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ACCOUNTING FOR WORK IN PROGRESS?

A CGE Report on Assessing Progress on the Establishment of
A National Coordinating Structure on Gender-Based Violence

Presentation for Parliamentary Portfolio Committee on
Women

Date: 09/03/2021



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CGE MANDATE

- ❑ The Commission for Gender Equality (CGE) is an independent statutory body established with other Chapter 9 institutions under Section 181 of the Constitution of South Africa.
- ❑ The mandate of the CGE is provided for in Section 187 of the Constitution and in the CGE Act of 1996 (as amended).
- ❑ As part of the mandate expressed in Section 187 of the Constitution, the CGE is required to promote respect for, protection, development and attainment of gender equality in the Republic. The Constitution specifically gives the CGE powers to “monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality”.
- ❑ Section 11 of the CGE Act provides for the elaborate CGE mandate and its powers and functions.



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INTRODUCTION

- ❑ The report was compiled as by the CGE as part of the constitutional and legislative mandate to monitor and evaluate the activities of the organs of state and other entities including statutory bodies, public bodies, private sectors and civil society in view of promoting gender equality in the country.
- ❑ The report provides insights and findings on the study that was undertaken to assess government and related entities in realising the commitments as stipulated in the GBVF Declaration as adopted and endorsed by the President as an initiative of rigorously fighting the scourge of GBVF in the country.
- ❑ The key aim was to assess the activities, programmes and plans put in place in responding to the provisions of the Declaration and to monitor compliance in terms of inclusivity and representativeness of different stakeholders and role players especially within the ISC in performing the mandate that they were established to perform.



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BACKGROUND

- ❑ South Africa is famous as a GBVF capital within the global community. This has been attested to by the constant media reports of violence and gruesome murders of women in the country.
- ❑ The international bodies that South Africa is a state party to, that include CEDAW and the African Commission on Human and People's rights, to mention a few, have also raised concern to South Africa about the high level of violence against women and have, therefore, made recommendations in the form of guidelines for intervention measures.
- ❑ In 2018, South African women in their diversity marched to different key points in the country, including the Union Buildings calling for the prioritisation of responses towards addressing high levels of GBVF. Part of their demands was for the President to convene a GBVF summit in order to make commitments towards tackling GBVF.
- ❑ The GBVF Declaration came as a result of the Presidential Summit that was held in November 2018.
- ❑ This presentation contains the findings of the report on the assessment and review of processes and activities related to the implementation of the provisions of the Summit Declaration by the different role payers, particularly the Interim Steering Committee (ISC) on GBVF.



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METHODOLOGY & APPROACH

- ❑ The study adopted a qualitative research approach and the ISC as the key implementing structure of the Declaration, was of major focus.
- ❑ The observational method was one of the techniques that the team employed to collect data, as they participated in several meetings of the ISC across the country.
- ❑ The team also utilised available secondary sources (published and unpublished) which were made available by ISC and various state institutions, as well as independent sources including; academic institutions, CSOs, independent commentators and activists with relevant knowledge on GBVF related issues.
- ❑ The team also used media reports and internet-based sources of data.



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KEY FINDINGS OF THE STUDY

- ❑ The Interim Steering Committee (ISC) on Gender Based Violence and Femicide (GBVF) was created as an outcome of the Presidential Summit on Gender Based Violence to set up a permanent multisectoral structure to coordinate country responses towards GBVF within 6 months and to give attention to other commitments contained in the GBVF Summit Declaration.
- ❑ The ISC was disbanded on the 30th of April 2019, with the structure not yet in place.
- ❑ The CGE study noted that the ISC's focus on tasks/activities that were not contained in the Summit Declaration could have led to delays and the ultimate failure of the ISC to establish the multisectoral coordinating structure/NCGBVF.
- ❑ For a temporary structure with a limited life span of only 6 months, the ISC's attention was divided towards 3 enormous tasks, i.e. the establishment of the Council, the crafting of the National Strategic Plan (NSP) which was a task allocated to the NCGBVF once in existence by the Declaration, and the crafting and management of the implementation of the Emergency Response Action Plan (ERAP) that was unveiled by President Cyril Ramaphosa on the 18th of September 2020.
- ❑ The crafting of the NSP and the work related to the ERAP were clearly outside of the scope of responsibilities of the ISC that are outlined in the Summit Declaration.



