**MEDIA STATEMENT**

**PUBLIC HEARINGS ON NATIONAL COUNCIL ON GENDER-BASED VIOLENCE AND FEMICIDE BILL GET UNDERWAY**

The Portfolio Committee on Women Youth and Persons with Disabilities began its hearings on the National Council on Gender Based Violence and Femicide (GBVF) Bill in Parliament on Tuesday. The committee invited stakeholders to present their views on the proposed Bill from various sectors including civil society, chapter nine and academic institutions, labour organisations, government departments and individuals. The committee received about 48 submissions after it made a call for oral and written submissions.

The Bill seeks to establish the National Council on GBVF; to provide for the objects and functions of the council; to appoint the council’s Board; to provide for the appointment of Board members, their term of office and the termination of their membership; and to provide for the appointment of the chief executive officer and the council’s secretariat.

Briefing the committee, Ms Natsai Chakapfana from Ilitha Labantu said that while establishing a council on gender-based violence and femicide (GBVF) to provide strategic leadership on matters relating to GBVF is important, this is not the most important issue as statutory bodies already exist that are on a par with the functions of the council proposed in the Bill.

She went on to say that chapter nine institutions have a mandate to strengthen constitutional democracy by ensuring that constitutional obligations are met, including oversight over the executive and the judiciary system (criminal justice in particular). The council will take away this capacity in terms of funding, which could be channelled to existing structures. Our justice system is already severely burdened, which has led to a lack of trust in these institutions.

The Chairperson for the Commission of Gender Equality (CGE), Adv Nthabiseng Sepanya-Mogale, expressed those same sentiments in her submission, stating that one of the commission’s functions is to monitor GBVF cases. To this end, the CGE has relationships with the Department of Social Development, the South African Police Services, the Department of Justice and Constitutional Development and the National Prosecuting Authority.

Furthermore, the CGE monitors GBVF cases at lower and higher courts to determine whether a fair trial is achieved and whether courts are accessible in terms of section 34 of the Constitution. Similarly, the South African Human Rights Commission (SAHRC) is responsible for monitoring and assessing the observance of human rights in the country. Arguably, this includes monitoring GBVF cases, as they violate the right to human dignity and the right to life. The Bill gives effect to chapter 1 and 2 of the Constitution, which includes human dignity, equality, personal security and the advancement of human rights.

Adv Sepanya-Mogale added that the SAHRC is already tasked with the function to uphold and protect human rights. Moreover, the state is also charged with the responsibility to give effect to chapter 1 and 2 of the Constitution. This confirms the view that the proposed council may duplicate functions and responsibilities. In line with the above, the CGE submitted that there are notable similarities between the functions of the proposed council and existing chapter 9 institutions.

Mr Ian Cameron from Action Society said if the Bill is passed it needs to ensure that it is one of action not just talk. The Bill must include a mandate to execute specific preventative and reactive GBV combating tasks. The council must make sufficient impact at ground level, he said.

**Yoliswa Landu**  
**7 June 2023**