



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
18 July 2022

Original: English  
English, French and Spanish only

---

**Committee on the Elimination of Discrimination  
against Women**

**Eighty-third session**

10–28 October 2022

Item 8 of the provisional agenda

**Activities of the Committee under the Optional Protocol  
to the Convention**

**Inquiry concerning South Africa conducted under article 8  
of the Optional Protocol to the Convention**

**Follow-up report submitted by South Africa\***

[Date received: 8 June 2022]

---

\* The present document is being issued without formal editing.



## **I. Introduction**

1. The report transmits South Africa's response to the recommendations by the CEDAW Committee informed by the findings of the Confidential Inquiry Visit conducted in 2019, following the complaint received by the Committee on 28 February 2013 from the NGO Task Force acting on behalf of about 36 South African NGOs. The NGOs levelled claims against South Africa on the Human Rights abuses related to high levels of domestic violence, failure to comply with its due diligence obligation to protect women, and grave and systematic violations of the Convention obligations and commitments to the Convention.

## **II. Scope of the confidential inquiry visit**

2. During the inquiry visit the Committee met with government institutions, municipalities and Chapter 9 institutions which were affected by the allegations. Confidential meetings with selected victims, NGOs, and academic institutions were held. In line with the concerns raised by the NGO's to the CEDAW Committee the Confidential Inquiry Visit was conducted in South Africa with the affected parties as follows:

- Gauteng (Pretoria) The national departments were consulted: Deputy Minister of Women, Youth and Persons with Disabilities; the Deputy Minister of International Relations and Cooperation; and representatives of the following Departments: Women, Youth and Persons with Disabilities; Social Development; Justice; Labour and Employment; Rural Development and Land Reform; Basic Education; Higher Education; Human Settlements; Cooperative Governance and Traditional Affairs; Planning, Monitoring and Evaluation; Home Affairs; and Correctional Services. They also met with representatives of the National Prosecuting Authority, the South African Police Service and Statistics South Africa;
- Cape Town (Western Cape): Office of the Premier; Departments of Environmental Affairs and Development Planning; Community Safety; Human Settlements; Social Development; Agriculture; Health; Cultural Affairs and Sport; Education; Economic Development; Local Government; Transport; and Rural Development;
- East London (Eastern Cape): Office of the Premier; Department of Social Development; and Department of Sport, Recreation, Arts and Culture and KwaZulu-Natal (Durban): Office of the Premier; Department of Correctional Services; and Department of Higher Education;
- Gauteng (Johannesburg): The Chapter 9 were consulted: Chairperson and Commissioners of the Commission on Gender Equality; the Deputy Chairperson of the South African Human Rights Commission; and the Chairperson, Deputy Chairperson and Commissioners of the Commission on Culture, Religion and Linguistic Communities;
- NGOs visited: Thuthuzela Care Centre (TCC) at Cecilia Makiwane Hospital, TCC at police station in Mdantsane and TCC at Prince Mshiyeni Hospital, shelters and safe houses, interviewed survivors of domestic violence.

3. Therefore the investigations conducted by CEDAW Committee were mainly focusing on the following issues:

- The extremely high prevalence of sexual and gender based violence in South Africa; Harmful practices and domestic violence: The persistence of harmful

traditional and cultural practices such as ukuthwala (forced marriages of women and girls to older men through abduction) and polygamy, which exacerbate violence against women and expose women to the risk of contracting HIV/AIDS;

- Gender-stereotypes and socio-cultural context of domestic violence: The prevalence of societal attitudes which legitimize violence against women and discourage women from reporting violence to law enforcement authorities leading to impunity;
- Prevalence, forms and circumstances of domestic violence: The failure by South Africa to fully implement its due diligence obligation and to enforce laws to protect women and girl making femicide one of the leading causes of women's deaths in the country;
- Role of the police and the judiciary in investigating, prosecuting and punishing cases of domestic violence: The failure by South Africa to establish the magnitude of the problem of domestic violence due to a lack of research and databases as well as comprehensive statistics on domestic violence.

4. This report therefore seeks to provide clarity on measures South Africa adopted in addressing the aforementioned, including plans, continuous progress and interventions adopted to be employed in addressing the recommendations.

| <i>Theme</i>                            | <i>Findings</i>  | <i>South Africa's Response</i>   |
|---|--|--|
| Harmful practices and domestic violence | <p>1. Abduction of girls and women for marriage ('Ukuthwala')</p> <p>35. The CRL did not answer a designated member's question as to how the State party would ensure that 'Ukuthwala' takes place only with the woman's free, prior and informed consent and does not result in child marriage.</p> | <p>The State should ensure that all legislations and prescripts that protect the abuse of Women and Girls provide for their consent in the context of Ukuthwala. Procedures to be followed in the context of Ukuthwala practice should be crafted and lucidly spelt out to avoid the abuse of Women and Girls. Those tasked with the responsibility of making laws, should ensure that legislations protect and promote Ukuthwala without giving room for Women and Girls exploitation i.e. a particular procedure should be followed for those that wish to exercise their right to marriage through Ukuthwala practice.</p> <p>Currently, Ukuthwala of children is a criminal offence liable to life sentence if found guilty of Ukuthwala of children including women if they did not consent to it.</p> <p>In case of <i>Jezile V State</i> (A127/2014) [2015] ZAWCHC31-SAFLLI, the High Court confirmed the decision of the lower court on sentencing Mr Jezile to 22 years' direct imprisonment for Ukuthwala of a 14-year-old girl.</p> |