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KEY FINDINGS OF THE STUDY

- ❑ In terms of the setting up of the ISC itself, the CGE study noted a number of loopholes and challenges. For example, it appeared that there was no document available that provides details on how the ISC was to be created, its membership, day-to-day operations, appointment of office bearers, the scope of its powers, size of members, allocation of responsibilities and resources.
- ❑ This lack of clarity on important details relating to the creation and operations of the ISC created friction and fragmentation in the gender sector, with some of the members of civil society organisation reporting that the ISC lacked transparency and that it was failing to account on its processes and activities to civil society constituencies and to the general public.
- ❑ It is also important to place on record that there was widespread reluctance and fear among some of the members of the Steering Committee to be interviewed for this study, as a result, key details regarding the operations of the ISC could not be obtained.



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KEY FINDINGS OF THE STUDY

- ❑ As a result of this limited cooperation from members of the ICS, important questions relating to the structural design of the ISC could not be answered, such as the issue of joint or Co-Chairpersons – one from Civil Society, and the other from the Office of the President (a social policy Adviser to the President).
- ❑ Details or information was not available regarding the nature of the division of responsibilities of the Co-Chairpersons, as well as whether or not there was the exercise of joint and equal levels of authority and responsibility over the affairs of the ISC on a daily basis.
- ❑ There was lack of clarity regarding the nomination, appointment or election to office of the membership of the ISC; guidelines governing the governance of the ISC, especially questions such as the entity with the authority to amend, change or extend its term of office when it ran out of the six month term limit imposed by the Summit Declaration.



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KEY FINDINGS OF THE STUDY

- ❑ Although the nomination/selection process of the ISC was never clarified, it is a fact that the ISC had a membership composition of various government departments, civil society organisations, development partners, academic institutions and research institutions.
- ❑ At some point, the ISC had a membership of 70 representatives, which is a significantly large membership that could have contributed to fairly complex internal operations and procedures, and potentially cumbersome decision-making processes.
- ❑ In terms of the resourcing of the ISC, the Summit Declaration had mandated that the ISC funding be regulated in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999). Details relating to the extent of allocations of public funds to the ISC, however, were not publicly made available. Informal conversations with some of the members of the ISC indicated that the ISC activities were funded by several government departments and development agencies.



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KEY FINDINGS OF THE STUDY

❑ National Strategy and Action Plan on GBVF

- The NCGBFV was tasked with the development of a National Strategic Plan on GBVF within 6 months of its establishment by virtue of Article 4 of the Summit Declaration.
- However, (as already mentioned) the ISC also took on the responsibility of developing the National Strategy and Action Plan on the GBVF for reasons unclarified.
- In this regard the ISC set up technical working teams responsible for crafting the strategy.
- A consultant headed the drafting and the overall consolidation of the NSP based on feedback obtained from public/community consultative meetings.
- The CGE observed the public/community consultative meetings and noted the following:
- They were predominantly attended by lay audiences who could not meaningfully contribute;



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KEY FINDINGS OF THE STUDY

❑ National Strategy and Action Plan on GBVF

- the audience was not segregated according to its level of knowledge resulting in a few audience members dominating discussions;
- the main language used was English and this created a language barrier;
- the consultative meeting in Venda exposed that cultural issues and gender dynamics were not taken into consideration and this resulted in women being reserved and men dominating discussions;
- audiences were not given enough time to engage with the draft NSP document prior or during the consultative meetings;
- an online portal was made available for participants to submit additional comments or inputs regarding the draft NSP document, however; the majority of the participants in the community consultative meetings lacked knowledge and understanding of, or, access to computer or online facilities
- The DSD as a result of this lack of diversity in the consultations audience also held consultations in the Western Cape and targeted a more knowledgeable audience.



