuvakasha, yokudedela izingane zivakashe noma yikuphi, nakwamalume la ungazi khona ukuthi kuphilwa kanjani, nakwa-anti la ungazi ukuthi kuphilwa kanjani, nakwamkhulu nokwagogo kanye nakwamngani wakho la ungazi khona ukuthi kuphilwa mpilo ni - uzolutheza elinkume. Kufuneka wazi uma ungumama ukuthi ingane yakho ikuphi ngasikhathisini, yenzani, inobani ngoba izwe libi. Udaba lokuthumela izingane ukuthi zihambe ziye esitolo sekuhwalele ikakhulukazi zamantombazane, leyo nto ayisenziwa nje. Ayisenziwa! Ngoba izingane uma ziphuma manje ngisho noma kungaphesheya komgwaqo esitolo ...

*English:*

... anything can happen between your house and the shop next door. One particular case that I want to refer to is a case in a garage in KZN the mother and the father of the child got out of the car and left the children in the car. They went to the garage shop to get some refreshments and took quite a while, because it means they were

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 37

buy some lunch and so on. Unfortunately, when they went back to the car only to find out that the children were no longer in the car. Now the police started searching around the area because they knew that whoever would have taken the children ...

*IsiZulu:*

... kufanele ngabe ulapha eduze akakahambi kakhulu. Kukhona abantu uma sithi sikoxhaxha lwezitolo uma sipaka izimoti, basibuke. Uma ushiya izingane emotweni uyohlangabezane nenkinga ufike sezingasekho. Masiqwashe! Siqaphele. Uma efika amaphoyisa ehamba ehlihla ngogwaqo efika ngalapho kuqala khona amasimu omoba, afica abantu besilisa ababili, amadoda elengisa uplastiki. Lo plastiki sewuconsa igazi. [Ubuwelewele.]

*English:*

The children have been murdered. They have been taken and murdered because of our own carelessness as parents. That is why I say even if you are at the mall where there are police patrolling in a mall, but still make sure that we you get into the mall you take along your children with you.

*IsiZulu:*

Sekwaba khona nama-trolley.

*English:*

Put your children in the trolley, get into the mall and buy whatever you want. There are people who are specifically there looking for the young ones.

*IsiZulu:*

Ngizothi ke kumakhosikazi ngiwaqwashise laphaya emakhaya, asikuthandi loku esikhuluma ngakho la. Asikuthandi loku okwenzekayo ngabantwana bethu nangabantu besifazane. Asibambisaneni, ukhona okhulumile ngaphambilini kwami wathi lolu daba akulona lukahulumeni ngoba labantu ababhebhethekisa lokuhlukunyezwa kwabesifazane ...

*English:*

... are born of women and it goes to the manner in which we bring up our children.

*IsiZulu*

Izingane zethu sizikhulisa kanjani ngaphansi kweziphi izimo. Le zingane ezisemajele, ezivalelwe, eziboshiwe ngoba zidlwengulile zibeletwe ngabantu besifazane. Sizikhulise kanjani izingane zethu ukuba zingaba yingxenye yalemisebenzi eyenzekayo.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 39

*English:*

We have to take part of the blame. Women have suffered. In conclusion, I would like to quote Chinua Achebe:

When suffering comes to a woman and then suffering says I have come. The woman says, no, no, no please suffering go away. I don't have a place for you. Suffering would say I am here because I brought my own chair.

I want to say to woman fight against suffering. You have got all it takes to fight for your rights. Thank you, Chairperson. [Applause.]

Ms D B NGWENYA: Hon Chairperson, hon members, delegates, fellow South Africans, it is with such sadness and heavy heart that we discuss what we are discussing today as women of South Africa. Over the past few months, the depth of the crisis of violent abuse of women and girl children burst its ugly head in public for everyone to see. The stories we have heard have been shocking; they have been gruesome; and they have more than anything in the recent past, opened society's eyes to the depth of moral decay in our society, brought about by a multitude of causes.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 40**

Yesterday, Thembisile Yende was found dead in her office at Eskom, having been missing for almost two weeks. On Sunday, 30-year-old Unathi Madotyeni was found brutally murdered, her eyes gorged out, and raped in Langa township, here in Cape Town. Two weeks ago, a 14 month old baby was raped and killed by her own father in Khayelitsha. A 27 year old Lerato Moloi from Naledi was raped, killed and her body burnt beyond recognition. We know about Karabo Mokoena who was also killed and burnt by her boyfriend.

Early in May, Iyapha Yamile's mutilated body was discovered in a toilet, just three blocks from her home in Khayelitsha. These are just a few of a number of cases where women and children have been violently murdered in this country over the past month. It is reported that 60 women have been murdered in Gauteng alone in the last two months alone. What is wrong with our society? What makes men so violent towards women and children? What is particularly wrong with black men, on whose hands most of these violent criminal acts have happened?

We know that violence knows no colour, and that men in general enjoy privileges they are not entitled to just on the basis of their gender. This is an outcome of an overly patriarchal society we have been raised in, which teaches men dangerous notions of masculinity.



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 41**

It is these forms of masculinity, which make it okay for young boys to use violence to assert their man-ness. The idea that masculinity is defined by demonstrations of violent and aggressive behaviour poses a serious problem not only to women, as many would think, but to men themselves as well. Whether it be at a university fraternity, in the military or even in high school sports teams, it is asked of a young man that he engages in violent acts.

By doing so, he not only proves his strength and virility, but demonstrates to his willingness to be a loyal member of the group called men. Through this, the message being sent to him is that if he does not conform to that particular definition of masculinity, he does not deserve to be considered as 'one of the guys' and therefore, unofficially loses his status as a so called 'real man'.

The notion of brutality perpetuates the social construct that men's only recourse to solving problems is by the means of violence. So, if we need to deal with the problem of violence against women and children, we as a society must deal thoroughly with the system of patriarchy so pervasive in this country. We must with the same energy we used to fight against colonialism and apartheid, fight to dismantle the system that gives men unearned privileges just because they are men.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 42**

That must entail dealing with backward cultural practices such as 'ukuthwala' [Abducting young girls to force them into marriage] and forced polygamy. It must entail strengthening our laws to make any form of violence against women and children a frowned upon act in society. It must entail educating and re-educating our police to never let any reported case of women abuse go unattended. It must entail going to every corner of society, as government, as civil society, as political parties, as churches, as Stokvel's, and educate our people that violence against women and children militate against the core of our society.

We as the EFF, urges all our members across the length and breadth of this country to stand firm in fighting this scourge. They must be ready to defend all women and children, no matter what political party they come from. This crisis demands that we set aside our political differences and face this problem face on.

We ask that the government leads a multi sectoral process to engage with all sectors of society to come up with grass root based solutions to this problem. We condemn the violence against women and children with the strongest possible voice.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 43**

To all males in South Africa, we gave birth to you. We brought you up. We showed you nothing, but love and care. We still take care of you. Why do you treat us this way? Think about this; we are your mothers, your sisters and we love you. Thank you. [Applause.]

Ms G M MANOPOLE: Hon Chairperson, Chief Whip, Ministers and Deputy Ministers, NCOP and special delegates and ladies and gentlemen Dumelang MaAfrica, while we mark the Child Protection Week, we have to note that this debate is taking place against the backdrop of the escalation of gender-based violence, which affects women and children in our country. It is notable that this scourge of violence has become more brutal and it is worrisome. It seems as if is a reflection of lack of moral fibre.

A single Society, we women, we do not form a society separate from men. There is only one society; it is made up of both women and men. As women we share a problem with anxieties of our men and join hands with them to remove social evils and obstacles to progress. If we can master this, I think we can eliminate most of the social challenges and gender-based struggles.

The ANC-led government in recognising the scourge of vulnerable groups, it has introduce comprehensively and expansively statutory.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 44**

All these legislations aiming in addressing and combating gender-based violence and sexual offenses against women and children, and aligned to the international human rights instruments, which South Africa is party to. Those are legislations pertaining to the protection of vulnerable groups, the Child Justice Act of 2008, Children's Act 2005, Criminal Law Sexual Offences and Related Matters Amendment Act of 2007, Maintenance Act of 1998, the Domestic Violence Act of 1998, Protection from Harassment Act of 2011. All these acts were enshrined to fight the scourge of gender-based violence

The cluster of the Justice Crime Prevention and Security are and will remain catalyst of the peace and security. They are key in implementing Mangaung 53rd Conference of the ANC and its resolution. We should ensure that without doubt that they put effort to ensure that all those who are South Africans feel safe, and are feel safe, particularly women and children. For them to ensure that they have to realise those by ensuring that implementing all above legislations to ensure they combat gender-based crime.

The Sexual Offences Courts were re-established in 2013 by Department of Justice and Correctional Services. By March 2017, 54 Sexual Offences Courts had been established. Sexual Offences Courts are

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 45**

located and upgraded in Regional Courts of the Department of Justice.