| <i>Theme</i>                      | <i>Recommendation</i>   | <i>South Africa's Response</i>   |
|-----------------------------------|---|--|
| Legal and institutional framework | Specifically criminalize and establish penalties commensurate with the gravity of all forms of domestic violence and femicide and introduce ex officio prosecution with the possibility of issuing a final warning rather than sentencing the perpetrator when a victim withdraws her complaint upon reconciliation | <p>The country recently amended and passed domestic violence legislation, the effect of which is commiserating the gravity of all forms of domestic violence with specific reference to additional offences provided and possible severe sentences to be imposed by the courts. In addition, the new legislation makes it more difficult for perpetrators to make bail which again displays the gravity on which domestic violence is regarding in SA.</p> <p>The Domestic Violence Amendment Act 14 of 2021 has been enacted to amend the provisions of the Domestic Violence Act, 1998 (Act No. 116 of 1998) (the Act), to address practical challenges, gaps and anomalies which have manifested themselves since the Act was put into operation in 1999. The Bill further proposes the introduction of online applications for domestic violence, among others.</p> <p>In addition, Criminal and Related Matters Amendment Act 12 of 2021, the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act 13 of 2021 has also been enacted to:</p> |

| Theme | Recommendation   | South Africa's Response  |
|-------|--|--|
|       | <p>Harmonize the definition of GBV across all legislation, identify the specific responsibilities of governmental departments to address domestic violence and require them to provide budgetary benchmarks or dedicated resources for gender-responsive budgeting</p> | <ul style="list-style-type: none"> <li>• Expand the scope of the NRSO to include the particulars of all sex offenders. Currently, the NRSO registers sex offenders convicted of sex crimes against children and persons who are mentally disabled;</li> <li>• Expand the ambit to include other vulnerable persons, namely, female persons between the ages of 18 and 25, persons with physical, intellectual or mental disabilities and persons 60 years of age or older who, for example, receive community based care and support services; and</li> <li>• Increase the periods for which a sex offender's particulars must remain on the NRSO before they can be removed from the Register.</li> </ul> <p>National Strategic Plan on Gender Based Violence and Femicide (GBVF) 2020 -2030 provides for a definition of GBV. The National Strategic Plan is a government and civil society's multi-sectoral strategic framework to realise a South Africa free from gender-based violence and femicide.</p> <p>The NSP is a multi-sectoral approach which harnesses the roles, responsibilities, resources and commitment across government departments, different tiers of government, civil society, movements, youth structures, faith-based structures, traditional structures, the media, development agencies, the private sector, academic institutions and all other stakeholders.</p> <p>The NSP centres around 6 pillars to achieve a vision of a South Africa free from GBV directed at women, children and LGBTQIA+ community with specific activities and responsibilities of government departments responsible to address GBVF.</p> <p>The Department of Social Development has developed the Victim Support Services Bill that is aimed at providing services that are victims centred. The VSS Bill has identified and outline specific responsibilities of various government departments. The Bill will be costed for implementation.</p> <p>The Western Cape Government drafted a Provincial Gender based violence implementation plan aligning to the NSP GBV&amp;F, and was signed off by the WCG cabinet in September 2020. Quarterly feedback</p> |

| Theme | Recommendation  | South Africa's Response   |
|-------|---|---|
|       | Provide dedicated funding for the implementation of the National Strategic Plan on GBV and Femicide and ensure that the GBV and Femicide Council is adequately resourced, independent and has a strong mandate;   | <p>is provided by the different WCG departments per pillar, as indicated in the NSP.</p> <p>WCG Transversal GBV Task Team was established and chaired by MEC: Social Development and HOD: Social Development. It is convened monthly and addresses relevant GBV topics - Gender Responsive budgeting, conversations with male staff in the WCG; etc.</p> <p>South Africa established the Gender-Based Violence and Femicide (GBVF) Response Fund 1 to provide dedicated funding for the implementation of the National Strategic Plan on GBVF. The Gender-Based Violence and Femicide (GBVF) Response Fund was launched by the President on 4 February 2021.</p> <p>The Fund exists to harness collective resources in all sectors of the economy, led by the private sector to strengthen the national response to gender-based violence and femicide (GBVF) in South Africa.</p> <p>Government of South Africa has allocated approximately R21 billion over the next three years to support the six pillars of the National Strategic Plan. Most of these funds are allocated under Pillar 5 of the National Strategic Plan on Gender Based Violence and Femicide.</p> <p>The Department of Social Development has sustained funding of NPO partners providing victim support services.</p> |
|       | Amend section 26(1) of the Marriage Act and section 3 of the Recognition of Customary Marriages Act to raise the minimum age of marriage to 18 years for both women and men without exceptions, empower courts to invalidate child and forced marriages, prohibit 'Ukuthwala' involving girls and payment of bride prices, and enforce the prohibition of child and forced marriage, particularly in rural areas and within traditional communities | South Africa is embarking on a process of developing a new policy to harmonise all marriages in South Africa.   |
|       | Repeal provisions of the Recognition of Customary Marriages Act that allow, tolerate or condone harmful practices such as polygamy and Ukuthwala and amend the Act to define the criteria for   | <p>A process of harmonising the different acts on marriage South Africa into one Act in which the minimum age of marriage is proposed at 18 years is underway.</p> <p>On 23 March 2022, Cabinet approved the White Paper on Marriages in South Africa for implementation. The White Paper responds to many court judgements that have found some elements of the current marriage legislation to be unconstitutional. It has aligned all marriages to be concluded in accordance with the principles of equality, non-discrimination and human dignity as provided for in the Constitution of the Republic of South Africa of 1996.</p>   |

