**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 701**

**DATE OF QUESTION: 24 APRIL 2020**

**DATE OF SUBMISSION: 11 MAY 2020**

**Prof C T Msimang (IFP) to ask the Minister of Justice and Correctional Services:**

Whether he has found that the different measures that his department has adopted to combat the abuse of the rights of women and children has been successful in achieving that purpose; if not, (a) why have the measures not been successful and (b) what further steps will his department take in this regard; if so, why does the abuse of the rights of women and children seem to continue unabated?

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**REPLY:**

The projects regarding the establishment of Sexual Offences Courts in the Regional Courts, are yielding results, as part of the mechanisms to respond to and assist victims of gender based violence, in particular sexual offences. To date, 106 Sexual Offences Courts and 55 Thuthuzela Care Centres have been established.

With regards to the implementation of the Femicide Watch, the first phase to create a Dashboard of Femicide cases which assists the Department and Justice, Crime Prevention and Security (JCPS) Cluster to have the necessary information available regarding these heinous crimes, has been completed. The subsequent phases to assist in combating these horrendous crimes, are still work in progress.

1. Until the society deals with the core drivers of Gender-Based Violence and Femicide (GBVC), the court system might continue to fight a losing battle. The GBVF pandemic has direct bearings on strong patriarchal social norms, complex gender inequalities, socio-economic inequalities and its ailments, poor women empowerment, family dysfunction and unaccountability, and the low social value attached to female life; hence the upward spiral of femicide in the country. With the persistent downward spiral of the economy and the unemployment rate, and together with their harsh ramifications on families, efforts made by the court system may continue to struggle to reach the expected impact.

Therefore, the solution to GBVF does not lie with courts alone. It has been proven that greater incarceration and retributive justice often focus on symptomatic relief; hence the need for interventions with society at large to act collectively against the social ills that continue to breed violence against women and children. Until then, our courts may continue to fight a losing battle.

As it is said, an ounce of prevention is worth a pound of cure. The country needs to boost up its efforts on intervention. However, the focus on prevention cannot be placed primarily on the court system as courts are positioned in the criminal justice system to get involved after the fact.

1. The Department has immensely contributed in the development of globally-competitive pieces of legislation on GBVF. These include the Domestic Violence Act, 1998 (Act No. 116 of 1998), Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), Protection from Harassment Act, 2011 (Act No. 17 of 2011), and the Prevention and Combating of Trafficking in Persons Act, 2013 (Act No. 7 of 2013). Despite the wealth of this legal framework, South Africa has been criticised by the United Nations for struggling to bridge the gulf between *paper law* and *action*. However, it must be noted that poor implementation is a widespread challenge that many progressive countries are battling with, but with the recent introduction of the 2019 Presidential Summit Declaration against GBVF and its National Strategic Plan, South Africa is set to change this scenario. With the request of the Presidency, the Department led the process of developing this Declaration with government and civil society.

The abuse of women and children continues to increase and there are various reasons for this. At the heart of this challenge, is the patriarchal orientation of society which is fermented by gender prejudices and other forms of gender stereotypes.

The fight against the scourge of gender-based violence and other forms of women abuse is a battle that the society as a whole must embrace. Therefore, the Department’s efforts through for example, Sexual Offences Courts and awareness campaigns, should be seen as part of a bigger societal campaign to eradicate women and child abuse.