These courts provide specialised victim support services to ensure and reduce chance of secondary trauma to victims, the case handling time and improve conviction rates. They are specially trained officials and equipment, a special room for victims to testify and private waiting room for the adult and children.

The domestic violence is not recorded by SA Police Service, SAPS, in a specific crime category. Therefore, it does not reflect on national statistics. When cases of domestic violence are reported in the police, they are recorded under the different categories such as assault, malicious damage to property, pointing of firearm and murder, which suit we are taking into ... It is just that unfortunate, Chair of the Council that the Minister of Justice is not forming part of this debate.

With regards to domestic and sexual violence conviction, the report of National Prosecuting Authority of 2014-15 reflect low rate, cases went to trial but resulted at acquitted as compare to cases went to court. This results is a low conviction rate and sexual offence cases.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 46**

In terms of the domestic violence, the picture is, I am hesitant to say is bleak. In 2014-15, 2 604 new application of protection orders were received and civil processes, and 163 79 interim protection orders were granted. In the same period, 14 533 new domestic violence criminal cases were registered, of which the majority of 8 645 were withdrawn. This indicates multifaceted issues at play that are barriers in criminal justice process that can legal justice and victim themselves of ensuring that they are no longer confidence to go through the case or having the strength even the mediation between the families and the perpetrators so where we see the cases will be withdrawn.

The Children's Act and the Children's Courts, approximately 737 children's courts in South Africa are established and are registered to date and they are supposed to be ensuring that the national register of sex offenders are implemented.

The National Register for Sex Offenders as part of combating and prevalence of sex offenders in South Africa, the Department of Justice and Constitutional Development has implemented a National Register for Sex Offenders since 30 June 2009.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 47**

The registers are not proactive. A crime must be registered to ensure that they are registered on this. An offender must be first listed before; hence that there is no impact on ensuring that is combating the crime.

Therefore, because of those provisions the register requires offenders to be convicted before they are registered. The consequence of this is that very few sex offenders will be listed in the register. Moreover, the provisions of the register are narrow and seek to prevent registered offenders from being employed in position where they may be access to children.

I would like to make recommendations that I think that the Department of Justice will take into consideration because of the National Register of Sex Offenders only recognise the offence of children and people who are disabled, but does not make provision for rape. Furthermore, those concerns was emphasised and expressed by AU, report that the names of children convicted for sexual crimes are automatically placed in Sexual Offenders Register provided the sexual offences are act and should be kept there for life.

The Thuthuzela Centres that are there since 2015, 55 centres are active and operational. This model of Thuthuzela Care Centres has

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 48**

been recognised by the former UN Secretary-General, Ban Ki-moon in 2011 as a world best practice model in field of gender-based violence and the management and the response of the conviction in the prosecution of sexual offences. As a result, the convictions were recorded, 60,7% in 2011 and 2012 and 65, 9% in 2013-14.

I would like to highlight that what gives me hope is by ensuring that there are some mitigation that are there in place. The implementation of the Integrated Justice System, today, in the Select Committee of Justice has reported that in three months time they will be implementing this system. But however, there are some weaknesses. They have highlighted that the protection orders are not in their priorities.

I would like to raise that for them to request that they should ensure that the protection orders are in their priorities because this will go the long way.

The issue of interim protection order when individual have received the protection orders and wants to report the case. When you call the police station the police will ask you, do you a protection order in your possession. When you say no, they would not be able to assist you, hence I am asking that that Integrated Justice System



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 49**

should include and prioritise the protection order. Thank you. [Time expired.] [Applause.]

Ms W G THUSI :( KwaZulu-Natal: MEC-SOCIAL DEVELOPMENT): Chairperson, Chairperson of the NCOP, hon Thandi Modise, the Deputy Chairperson, the Minister of Police, hon Mbalula, permanent and special delegates of the NCOP, I want to fully agree with the Chairperson of the NCOP that we are a nation in morning.

As the Province of KwaZulu-Natal, we firstly wish to extend our appreciation to the Chairperson of the NCOP, hon Thandi Modise for inviting us to participate on this important debate and an important debate on a national crisis.

We view this initiative as an important platform for us as law makers and public representatives to engage and interrogate the current challenge faced by women and children in our society. We should do so bearing in our minds that at this very moment, in every part of the world from sleepy towns and villages to gigantic cities girls are being born. These girls will soon be looking to us as elders and leaders for guidance on what their hopes, dreams and responsibilities will be in this world.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 50**

Today's debate must not just be a debate, but must be the beginning for all of us, regardless of party lines, where we all converge and speak in one voice. This must be a debate that will be followed by tangible action in fighting the scourge of women and child abuse in this country.

It is an undeniable fact that under this government's leadership, South Africa has in the past 23 years rolled its sleeves and enacted a raft of legislations and programmes to protect and empower women and children. We must however be brutally frank and honest and admit that though a lot has been achieved, much more needs to be done in addressing gender oppression, patriarchy, sexism, racism, structural oppression and completely eradicate the legacy of triple oppression of women in particular black women

The unfortunate reality is that every minute and every hour, a woman is abused in this country. Most painful, is the fact that most of them suffer in the hands of the people they have invested their trust on, their partners.

The recent upsurge in incidents of rape, murder and abuse of women and children reveals the real nature of the society we are and the

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 51**

plight women are still subjected to, 23 years after the attainment of freedom and democracy.

In a shocking report by the World Health Organisation in 2012, it found that 65% of women in South Africa had experienced spousal abuse. This means that women are mostly abused, and their right violated by their intimate partners. Professor Naeemah Abrahams, Deputy Director at Gender and Health Unit at the Medical Research Council, further reveals that one in every four women is physically abused by her intimate partner. Every six hours, a woman is killed by her current or former intimate partner.

On the other side the SAPS report in September 2015, revealed that a total of 53 617 sexual offence cases were reported. This translates into 147 cases a day.

This House must today come up with responses to these challenges and give the message of hope to those vulnerable, bleeding women, who have been victims of abuse. This reminds me of the brutal killing of Karabo Mokoena, Bongeka Phungula, Popi Qwabe these were two friends who were murdered in Johannesburg. They were from KZN and many others, who have been victimising of violence and who's right to life were taken by those who claim to a love them.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 52**

Most recently in KZN in Pambonambi, a young woman with albinism was murdered allegedly by the father of her five month old baby.

Nowadays, a girl child cannot walk in the street at night because of fear and the unwarranted state of emergency declared by criminals, who have no mercy. How long will this continue?

As the ANC led government we vehemently condemn all forms of attack and abuse directed at women and children and we view our democracy as meaningless if, as a nation we fail to provide protection to them.

As a caring government, we have a historic mission to ultimately create a nonracial and nonsexist society, and to destroy the cultures and practices inharmonious with the new and future society. We will be abandoning our revolution if we don't continue fighting for this noble goal.

At the opening of the first Parliament in 1994, President Nelson Mandela eloquently declared and I quote: "freedom cannot be achieved unless women have been emancipated from all forms of oppression..."

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 53**

Our endeavours must be about the liberation of the woman, the emancipation of the man and the liberty of the child”.

We therefore welcome the call made by the National Executive Committee of the ANC over the weekend that street committees must be revived and people must report these heinous incidents. Indeed, we cannot continue keeping quiet.

We also welcome the NECs bold leadership in encouraging victims to speak out against abuse. We hope this will go a long way in exposing perpetrators of violence. Indeed the leader of the society has spoken, ours is to heed that call.

We are calling on all the people and all sectors to close ranks. By this we mean there should be no incident that goes without being reported in community structures and the police. We also mean there should be no incident that will go unpunished.

We also welcome the commitment by the Minister of Police, hon Fikile Mbalula, who this week visited our province KwaZulu-Natal for his commitment in reviving and strengthening the Family Violence, Child Protection and Sexual Offences unit

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 54**

We further appeal that such specialized units must be available in all police stations, even those in remote areas to prevent some of these incidents from happening.

As government, we will continue to make interventions and develop programmes aimed at looking after the victims of sexual offence and other related abuses. This will entail amending laws if necessary and introduction of new legislations.

We further call the Criminal Justice System to review sentencing given to sexual offenders. The view of this government is that maximum sentence; including life imprisonment is a suitable sentence to offenders of such crime. Our view is informed by the fact that after such incidents, most women and children is left with life lasting experiences which at times changes their lives completely.

It is for this reason that the government of the people as led by the ANC has embarked on number of initiatives aimed at protecting and empowering women and children. I will only mention a few because of time that has been allocated to me. These include the following:

The KwaZulu-Natal 365 Days Coordinating and Monitoring

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 55**

Strategic Framework for the Eradication of Gender-Based Violence; KwaZulu-Natal Implementation Plan for the Eradication of Gender Based Violence; the Anti-Rape Strategy Coordination and Monitoring Plan; the Forensic Nursing Strategic Plan

In our vigorous attempts to deal with gender based violence, the Department of Social Development has developed various strategies to respond to the scourge through the provision of shelters for abused women and children and White Door Centres of Hope. Currently the department is negotiating with eThekweni Municipality towards the establishment of a Khuseleka One Stop Centre for Victims of Crime and Violence in Inanda, eThekweni Metro.

