

Sexuality & Gender Division (SGD), Psychological Society of South Africa (PsySSA): Comments on the National Council of Gender-based Violence and Femicide Bill

The prevalence of gender-based violence and femicide in South Africa remains at alarmingly high rates despite a range of programmes and interventions at multi-sectoral levels over the past years. Such violence continues to have long-standing and profound social, economic, psychological and health costs to individuals, communities, and society at large.

The Sexuality & Gender Division (SGD) of the Psychological Society of South Africa (PsySSA) thus welcomes efforts by government that aim to deal with and eliminate the enactment of gender-based violence and femicide in South Africa.

The National Council of Gender-based Violence and Femicide Bill proposes the establishment of an independent, multi-sectoral national council which will provide strategic leadership and over-sight of the implementation, co-ordination, and monitoring of the National Strategic Plan on gender-based Violence & Femicide 2020-2030 which was developed by the Interim Steering Committee (ISC) on GBVF.

However, the stagnant or slow progress towards a violence-free society compels a critical reflection and evaluation of past and current programmes and initiatives, when engaging with comments on the proposed Bill in a meaningful way. This is particularly pertinent against the backdrop of the Constitution and number of progressive laws that promote citizenship and the dignity of persons, and continuing disregard of such laws and its ineffective implementation. The comments below should be engaged with this in mind.

1. Alignment to the NSP on GBVF 2020-2030 and other relevant legislation

1.1 The Bill should speak to and be aligned to the NSP on GBVF 2022-2030, as well as other existing legislation such as the Criminal Law (Sexual Offences and Related Matters) Amendment Act Bill, the Criminal and Related Matters Amendment Bill and the Domestic Violence Amendment Bill.

1.2 Such alignment should include definitions, scope, and board membership. For example, the

definition of violence as contained in the is DVA is broader and more inclusive.

- 1.3 The organs of state that are included in the NSP should also be included in the board membership. For example, the Department of Planning, Monitoring and Evaluation would have an important role to play. While it is represented in the NSP, it does not appear in the Bill.

2 Definitions

- 2.1 The definition of femicide and gender-based violence should be broadened to be more inclusive of gender and sexual diverse identities. Definitions should also note the hate crimes nature of acts of violence such as femicide.
- 2.2 The term 'civil society' needs to be defined so that organisations which fall within this definition could be identified. Such a definition should also only consider civil society organisations with a proven track record of work in GBVF and work that is undertaken in an ethical manner and should be broad enough to consider multiple role-players within civil society (see point 4.1 below).

3. Gender Composition of the board

- 3.1 While the 80% gender split in favour of women is commendable, the definition of 'women' must be broadened to be inclusive of gender diverse identities. As it is currently written in the Bill, while not explicit, the term 'women' suggests a cisgender, heteronormative definition of women.
- 3.2 In critically reviewing the current lacunae in GBVF programme development, implementation and evaluation and why they fail to effectively decrease the incidence of GBVF, the need to include men and masculinities in all phases should be registered as an urgent matter. Such inclusion should focus, among other issues, the development of positive and diverse masculinities, the development of programmes that target boys and men, as well as toxic masculinities, and the deployment of boys and men in advocating for and bringing about shifts in thinking towards an understanding of people as equal citizens as eloquently stated in the Constitution. Thus, it would be important and necessary to ensure that men are well-represented on the Council. Such representation must include men who aspire to progressive thinking, especially in how gender and sexuality is conceptualised.

4. Composition of the board – Expert knowledge and skill set

4.1 Within the SA history of advocacy, activism, and mobilisation on GBVF issues, civil society has played an important role. However, there is a tendency to conceptualise of civil society only in terms of NGOs. A definition that recognises other GBVF experts with skillsets that will bring specific strengths and diversity to the work of the Board should be targeted.

4.2 Linked to the point above, a definition that includes academic experts and/or Higher Education Institutions of Education (HEIs) as an important civil society role player would open up the membership space on the Board for academic experts on GBVF. Expert opinion based on research and scholarship has the potential for greater cognisance and integration of the cultural, social, political, and ideological nuances and complexities at play in enactments of GBVF in programme development and implementation.

4.3 In similar vein, the composition of the Board should include psychologists and other mental health practitioners with a proven track record of work in the area of GBVF. This is especially important in light of the pervasive negative effects of GBVF on mental wellbeing. The Psychological Society of South Africa (PsySSA) is an organisation that is committed to establishing gender and sexual equality in a just society and is suitably qualified to assist with the task of identifying suitable mental health experts in GBVF to be considered for Board membership.

5. Social Justice

5.1 While noting that this Bill speaks to the formation of a Council which will provide strategic leadership on the NSP that has already been drafted, it is critical that such strategic leadership recognise the social and structural complexities and disparities that underpin GBVF and violence broadly.

5.2 This implies that programmes that aim to eliminate GBVF and provide support to victims and survivors cannot be divorced from the broader historical, social, cultural, political, and economic contexts within which they occur. Thus, the elimination of GBVF has to be positioned within the broader agenda for social justice and citizenship. The fight against GBVF therefore must also consider its links to other forms of discrimination, oppression and hate crimes that are fuelled by racism, sexism, classism, homophobia, transphobia, ableism, and xenophobia for example, representing some of the most rampant oppressions.

6. Reporting and Transparency

6.1 Given the important task at hand and the continuing prevalence of GBVF, accountability to the public is of paramount importance. In addition to the reporting that is included in the current Bill, reporting must include regular and timely submissions and disclosures to members of the public.

6.2 Likewise, the plan of action and implementation, must provide sufficient opportunities for members of the public to offer critical reflections and engagement on programme implementation as part of the monitoring and evaluation processes.

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