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KEY FINDINGS OF THE STUDY

❑ **Setting up the multi-sectoral coordinating body on GBVF**

- This was tasked to the ISC in accordance with Article 3 of the summit declaration.
- The ISC had sub-committees to ensure the achievement of this task.
- The CGE was initially allowed to attend a meeting of this group however; access was soon after denied.
- The CGE did manage to get hold of a draft organisational structure which was contained in an official ISC discussion document at the time.
- The following was noted:
 - the proposed structure seemed large and cumbersome;
 - the discussion document implied that the NCGBVF would also implement programmes on the round , i.e. the initiation, implementation, prosecution, monitoring and evaluation of programmes to address injustices of the past, providing strategic vision and leadership and ensuring allocation of resources;
 - the discussion document notes and advisory role for the NCGBVF, presumably to the



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KEY FINDINGS OF THE STUDY

government in general or the Presidency in particular. However, it seemed government would already be heavily involved and represented in the governance of the NCGBVF through the involvement of the State President who was identified as the chair of the proposed NCGBVF, and the offices of provincial premiers and municipal mayors and other crucial government departments at national and provincial levels;

- the President being the chairperson raises a few questions relating to the practicality, nature and extent of his involvement. Also, as chairperson, presumably, the President will ultimately be accountable to Parliament in addition to being head of government and President of the country;
- the discussion document created an executive board of 12 members (5 from government, 6 from civil society and the chairperson of the CGE), it did not specify who would lead the executive board including its powers. It was also unclear whether the President's position as chairperson of the NCGBVF meant also chairing the executive board itself. There was also no provision made for Plenary.



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KEY FINDINGS OF THE STUDY

❑ **Setting up the multi-sectoral coordinating body on GBVF**

- the discussion document created a secretariat, headed by a CEO. It was unclear whether or not the CEO would have executive powers and functions in relation to the powers and functions of the executive board;
- finally, the proposed structure consisted of national, provincial, local and ward level structures, however, the exact governance and operational structures on provincial and local level needed elaboration in order to avoid confusion on the ground.



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KEY FINDINGS OF THE STUDY

❑ The Emergency Response Action Plan (ERAP)

- The implementation of the ERAP was assigned to the ISC by President Cyril Ramaphosa.
- The aim of the ERAP was to fight the scourge of violence against women and children through coordinated government and civil society efforts.
- The initial budget was 1.1 billion but funding was later increased to 1.6 billion.
- The ERAP had 5 thematic areas as well as set interventions, indicators, targets and lead institutions assigned responsibilities under various thematic areas.
- At the time of the CGE's 2020 report, the CGE was not privy to detailed information on the ISC's implementation of the ERAP.
- However, the CGE can now conclude that the ERAP was necessary even though a recent review of the ERAP found that the implementation lacked the needed preparation, coordination, effective oversight and accountability to render it a successful initiative.



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RECOMMENDATIONS

- ❑ CGE recommended that there should be transparency and accountability in the functions of the ISC around the formation of the National Council on Gender Based Violence and Femicide (NCGBVF) in consultation with other stakeholders such as civil society and that this process should be open to the public and structures like parliament to provide oversight in this regard and inform the public of key developments.
- ❑ CGE recommended that the ISC mandate be extended, with clear time frames and targets set to assist in some of the critical processes such as implementation of the NSP and the formation of the NCGBVF. The declaration of the GBV summit must guide this work.



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RECOMMENDATIONS

- ❑ CGE recommended that there should be a formal guiding document, which is available to the public i.e. Terms of Reference (ToR) which clearly outline the functions and mandate of the ISC, the scope of its powers; as well as the reporting/accounting obligations of its Office Bearers.
- ❑ The ToR document should be developed in consultation with all stakeholders involved i.e. civil society, government, and developmental partners so that the process is truly inclusive and representative of the various stakeholders.



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Thank You

***HAVE A GENDER RELATED COMPLAINT ????
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