The Department has further rolled out Capacity building of front-line workers such as social workers, nurses, police, and educators on working with victims of gender-based violence, GBV, and preventing secondary victimisation including promoting the involvement of men as active partners for women and girl's human rights and as agents of change in the fight against GBV and HIV/Aids. The provision of psychosocial support to all victims of crime and violence remains a central feature.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 56

We are also going to be embarking on a campaign, mobilizing all men to be active in the campaign denouncing such heinous crimes against women and children. We challenge all men to join the campaign saying not in our name. Real men must stand up! There is also a responsibility to teach boys on the importance of respecting women and developing a caring culture within them so that they become the first line of defence for women.

We will also be leading in our province, mass actions, mobilising all sectors of the society to be active against the scourge. Our conviction is that if we act as a collective we will make a difference,

Most importantly, we must as women come together to reclaim our role in the society and play a leading role in confronting all social menace facing our society. As the stalwart of the ANC and the architecture of our freedom, President Oliver Tambo said addressing the Women Section of the ANC in Luanda, Angola in 1981 and I quote:

"They have a duty to liberate us men from antique concepts and attitude about the place and role of women in society and in the development and direction of our revolution".



UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 57

Equally, as observed by President Tambo the role of liberating men to end attack on women remains our central task

In conclusion, I want to reiterate this government's commitment to doing everything we possibly can to tackle all forms of violence and discrimination against women and girls in the South Africa. We dare not fail. I thank you.

*IsiXhosa:*

Mnu L B GAEHLER: Sihlalo, xa kuthethwa ngolu hlobo, usuke wonqene nokuvuma ukuba uyindoda kuba izimanga ezenziwa ngamadoda zibuhlungu kakhulu.

*English:*

Hon Chairperson, the UDM joins millions of South Africans to declare violence and abuse of women and a girl child a crime against humanity. Violence against women and girls is rooted in gender-based discrimination, social norms and gender stereotypes that perpetuate such violence. The recent spate of gruesome murder of girls and infants has a devastating effect on girls, women and society in general, and must be rejected by all.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 58**

As a nation, we must never tolerate crime; crime against women and girls must be stopped now. We must do everything legal to prevent it from happening and address its root and structural causes.

Prevention must entails supporting the implementation of laws, policies and programmes that will place a strong focus on the promotion of gender equality, women's empowerment and their enjoyment of human rights. We must accelerate progress in preventing and ending violence against women and girls, working together as women, girls, men and boys.

Awareness raising and community mobilisation, including through our traditional forms of communication the mainstream and social media, must constitute part of our strategy. The "not in my name" campaign by men must be part of our daily life. It must be a collective responsibility and an obligation of both men and boys to prevent and end violence against girls and women. If we work with faith leaders, traditional leaders and communities, we can change the social norms and harmful practices, and also acknowledge and act against gender injustices.

Government must too, ensure that the girl child is protected and make available all the institutional function to give security to the girls. Abuse of girls through child labour is illegal and we

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 59

have a responsibility to monitor the labour market and ensure that this is abolished. There must be a concerted drive to ensure that girls enjoy full and equal access to education with the necessary support to keep them focused. A girl child must be taught and encouraged to accept that there is no minor, all violence is violence and is a crime. Therefore, it must be immediately be reported.

*IsiXhosa:*

Bantu bakuthi, le nto ibalulekile.

*English:*

The hon MEC from the Eastern Cape, if you could remember, one of the most gruesome killings happening in Port St Johns ...

*IsiXhosa:*

... endithi noba ndiyalala ndiyicinge xa ndiphelelelwe bubuthongo, apho umalume womntwana oneminyaka eli-13 abulele umntwana wamdla, watya inyama yomzimba womntwana.

*English:*

These are things that happen on daily basis. Everyday when you read the newspaper there is someone killed, not just killed but

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 60

gruesomely killed by man. It is time that we as man, here as well, when there is violence, we must speak out against these violence.

*IsiXhosa:*

Bantu basezilalini yiyekeni into yokuthuma abantwana ukuba bayokuthenga utywala. Loo nto iyenzeka kwaye mayiphele nento yokusela utywala phambi kwabantwana, ayilunganga kuba ibangela ingxaki.

*English:*

It is not only the police; society at large must also do their side of work. For instance if ...

*IsiXhosa:*

... kuyaliwa ngabamelwane, madoda, okanye ninento eniyiqaphelayo, thethani madoda ...

*English:*

... you must learn to love women ...

*IsiXhosa:*

... kungenjalo fundani ukuthanda nokuxabisa abafazi benu kwaye uMama uNgwenya uthetha inyaniso, oomama basizele basikhulisa; akakho

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 61

umntu oze kulo mhlaba engazalwanga ngumama. Wonke umntu uzelwe ngumntu ongumama, ngoko ke masibahloniphe sithanda singathandi. Masifunde ukuziphathe kakuhle siyeke ukuhlazeka, size neenkqubo eziluncedo kubantu bethu. Enkosi.

Mr S P D SKHOSANA Ka MAHLANGU: (MPUMALANGA: Chair of Chairs): Hon Deputy Chairperson, thank you for the opportunity, Minister Mbalula and Mrs Present here, permanent delegates, my colleagues, special delegates and distinguished guests, it is with great sense honour and privilege to get this opportunity for participating in this most important debate about women and children abuse, which is impacting negatively to the society. As we are gathering in this People's parliament, I think we must at all material times work towards resolving issues affecting people of this country.

The first President of the democratic South Africa, Tata Nelson Mandela, analysed children as the most vulnerable citizens in any society and the greatest of our treasures, and borrowing from one of his speeches, he said:

The children must, at last, play in the open veld, no longer tortured by the pangs of hunger or ravaged by the disease or threatened with the scourge of ignorance, molestation and abuse,

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 62**

and no longer required to engage in deeds whose gravity exceeds the demands of their tender years.

We also remember his words on women in May 2002 when he said:

Its a unique woman who can turn the whole world around and make it the best living place to experience. For every woman and girl violently attacked, we reduce our humanity.

It is on those bases that we condemn the barbaric killing of young women and children in South Africa that is so prevalent at the moment. We are calling upon the police to arrest all wrong doers. The women and children abuse, especially young girls, is a serious cause for concern in our country. The recent statistics show that one in three children in South Africa experience violence, while one in five children of school going age experience sexual violence.

The country is faced daily by horrific reports of violence against young girls and children. Mpumalanga province alone has more than half of the children reported a lifetime prevalence of physical abuse by caregivers, teachers or relatives. The incidents of abuse suffered by many children and woman reflects the serious need of an intensified moral regeneration programme for the society as the whole for a collaboration between government and the community at

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 63**

large, so as we are able to arrest this societal problem that is a grave concern to all people living in South Africa and the world.

These horrific crimes are yet another sign that violence is a daily reality for too many innocent women and children living in South Africa. The SA Police Services will also need to intensify its work on calling community members to report any suspicion of child abuse, neglect or exploitation of children and young girls.

The well written document of the ANC called the Strategy and Tactics have thus been aimed at addressing the three contradictions of race, class and gender. These antagonisms found expression in national oppression based on race, class, super exploitation directed against black workers and the triple oppression of the mass of women based on their race, their class and their gender.

We have not yet achieved all our goals. Our society is still plagued by instances of racism, gender-based violence and patriarchy. We can do more to promote democracy and too many people are still living in poverty which makes them to be vulnerable to the so-called blessers. Our biggest challenge is to build unity and to celebrate our diversity as a country. We have a revolutionary duty to eradicate poverty, address joblessness and fight ever-pervasive inequality so

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 64

as we can be able achieve a united, nonracial, nonsexist, democratic and prosperous South Africa.

The ANC-led government has declared 2017 as the year for Oliver Reginald Tambo as he would be turning 100 years this year. Borrowing from one of his speeches, he said:

Our fight is for justice. We cannot cease until we have won, as we will in time. And in achieving human rights for all men in southern Africa we will be making our contribution to the fight for human rights and freedom the world over.

Since the past 23 years ago, the democratically elected government led by the African National Congress, set out a new path to build a new and better South Africa for all in order to continue where Oliver Reginald Tambo has left.

I wish to request the august house to close ranks and fight against women and children abuse as it violates the women and children's rights, and negatively affect their ability to lead a meaningful and quality life in our communities; for a better community; for a better South Africa; for better Africa and the better world. I thank you. [Applause.]



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 65**

Mr M KHAWULA: Hon Deputy Chairperson, hon Minister, MECs, colleagues, in the recent past weeks and months, South Africa has experienced the rising proportions of incidents of violence against women and children in almost all the provinces. The IFP denounces these actions in the strongest possible terms. The IFP calls upon all men and women of goodwill in our county, calls upon all justice and security agencies in the country, calls upon the religious denominations, calls upon all relevant Nongovernmental Organisations, NGOs, and Non-profit Organisations, NPOs, calls upon government and all other peace loving forces of our country, to rally together in fighting this despicable scourge.

Reports suggest that up to about 34% of the children of our country become victims of sexual violence and physical abuse before they reach the age of 18. South Africa is also rated as amongst the top countries with the highest rate of sexual violence. It is estimated that more or less 100 000 rape cases take place in South Africa every year. Recently the incidents of boyfriends murdering their partners in the country have reached alarming proportions. Incidents of young girls dying at the hands of their uncles or people they trust in the community have also reached alarming proportions. While on the rise, some of these incidents of domestic violence against women are said to be under-reported due to lack of effective public

support services in our institutions. In some corners of our country, the muthi-related propaganda and myth-related propaganda have given rise for these proportions.

The human rights of our women folk and our girl children in the country are extensively violated. It is for these reasons that the IFP calls upon the security and justice agencies of our country to tighten the screws in the application of the law. Abusers and child murderers should not just be easily granted bail in our courts to the total neglect of the feelings of the victims and their relatives, friends and community. In Zulu we say, a child becomes a child of the community. We also say that,

*IsiZulu:*

Umuntu ungumuntu ngabantu.

*English:*

Therefore, when one member of the community is shaken, the whole community is shaken. On the other hand, the communities of our country must stand up and remove these rotten potatoes who commit these erroneous crimes. Some of these culprits are people who are known to the communities. The IFP urges communities to stand up and protect their own. Before it also gets too late and escalates to

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 67

uncontrollable levels, the police must also wake up and protect communities. We would not like this situation to worsen to the levels where communities take up the law into their own hands. But it will soon get there if legal protection is this scarce. Just last week, in the House, we had a budget debate on Police and Independent Police Investigative Directorate, IPID. In that debate, the IFP reminded the Minister of Police about the lack of visible policing in rural areas and the townships of our country. And this is where most of these incidents are taking place.

*IsiZulu:*

Iqembu leNkatha Yenkululeko liyafisa ukuphinda ligcizelele ukubaluleka kokubuyezwa komthetho ukunikeza Amakhosi oHlanga kanye nezinkantolo zamaMakhosi amandla afanelekileyo. Ngesikhathi Amakhosi eneqhaza elibhekile ezindabeni zokuphathwa kwezwe isimo asikaze sibe ngesidlebeleka ngalendlela ezindaweni zasemakhaya. Ukubaluleka kwezinkantolo zamaKhosi, neqhaza lawo Amakhosi nezinkantolo zawo kufanelwe kubuyekezwe, kunikezwe nesithunzi esifanele, anikezwe Amakhosi izinsizakusebenza ezisezingeni elifanele ukuze kulwiswanwe nalesi sihlava ngendlela efanele. Isilo Samabandla, uBhejane odla abakayise, ngesikhathi evula ngokusemthethweni iNdlu yesishayamthetho saKwaZulu-Natal ekuqaleni kwalonyaka, samutshela

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 68

uNdunankulu wesifundazwe umhlonishwa uMchunu ukuthi uma kungase kudedelwe iSilo kanye namaKhosi ukulwa nalesi sikhava, ngokuphazima kweso kungabonakala imihlola yempumelelo.

*English:*

On behalf of the IFP .. [Time expired.] Thank you, Chair.

[Applause.]

Ms L BOTHA (Western Cape): Chairperson, Deputy Chairperson and hon members of this House, thank you for this opportunity. What a noncelebratory National Child Protection Week and the irony is that we always create this hype when something bad has happened to our country's children. What is ultimately vital here is that we all should take responsibility for the protection of our children. As the African proverb states: "It takes a village to raise a child", and in this case, it is up to all of us to ensure that our children are safe and protected. Child protection is a whole year programme. The DA in the Western Cape has themed this week, Child protection is everyone's business. We realise that no government can replace the role of parents and in fact, nor should it. Strong family foundations and the protection of our children must start at home. An example of how a community came together is the unacceptable,

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 69**

deplorable rape and murder of 3-year-old Courtney Pieters. This Elsies River community did everything in their power to find the little one alive. Unfortunately, they could only find a dead body.

What is unfortunate and in every single way unjustifiable is that the Western Cape has since the beginning of this year lost 19 children as a result of the most gruesome and heinous acts of violence, which includes rape and kidnapping. This is why we are saying no more; it ends here; it stops immediately. Nineteen is 19 too many.

The rights of passage of a girl-child should be part of a holistic programme which involves all parents, entities, institutions and stakeholders. Parallel to this should be a programme for the boy-child because we have to, as early as possible, educate and empower our boys about how to treat and respect women. This highlights the need for a communal approach. In fact, it is essential.

As residents we must always be vigilant, making sure that we remain informed about our children's whereabouts and the people with whom they spend their time. We must also be mindful of the adults and older people we expose our children to, knowing that some have questionable morals. To quote from our former statesmen, President

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 70**

Nelson Mandela: "There can be no keener revelation of a society's soul than the way in which it treats its children."

What frightens me is that the person who is supposed to be one of the custodians of our country's children, the national Minister of Social Development, is in no way serious or willing to address issues that are affecting our children throughout the country. How does the Minister, whose primary responsibility is to ensure the wellbeing of our children, miss the launch of Child Protection Week, especially when her department spent a large amount of money to host this lavish event at Langa High School on Sunday?

In the Western Cape our goal is to create a self-reliant society by providing a comprehensive network of services that, among others, enables and empowers the poor and vulnerable. Therefore, the DA-led Western Cape Department of Social Development has aligned its priorities with the national outcomes and the provincial strategic goals by allocating its funding to service delivery in the priority areas of child care and protection.

In addition, our early childhood development, ECD, provision focuses on the need to increase the quality of education through safe environments. We have a growing list of over 1 700 registered ECD's

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 71**

where young parents are supported and assisted, while having access to safe and creative spaces for children to play and develop.

In fact, of the R2,1 billion budget for the 2017-18 financial year, the department spends the largest portion, which is more than R650 million, on services that empower families and children. We have over 1 500 social work professionals assisting and supporting our communities throughout the province. We do not just pay lip service to the support, empowerment or protection of our children.

In February 2016, the department, in collaboration with the Department of Health, launched the First 1 000 Days initiative which ensures that children get the best start to their lives and the opportunity to reach their full potential. Here there's a strong focus on health and nutrition but also on how vital it is to support a mother, especially during the first 1 000 days of a child's life.

This goes back to the proverb: "It takes a village to raise a child"; but taking it further, to keep a child safe and that means each and every single one.

This clearly demonstrates the Western Cape government's commitment to not only creating safe environments but to establish and sustain

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 72

them. To this end, we are implementing various initiatives and programmes to ensure that our children are protected because we realise that there are unfortunate societal gaps, that if not addressed could have dire effects on our children.

From the Department of Community Safety, we have the Walking Bus Initiative. This programme has adults accompanying learners to and from school so that they are protected from gang violence. Thus far we have already launched 45 walking bus initiatives, especially in communities that are being plagued by gang violence. Another seven will be launched by 21 June 2017.

The, my child is your child phrase, should at all times be seen and not just heard. Ubuntu [humanity] ought to be a daily occurrence in not only our communities but for each one of us.

Finally, as parents in our communities we are so busy giving our children what we did not have that we don't give them what we had.

Ms V THLAPI (North West): Hon Deputy Chairperson, hon Chairperson, Mme Thandi Modise, Minister Mbalula, hon members of the NCOP, MECs present here, special delegates, distinguished guests, dumelang bagaetsho. [greetings, fellow people]



It gives me a great pleasure to be part of this debate on National Child Protection Week. The National Child Protection Week is commemorated in South Africa annually to raise awareness of the rights of children as articulated in the Children's Act of 2005. As we aim to mobilise all sectors of society to care for and protect our children, we must strongly condemn the kidnapping as well as the murdering of our future resources, our children by monsters manifesting themselves in our male counterparts.

The Bill of Rights in the Constitution specifically states that every child has the right to be protected from maltreatment, neglect, abuse or degradation. South Africa has also drafted legislation to protect children which is based on the United Nations Convention on the Rights of Child and the African Charter on the Rights and Welfare of the Child. These protection are further reinforced through the Children's Act, which emphasises the state's role in the provision of social services to strengthen the capacity of families and communities to care for and protect children.

In considering this debate, I am reminded of the tragic and brutal murder of Courtney Pieterse by someone whose family trusted and that person betrayed the trusts of this family.

*Setswana:*

Ga ke lebale le bomme ba rona ...

*English:*

Brutal murders of women and children in South Africa are heart breaking; it is as if a demonic force has overtaken our men who are supposed to be our protectors and providers. Witnessing of a young woman being murdered and burnt to ashes comes to prove that women are weak in the presence of men. Institutions like Thuthuzela Care Centres, Domestic Violence Act of 1998, the National Council Against Gender-Based Violence must be supported ...

*Setswana:*

...ke rona rotlhe, go sa kgathalesege

*Afrikaans:*

... saamwerk; saamtrek. [... pull our weight and work together.]

*English:*

In responding to this social ills as Members of Parliament, we must make sure that we uproot this malady from society and that the law enforcement arrest these perpetrators of crimes.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 75

*Setswana:*

Gongwe re oketse le dingwaga tse ...

*English:*

The rape culture in our country cannot be tolerated and we support the initiatives by the President of the Republic, hon Jacob Zuma and the Minister of Police and other stakeholders in condemning this scourge and by attending the anti-crime imbizo yesterday.

In conclusion, we hope that all the initiatives of the ANC government in tackling this scourge will bear fruits and halt this malady. I thank you.

Cllr S GOMBA (Salga): Hon Deputy Chair, hon members and fellow South Africans, allow us first as SALGA, South African Local Government Association, Chair, to thank you for inviting Salga to participate in this important debate today. Though, I must at the onset express that it is not a pleasant but more needed and necessary debate given the current situation in the country where a number of incidence of abuse against women and the girl child are reported, where women are not recognised anymore as bearers of society and children as the future of our society.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 76**

Gender-based violence is a serious and widespread problem in South Africa, impacting on almost every aspect of life. It is a fact that the issue of women and girl child abuse in any form is a matter of concern for all of us. It is one of the most pervasive violations of human rights in the world, one of the least prosecuted crimes and one of the greatest threats to lasting peace and development. South Africa is the signatory to several conventions to combat gender-based violence, including CEDAW, the Convention on the Elimination of Discrimination Against Women, the Beijing Platform for Action and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. Furthermore, we have strong legislative framework.

However, let us admit that whilst international treaties and legislation is important it is not enough to end GBV, gender-based violence and strengthen responses. Although accurate statistics are difficult to obtain for many reasons - including the fact that most incidents of GBV are not reported - it is evident that South Africa has particularly high rates of gender-based violence, including violence against women and girls and the violence against lesbian, gay, bisexual, transgender and Intersex people.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 77**

Hon Chairperson, the SWC, Salga Women's Commission, is a reflection of the Salga mandate and is thus established to co-ordinate, promote and advocate for gender appropriate strategies and practices within member municipalities and feed into national, regional and the global agenda. It is also a mechanism to institutionalise advocacy processes as the voice of women in local government and to ensure progress at a local level as well as supporting the national, regional and global goals of women empowerment, gender equality and equity. Salga's commitment to addressing violence against women and children aims to make strong contribution to the development of municipalities throughout the country by: firstly, working closely with the national and provincial departments, municipalities and civil society organizations; secondly, by facilitating the sharing of knowledge on eradicating violence against women and children between municipalities; thirdly, by facilitating the development of the capacity of local government women councillors and officials; and lastly, localising the 365 national action plans to end the gender based violence.

Local government can address gender based violence as a key service delivery issue and work together with developmental partners by adopting an integrated approach. This kind of partnership will serve as an important tool to strengthen efforts to end gender-based

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 78**

violence by holding all three spheres of government, civil society and other relative and relevant stakeholders responsible for the commitments they make. The problem with us is that we make commitments but we turn our backs on them. When it comes to protecting rights, the government need to review legislation, practices and customs and abolish those that discriminate against women. Laws, policies and programmes that explicitly prohibit and punish violence must be put in place in line with international agreements.

Government need to improve the quality and accessibility of services so that women have prompt access to services regardless of their location, race, age or income. Response services include; health care services including post rape care, immediate and effective police responses, psychological support and counselling; legal advice and protection orders; shelter, telephone hotlines and social assistance. The response to violence must be immediate, co-ordinated and effective so that crimes are punished and justice is secured and local government can play a key role. Prevention on the other hand should start early in life by educating and working with young boys and girls in promoting respectful relationships and gender equality.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 79**

It is at this stage of life, when values and norms around gender equality are forged, where we can achieve sustained progress on preventing and eradicating gender based violence. Remember, we are coming as a country from a history of patriarchy where we have stereotypes and a challenge of mindset change. It is therefore, working with men and boys as another way to accelerate progress in preventing and ending violence against women and girls. Furthermore, awareness raising and community mobilisation including media and social media is another important component of an effective prevention strategy.

Especially important, is ensuring women's economic autonomy and empowerment as a prevention strategy. For a violence prevention strategy to be successful it has to be unified, co-ordinated, informed, well resourced and directed across all clusters of society, government departments and civil society. It is therefore clear that the solution depends largely on the collective push by all and from all sides, a multisectoral approach. I thank you.

The MINISTER OF POLICE: Chairperson and hon members, we have no time to waste time. The SA Police Services, SAPS, men and women are wide-eyed on the beat as we speak on this very important matter of our times. I want to assure South Africans that crimes against

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 80**

vulnerable groups, women and children are a top priority and we will be expanding thousands of overtime hours on it. We have no time to waste time.

I will be remiss if I do not start off with, once again, sending our heartfelt sorrow at the recent violent crimes against our precious children and females, the most vulnerable in our nation. I am sure the House joins me in sending our united deepest condolences to the victims, survivors and their loved ones. We offer our meditation to you to be strong at this time and assure you that government's doors are fully open to you. We cry with you.

Chairperson, a 15-year-old girl with courage and determination realised what the opposition benches in this House have demonstrably shown us today why they will always remain not only in the opposition for once recognise this as the issue of national interest and the need for us to unite as a nation.

The young girl I speak of campaigned for girls' education is an inspirational way to the entire world. She proved girl children have incredible strength by enduring a brutal attack by the Taliban and two operations to repair her skull and restore her hearing, a brave and an authentic fighter, named, Malala. She recognised that



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 81**

crimes against girls and women are cowardice and are beyond political demands. She taught us all that only a global response, a societal problem requires this cancer of femicide, female infanticide, terrorism, rape, cross-border human trafficking and other violent crimes against women and children.

In Elsies River, not far from this Parliament, a 3-year-old girl, Courtney Pieters, was brutally murdered by a neighbour who is now in custody facing serious crimes. In the same community, gang fuelled and drug related gun violence indiscriminately targeted innocent civilians, boys, girls, men and women.

We have no time to waste time. This requires us to effect not rhetoric but certain practical changes, for example, we shall ensure that female victims receive the legal, medical, social and psychological help they need and that police and court process be made as tolerable as possible.

The SA Police service is focused upon improved training and visible policing as some of the key areas in which effective change could be implemented. All these are currently taking place at heightened pace. Our communities have rightly criticised the police for reluctance to interfere in domestic disputes, and in particular, for their

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 82**

reluctance to arrest and prosecute the perpetrators of the domestic violence.

I want to make it clear today that domestic violence is not to be treated lightly. Violence against children, girls and boys is totally intolerable. I assure the children and women watching at home that we are doing everything to protect you and keep you safe from criminals. The traditional unequal power relation between men and women is now unconstitutional. Our past, that a man had power over his wife, including the complete control over her property and of her daily affairs is history. Women and girls are not male property, full stop. This warped notion that a woman will be a man's property instilled another idea that a husband had the right to administer physical punishment to his wife.

Female victims of this domestic violence often retract their police reports or suffer from the inside due to concern over the male bread winner going to jail. This compounds this cancer into emotional and financial violence against our women. Rape and sexual assault, domestic violence and child abuse have remained unconnected to other areas of criminal victimisation. Today, we declare that ...

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 83

*IsiXhosa:*

... bubudlwembe bobu.

*English:*

If you beat your girlfriend, wife or partner uncutsotsi. [you are a thug.] It will be unparliamentarily of me to plainly tell you what will happen to you when the criminal justice system is finished with you. I will just say we are coming for you tsotsi; you cowards.

I want to reiterate a clear message to the police management to supplement their operating procedures on crimes against women, children and the lesbians and gays and post in writing on all community offices the following six points: One, all victims should be interviewed by a trained specialist police officer; globally, SAPS has the second largest female police personnel after Norway. Therefore, as we fast-track the training of specialist police, female police officers should conduct the victims interviews; two, where possible the interview should be at a location other than a police station, if the police station does not have a private room facility; three, medical examinations should always be carried out at a location other than a police station; four, all victims should be given the option of

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 84**

an examination and evidence collection by a woman police surgeon; five, only experienced police officer should be assigned to conduct the investigation; lastly, all victims of sexual offences, femicide and infanticide and loved ones, should be referred to victim support.

I have also tasked my office to work with our counterparts to urgently evaluate the viability of having infanticide, femicide and all domestic violence as special category. An assault on a woman must carry a heavier sentence than just common assault. The offence of rape, femicide and infanticide particularly, is surrounded by strong feelings, and insensitive interviewing of a victim already humiliated and degraded may cause further trauma. We must not rehumiliate nor revictimise the victims.

Whilst some allegations of rape may be false, all investigations must commence on the premise that the complainant is a genuine victim. Police and community should not be courts of law. Courts are the only centers to pronounce guilty or not guilty. Our communities, neighbours and families must not hide the shame of domestic abuse. I want to encourage South Africans to report any suspicion of domestic abuse and remember always that each domestic beating is a potential

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 85

murder; each domestic sexual abuse of a child is a potential rape and infanticide.

To end femicide, we need to end impunity; bring perpetrators to justice; and every individual has to change his or her attitude towards this being just a domestic issue. The criminal justice system is ready to exercise due diligence to prevent, investigate, prosecute and punish the perpetrators. Together we must lock them up.

The killing of females because they are females threatens our national security by having a majority section of our population living in fear, it destroys gender balance, economic progress and harmony. Rape, femicide, infanticide and gender-based violence are henceforth regarded by my office as a fundamental threat to national security, and I instruct the police to deal with it in that manner as a priority crime.

Women and children's rights are human rights too. The lesbian gay rights, lesbians, gay, bisexual, transgender, intersex and queer community's rights are human rights too. To achieve this objective, the government will devote resources, funding but most importantly

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 86**

we have the political will to rid society of heinous crimes. Police will oppose all bail applications related to domestic violence.

I am fully cognisant that many of the murdered women and children come from the most marginalised sectors of society, are the poor from rural areas, sex workers, and illegal immigrants and so on. None of these people deserve to be murdered. Illegal immigrants must report crimes against them; sex workers must report crimes against them and not fear to be victimised by police. Police are required, first and foremost, to protect each and every resident within the borders of the Republic of South Africa. Police are instructed to pay particular attention to these groups in their crime profiling and prevention strategies.

We must not lose sight of the fact that police alone can't solve crime; poverty must be eliminated; inequality must be eliminated; and economic inequality between races and genders. We need radical economic transformation now; we have no time to waste time. Each domestic beating is a potential murder; each domestic sexual abuse of a child is a potential rape and infanticide.

The executive led by President Zuma has visited the bereaved in across South Africa. Our people want us to shut illegal shebeens and

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 87

drug houses down. They are demanding that we pay attention to minibus taxi business - the vulnerability of females using this mode of transport. Our people are asking for land to build safe homes for themselves. They complain that bail is given too easily. That some of our police collaborate with gangs. Our people want more social workers, not more police in their communities. They want safe sports fields and safe transport for children to school. We have heard you; we agree with you.

*IsiXhosa:*

Siyeza nakuni.

*English:*

Instead of finger pointing, political parties are encouraged to participate in government programmes to encourage vigilance of communities; encourage that each community should have a Community Policing Forum. These crimes are not performed by members of a particular party but by society. We cannot afford cheap political scoring over such an evil and dark crime often done in hiding. Let's teach our boys that they are because women are. African culture has easing...

*IsiXhosa:*

iiNkosi and iiNkosikazi.

*English:*

INkosi is a king; this makes women our queens. We value our queens in Africa. Together we must isolate criminals.

Let me emphasis a message to police: No woman must be told to go fix things at home; no woman must be turned away without a proper investigation; reports and statements must be taken confidentially and in private rooms; [Applause.] when a missing report is made, police are expected to immediately conduct scene investigations and follow protocols and standard operating procedures. We have no time to waste time.

*IsiXhosa:*

Ixesha lityiwe yinja.

*English:*

In closing, my department will be launching a campaign against violence on women and children, including other vulnerable groups. We are saying to abotsotsi [the thugs.] "not in our name". In the next coming weeks, every cluster, every police station will be



UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 89

turned into a War zone against gender-based violence. No woman shall be turned away, that is that is in the past.

*IsiXhosa:*

Wathinta abafazi, wathint' imbokodo, uza kufa!

*English:*

Finish and klaar. [done.] [Applause.]

Mr S G MTHIMUNYE: Hon Deputy Chair of the Council and the Chair of the Council and also the lead speaker in this debate. I also declare editorially Madam Chair and the lead speaker of this debate. "#Not In My Name." [Applause.]

*IsiZulu:*

Nsizwa yamabutho, mfokaKhawula, yiqiniso impela lento oyikhulumayo, ukuthi lensumansumane esetshenziswayo ukuthi izitho zomzimba zalezi zingane zisetshenziselwe ukwenza imithi, yinsumansumane ekufanele siyigxeke kakhulukazi njengabantu base-Afrika. Impela ngivumelana nawe kuleyo ndawo.

*English:*

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 90**

I think we can have a joint programme between the IFP and the ANC. I commit to speak to my leadership in the ANC. [Applause.] Hon Ngwenya, you really moved me and I was very close to my emotions when you spoke because you talked the honest truth and the honest truth and the whole truth. You make mention and made reference to the fact that patriarchy underpins this behaviour on the part of man, especially black man in this country. However, you also stopped short of making the point that colonialism and apartheid also contribute to this heinous behaviour on the part of black and African man in this country and I will elaborate on that point later in my speech.

Hon Engelbrecht makes reference to the fact that violence and violent behaviour that is televised as part of the content on our news channels on TVs may have a contributory factor to this kind of behaviour. We agree with you hon Engelbrecht. We agree with you because it is only now that you agree with us that it is important to censure some of the issues that need not be televised in public and that include the violence in Vuwani which you previously by the way did not agree with us.

The hon Engelbrecht, also made mention of the point that the laws of this country have failed the victims of gender-based violence. She

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 91**

made reference to the fact that some judgment and sentences that are passed recently are questionable. It is strange that this comes from the hon Engelbrecht, supposedly the most constitutionally abiding citizen of the DA. It is very surprising because where in this case is the rule of law that you talk about everyday, because a judge's decision can only be challenged in another court of law and be reviewed in terms of the law in a court of law, not by us as Parliament.

However, Deputy Chair, a quick scan of the headlines of the past two weeks gives an impression that there is an outbreak of warfare against women and girl children in our country. The headlines have been screaming at us that there is femicide taking place in South Africa.

The ANC acknowledges that the levels of contact and other crimes in our society are unacceptable. However, it is important that as we raise our voices against these heinous crimes, we must be informed by the facts. When we look at the statistics in terms of the contact crimes, namely murder and sexual offences, it is important to bear in mind that while we need to deal with the cold facts, the impact of violent crimes on the victims and those close to them is traumatic and influences the way we live our daily lives. Crime

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 92**

makes us feel unsafe in our homes, neighbourhoods and other places we visit. In the past six months, the Crime Statistics South Africa survey shows that about 36% of respondents have been victims of crime or they have someone close to them who has been a victim of crime. Nearly half of the crimes reported were burglary or robbery, rape and murder respectively.

The analysis suggest that law-enforcement officers working together with our communities, have been able to either reduce or stabilise the contact crime statistics nationally and in all provinces.

We need to ask, what are the statistics telling us? Are we having femicide in South Africa? And the answer is yes, the killing of women or girls and in particular by men on account of her gender. We argue from an analytical point of view that this is a misreading of the situation. Statistics show that the majority of perpetrators, particularly murder are actually men. This means that men are most likely to hurt and kill other men the same way they will do with women.

Internationally, prison populations are predominantly man. Almost 95% of prison population is constituted by man worldwide. However,

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 93**

in South Africa, we note that such studies show that female homicide unfortunately is on average five times more than the global average.

This therefore suggests Deputy Chair that South Africa is actually a violent society, first and foremost. We do not necessarily have a large population of men who hate women. What we have are millions of boys and men who seem to be angry and excessively aggressive.

We need to understand the reason why we have so much aggression among the males in our society and then address these. This is the only sustainable way to deal with the issue. We must apply honest analysis in order to trace the roots of the challenges we are dealing with.

We are a society in transition from colonialism and apartheid to democracy. These systems were characterised primarily by national, class and gender oppression of the majority by the few. The imposition of Western capitalism, which was essentially a foreign system of government and economy, as well as the uprooting of men and whole families from their traditional ways of life and thrust into ghettos where they had to eke out a living on the margins of the mainstream of the economy, was the worst form of violence against millions of South Africans. On top of that apartheid imposed

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 94**

restrictions such as the Group Areas Act, Influx Control Act, Bantu Education Act etc that legislated that the majority of black South Africans could not access the same opportunities as their white counterparts.

Historically, in societies that have undergone such drastic changes in their ways of life, similar spikes in crime and violence have been recorded from the market town of Manchester soon after the Industrial Revolution. To the plains of Ethiopia where free nomadic people lived, to the remote mountains of Ladakh in India, to the cattle grazing lands of the Maasai in Kenya, colonialism and capitalism have brought destruction of cultural norms and values and misery to the working class.

We therefore cannot act surprised by the phenomena we see in our country. We must rather take bold action to tackle the root causes of the crises of violent crime. It is impossible to place a police officer in every household, street corner and neighbourhood as some often argue that we need more visible policing and nothing else.

That is why the NEC of the ANC has expressed grave concern about the recent spate of brutal killings of women and children and discussed

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 95**

gender-based violence with a particular focus on intimate partner femicide in order to understand these phenomena.

The ANC believes that as a country we must consistently affirm the freedom of girl children and women. We can only succeed in building a nonsexist society and deal with the brutal effects of patriarchy when in South Africa every woman can walk alone in the middle of the night, without the fear of assault, attack or rape.

The ANC will mobilise all its structures and society at large to become actively engaged in campaigns in the prevention of killing of women, rape and child molestation. We must all teach ourselves to drop the language of weakness, vulnerability, protection and women and children as these erode women's citizenship. We must affirm women's inalienable right to justice, safety, freedom and equality.

Accordingly the ANC resolved that we need to establish street committees and lead and drive a Know Your Neighbourhood Campaign; set up early warning systems where child abuse, the rape and abuse of girls and boys occur; establish a single contact point in each street for reporting of incidences of brutality and violence and meet every station commander to advise them of the contact points and issues arising from our early warning systems.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 96

Government must strengthen the justice system to better deal with cases of gender-based violence. Programmes of the ANC-led government must target both victims and perpetrators. Amongst others we must ensure the establishment of a special unit in each police station especially trained for this type of work. This will ensure that we reduce barriers to reporting sexual offences and domestic violence.

Our families must stop negotiating sexual cases and women themselves must stop withdrawing sexual cases. The law must be allowed to take its course. As a nation we must redouble our efforts to reignite economic growth to ensure that women do not seek economic refuge in abusive relationships. I thank you, hon Deputy Chair. [Applause.]

The CHAIRPERSON OF THE NCOP: Deputy Chairperson, hon members, we are in indeed the National Council of Provinces representing provinces. The discussions today reflect that we have not been partisan. We have truly reflected on the ills of our society, we have put what we thought were reasons, we have all cried together and mourned the loss of our children, our young women, our mothers.

The MEC Mme Thusi asks, for how long will this continue? My response, my sister, is for as long as we allow it to happen. Nobody



UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 97

gives you freedom on a platter; it is always historical that victims must rise up and express themselves.

To what extent has patriarchies lingering tentacles produce the black men today? A lot. One of the things we did is that we abruptly went into negotiations; we did not create a valve for a large section of the South African community -

*IsiZulu:*

Ukubhodla.

*English:*

We created the TRC and I do know that most of us, me included, refuse to go. You have that hangover and also have a country that tries to move forward as quickly as possible and equalise on all fronts as quickly as possible.

Whether we like it or not, South Africa's forward march on women, opening up all the gates, making sure that women have access to all positions and levels, opening up in business, far outstrips any country in this continent. If you look at the numerical representation in Parliament, in Rwanda, you might be deluded in thinking that in fact they outstrips South Africa, they don't! they

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 98**

did not have a choice. After the genocide women were in minority and therefore, the boys were very young and therefore automatically leadership would go to women.

When you bring these things together and look at how we marched forward and demilitarise - remember, one of the warnings we gave South Africa was that we want to demilitarise our society as much as possible. We have been remilitarising very subtly over the years. That is not good. We might also - hon Ngwenya - be tempted to follow up on the theory which is emerging in the world, the emergence of the strong men. Emergence of people who are so powerful they influence democracies. There are examples emerging in the world when you look at countries that are supposedly democratic which are getting derailed even though democratic processes are in there.

When you put that sum total and look at the ordinary man who did not have valve, who didn't feel accommodated by affirmative action, who looks at BBBEE which makes special reference to women qualifying as criteria, when you look at men having to make way in security sector whether it's defence in the financial sector, you have a lot of psychological unease.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 99

South Africa is not known to deal kindly with psychological issues. So, these men go into the survival of the fittest mode and we get it as women. That is why it is important to look at our men and say to them, we respect and love you. We want your protection and we will protect too but we shall not agree for you to rape and kill our children. We shall not protect you if you continue to abuse our children.

If we start by saying that we draw that little line on the sand, and it is enough.

Hon members, I want to invite you to join in the marches which are taking place by women against this femicide. I am not inviting party colours; I am inviting South Africans to stand up against this. I am inviting consciences to wake up. I am inviting baruti [pastors] - there are three of them in this House that I know of. Your sermons must begin to reflect the need. If in Genesis we are created in His image - male and female - why do you kill us? Why is it an issue if I lead you?

In uMkhonto Wesizwe we used to say that we all balls they are just differently placed in our anatomy. [Laughter.] God was very clever in how He distributed. I am simply saying, let us go out there; let

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 100

us go and lead society. Remember, society must also lead us. Let's go and lead and let us go and be lead. Let us talk, you men not in your name, us women not whilst we are alive. Thank you very much.

[Applause.]

*Sesotho:*

... Baruti.

Debate concluded.

*English:*

The DEPUTY CHAIRPERSON OF THE NCOP: Hon members that brings us to the end of the subject for discussion today. Let me take the opportunity to thank the MEC and the special delegates for making time to be part of our discussions. Thank you very much and we hope that what you have started today, you will continuously do it so that we get to know what it is that is happening in our provinces and how do we profile those provincial interests and local government matters in order for them to receive or to put on the agenda that will then receive national attention. Thank you very much for your participation today.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 101**

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND  
EXECUTIVE UNDERTAKINGS - TOLBAT PETITION**

Mr M T MHLANGA: Hon Chairperson, on 08 November 2014, Mr M S Nkohla the petitioner submitted a petition on behalf of Mr Phumlani Tolbat, to the Office of the Chairperson of the National Council of Provinces. Subsequent to the tabling, the Chairperson of the NCOP referred the petition in terms of Rule 101 to the Select Committee on Petitions and Executive Undertakings for its consideration and reporting.

The petition pertains to the alleged illegal occupation of the Reconstruction and Development Programme, RDP, house. The petition requests the intervention of the NCOP in ensuring that the house should be registered in the name of the petitioner.

On 10 June 2015, the committee took a decision to hold a hearing on the petition. However, in the course of preparing for the hearing, the committee secretariat was informed by the petitioner that is now occupying the house and the previous occupants of the house have been evicted. The petitioner further informed the committee secretariat that the intervention of the NCOP was no longer required.

The committee then resolved that before it could recommend to the House for the removal or closing of the petition, the petitioner should submit a confirmation letter stating that the petitioner was no longer seeking the intervention of the NCOP in resolving the complaint.

On 15 November 2016, the committee received a letter of confirmation. Having received the letter of confirmation, the select committee reached a decision of closing the petition and henceforth, recommending to the House to close the petition request for intervention.

The select committee had further resolved that a press statement should be issued highlighting the challenges encountered by the beneficiaries of the RDP houses.

In conclusion, it is a fundamental basic human right to have access to housing. As a committee we recognise the value and importance of developing effective and efficient management system for housing list and allocation. We therefore move for the adoption of this report. I thank you. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON PETITIONS AND  
EXECUTIVE UNDERTAKINGS - HEARING OF TRANSKEI ROAD TRANSPORT COMPANY  
CORPORATION PETITION HELD ON 10 SEPTEMBER 2015**

Mr M T MHLANGA: Hon Chairperson, on 1 December 2014, the late Mr M Mahlahla, Mr A Z Dumalisile and Mr N J Nodayinge, petitioners, submitted - on behalf of former employees of Transkei Road Transport Corporation - a petition to the office of the Chairperson of the National Council of Provinces. Subsequent to the submission, the Chairperson of the Council referred the petition in terms of Rule 101 to the Select Committee on Petitions and Executive Undertakings for its consideration and reporting. The petition requested relieve and intervention of the National Council of Provinces in assisting

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 104**

the former employees to receive entitled benefits such as pensions, unpaid leave and Unemployment Insurance Fund from Transkei Road Transport Corporation which was dissolved and liquidated in terms of a Government Proclamation on 18 January 1996.

On 10 September 2015, the Select Committee on Petition and Executive Undertaking held a hearing on the petition in Eastern Cape. Section 56(d) and section 69(d) of the Constitution of the Republic of South African provides that the NCOP can receive petition, representation or submissions from any interested persons or institution. Section 17 provides that everyone has the right, peacefully and unarmed to demonstrate, to picket and present petition. Guided by section 56(d) and 69(d) of our democratic Constitution and section 101 of the NCOP Rules and petition guidelines, our select committee extended invitations to the provincial Department of Transport, Safety and Liaison; the Office of the premier in the Eastern Cape; the provincial Department of Labour and Alexander Forbes. However, the only invited stakeholders that appeared before the select committee for oral and written submissions were the petitioners, the provincial Department of Labour, and Alexander Forbes.

The select committee had observed and noted that a representative of the provincial Department of Labour could not in the submission



**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 105**

provide clear information on the circumstances surrounding the petition. The select committee has however noted the submission of the representatives of the Department of Labour that in terms of the current legislative framework, severance pay disputes are handled by the Commission for Conciliation, Mediation and Arbitration, CCMA, and the referral of such disputes is done 30 days after the closure of the company and following the liquidation of a company, any payments due to its former employees are often paid out after the sale of the assets of the company.

Furthermore, the select committee had the submission of Mr Mouton head of Alexander Forbes that the Eastern Cape Alexander Forbes was the fund manager for the former employees of the company's pension and provident fund, up until its liquidation in 1995. The select committee further noted the submission of Alexander Forbes that following the liquidation of the company, PricewaterhouseCoopers carried out an audit and the adjudicator ruling to determine the significance of the number of former employees who received benefits on the basis of their contribution record.

The select committee also observed that the adjudicator ruling had set aside the unclaimed benefits, and transferred them into an unclaimed benefits fund with the option or choice for beneficiaries

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 106**

to claim from the fund. The select committee noted the submission of Mr Mouton as the head of Alexander Forbes that the company had a list containing the names of 430 beneficiaries who were all former employees of various corporations in former Transkei, Bophuthatswana, Venda and Ciskei, TBVC, states who had not yet claimed from the fund. Generally, the select committee had noted that during the adjudication and liquidation processes, there was no evidence provided on the presence of the judge or senior prosecutor for overseeing and monitoring purposes.

Having considered the petition and submission from the invited stakeholders, the select committee recommends to the National Council of Provinces as follows: The National Treasury in collaboration with the Department of Labour, the Department of Transport and Eastern Cape provincial government should institute a forensic investigation on unpaid benefits concerns raised by the petitioners; and the forensic investigation should among others, focus on implicated financial institutions namely: the First National Bank, PricewaterhouseCoopers and Alexander Forbes. The forensic investigation report should include an audit into the number of employees of the company it had prior to its liquidation; employees who received benefits post its liquidation, contribution records, list of unclaimed benefits and the assets held by the

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 107**

company before liquidation. The National Treasury should after six months of the approval of the report by the House table the forensic investigation report. The Select Committee on Petition and Executive Undertakings in concurrence with the Select Committees on Labour, Public Enterprise and Finance should monitor the implementation of the House resolution as part of ensuring executive accountability and parliamentary oversight. In defence of the democratic revolution, I thank you and move for the adoption of the committee's Report. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF SELECT COMMITTEE ON CO-OPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS - NOTICE OF INTERVENTION ISSUED**

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 108**

**IN TERMS OF SECTION 139(5) (a) OF THE CONSTITUTION IN KANNALAND LOCAL  
MUNICIPALITY**

Mr J M MTHETHWA: Chairperson, on the 21st of December 2016, the provincial MEC for Local Government Environmental Planning, for the province of the Western Cape, submitted a notice informing the NCOP of the resolution taken on the 7th of December 2015 by the provincial executive council to evoke the provisions 139(5a) of the Constitution in Kannaland Local Municipality.

This measure was primarily taken to effectively address the challenges of the institutional and financial management capability of the municipality. This notice of intervention was duly tabled in a select committee meeting on the 23rd of May 2017 in terms of the NCOP Rule 101 in order to consider it in terms of compliance and procedural and substantive requirement regarding notice of intervention.

Having regard to procedural and substantive requirement on the notice of intervention in particular, compliance with section 139(5a) of the Constitution. The committee upon scrutinising the submission and notice period, established that the Western Cape

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 109**

Provincial government has not complied with the procedure for submission of such a notice.

Section 139(5) of the Constitution of the Republic of South Africa, stipulates that if a municipality as a result of a crisis in its financial affairs is in a serious or persistent material breach of its obligation to provide basic services or to meet its financial commitment or admit that it is unable to meet its obligation or financial commitment as well as financial management capabilities.

On the revenue management and collection, the provincial executive must impose and set processes for a financial recovery plan. Section 139(6) further provides that if a provincial executive intervention in a municipality in terms of subsection 4 and 5, it must submit a written notice of intervention to the Cabinet member responsible for local government affairs as well as the relevant provincial legislature and NCOP within a period of seven days upon the commencement of such intervention.

However, in terms of the notice submitted to the NCOP, the select committee noted that the provincial MEC for local government did not comply with procedural requirement outlined under section 139(6b) of

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 110**

the Constitution. As a result, the notice was received by the NCOP on 21st of December 2016 that is 14 days after intervention began.

As a consequence, it became clear to the select committee that the constitutional status and processes undertaken in respect of the intervention as required in terms of section 139(5) of the Constitution in respect of Kannaland Local Municipality was procedurally incorrect and fled to the extent of inherent in consistent with the Constitution.

Having regard to the inherent, lack of compliance with the procedural requirement stipulated under section 139(6b) of the Constitution, the select committee recommends that the NCOP disapprove the intervention in Kannaland Local Municipality in terms of Section 139(5a) of the Constitution. The NCOP should thus advice the Western Cape provincial MEC for local government to re-table their notice of intervention in full compliance with a provision of section 139(6b) of the Constitution.

The Select Committee on Co-Operative Governance and Traditional Affairs should in co-operation with the relevant portfolio committee in the Western Cape provincial legislature upon re-tabling of the notice of intervention, conduct an oversight visit to Kannaland

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 111**

Local Municipality in order to assess, monitor and evaluate progress already made in turning the situation around as well as in local opportunity to have a full understanding of the challenges facing the municipality. I move that the report be adopted.

Debate concluded.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

**CONSIDERATION OF REPORT OF CONSTITUTIONAL REVIEW COMMITTEE ON 2013**

**PUBLIC SUBMISSIONS DATED 14 MARCH 2017**

Mr L P M NZIMANDE: House Chair and hon members, I'm a father of four daughters and I have to say I must be counted in on fighting this scourge of violence against women.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 112**

House Chair, it is also befitting to pay tribute to the 21 years of the Constitution. The Constitutional Review Committee is one of the mechanisms that are unique to our Constitution in South Africa.

I don't know of any country that has this unique privilege to its citizens where they are given an opportunity to review matters that affects them in the Constitution on an annual basis. I think we must recognise and appreciate the strength of our Constitution as our supreme law.

Chairperson, we are tabling a report on behalf of the committee on the inherited 13 submissions of 2013 which were considered by the committee after its inception and reconstitution in March 2015, and was considered in September 2015, and subsequent public hearings that were held in April 2016, with all the submitters.

In the report that we are tabling it is important to note Chair, that the conclusion of the committee is that 10 of the submissions do not require a constitutional amendment, we therefore report that the House endorse that. And three of the language submissions include Sesotho, Sesotho sa Lebowa, and Sepedi which is an old matter that ceased within the committee, and the South African sign



UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 113

language and Kilobedu as a language, with a late inclusion of the Khoisan language.

Chair, all of these are currently before the committee, therefore the recommendation of the committee is that those language submissions which request changes or amendments of clause 6 in Chapter 1 of the Constitution are currently before the committee, and therefore the committee has not pronounced on the desirability for amendments to the Constitution.

Therefore, Chairperson, we are commend this report before the House as closing the last instalment of the legacy reports of the 4th Parliament. We are also making a point that this then indicates to the public and the community that this Parliament is serious about their participation.

The debate of yesterday which was led by the Chair of Council emphasised on an activist Parliament, a representative Parliament. The Constitutional Review Committee is one of the most important mechanisms and therefore Chair provinces and members should take the work that the Constitutional Review Committee provides serious and critical.

**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**WEDNESDAY, 31 MAY 2017**

**Page: 114**

Indeed Chair, it is important also to emphasise the fact that the Constitutional Review Committee is provided for in section 45(1)(c) of the Constitution.

Important with that, Chair, is that in 1996, when the Constitution was made, the drafters of the Constitution put this provision to ensure that matters that were not resolved at the time, should have a mechanism in the Constitution that will allow the public, the government organs of state, public entities, Members of Parliament and even committees to be able to continue to make submissions and requests for the review of the Constitution, to make sure that it is indeed relevant, appropriate and beneficial to its citizens at large.

Therefore, Chairperson, we table the report and commend that the House adopts this legacy report with 13 submissions. I thank you Chairperson. [Applause.]

The HOUSE CHAIRPERSON (Ms M C Dikgale): Thank you so much, father of four for supporting the women and girl child. We really appreciate it.

Debate concluded.

UNREVISED HANSARD

NATIONAL COUNCIL OF PROVINCES

WEDNESDAY, 31 MAY 2017

Page: 115

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal,  
Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the  
Constitution.

The Council adjourned at 17:19.