| Theme | Recommendation   | South Africa's Response   |
|-------|--|---|
|       | ascertaining the free, full and informed consent of the women concerned  | <p>The White Paper on Marriages and life partnerships in South Africa approved in March 2022 provide a foundation for drafting new marriage legislation.</p> <p>The white paper, articulate clear policy proposals to enable the drafting and submission of new marriage legislation.</p> <p>Some of the key changes that have been proposed include:</p> <ul style="list-style-type: none"> <li>• The new Marriage Act will enable South Africans of different sexual orientations, religious and cultural persuasions to conclude legal marriages;</li> <li>• The introduction of strict rules around the age of marriage (including the alignment of the age of majority in the marriage legislation to the Children's Act);</li> <li>• It will align the marriage, marital property and divorce legislation to address marital property and intestate succession matters in the event of the marriage dissolution;</li> <li>• It will allow for equitable treatment and respect for religious and customary beliefs in line with Section 15 of the Constitution.</li> <li>• It will deal with the solemnisation and registration of marriages that involve foreign nationals;</li> <li>• It will deal with the solemnisation and registration of customary marriages that involve non-citizens, especially cross-border communities or citizens of our neighbouring countries.</li> </ul> |
|       | Adopt the Gender Equality Bill and ensure that it defines and prohibits all forms of direct and indirect forms of discrimination against women and provides stronger mandates to the national machinery for the advancement of women to regulate service provision and the CGE to oversee and hold the government accountable for the implementation of gender equality legislation. | <p>South Africa has initiated the process of redrafting the Bill which will be consulted upon in the 2022/23 period.</p> <p>The draft Bill seeks to address all forms of discrimination against women and provide stronger mandates to the NGM and other institutional arrangements/mechanisms for the advancement of women.</p> <p>The CGE Act, No 39 of 1996 provides the mandate to the Commission to hold government and other stakeholders accountable (S 11(1)(a)) which includes holding government accountable for the implementation of equality legislation and any other legislation pertaining to women and gender equality.</p>  |

| Theme           | Recommendation   | South Africa's Response   |
|-----------------|--|---|
| Law enforcement | Exercise due diligence to prevent, investigate, punish and provide effective remedies to victims of domestic violence; | <p>South African Police Services introduced Mobile contact points (mobile community centres) were introduced to improve police presence, to ensure accessibility, to enhance service delivery in crime hot spots and to enhance and strengthen the relationship between communities and the Police. A total number of 12 chassis cab trucks have been converted for use as mobile contact points.</p> <p>Government of South Africa introduced the Domestic Violence Amendment Bill in 2020 which was enacted in 2021. The Amendment Act seeks to amend the provisions of the Domestic Violence Act, 1998 (Act No. 116 of 1998) (the Act), to address practical challenges, gaps and anomalies which have manifested themselves since the Act was put into operation in 1999 and which render women and children helpless to the violence they experience, often in the confines of their homes.</p> <p><i>Key intervention 1: Strengthen leadership and accountability</i></p> <ul style="list-style-type: none"> <li>(a) Functionary's obligation to report domestic violence. Clause 2A of the Amendment Act puts a positive obligation on a functionary, who in the course of the performance of their duties or the exercise of their functions obtains information which, after evaluation by them, causes them to believe or suspect on reasonable grounds, that a child, a person with a disability or an older person is a victim of domestic violence to without delay report such belief or suspicion to a social worker or a member of the South African Police Service.</li> <li>(b) Adult obligation to report domestic violence. Clause 2B of the Act places an obligation on an adult person who knows, or believes or suspects on reasonable grounds, that an act of domestic violence has been committed against a child, a person with a disability or an older person, to report such knowledge, belief or suspicion as soon as possible, to a social worker or the South African Police Service.</li> <li>(c) Domestic Violence Safety Monitoring Notice. Clause 4A (6) of the Act empowers the court to order the station commander to direct a member of the South African Police Service under their command to contact the complainant at regular intervals by means of an electronic service at an electronic address as specified in an Annexure to the notice, and to enquire about the complainant's wellbeing; and at regular intervals, to visit the joint residence and to see and to communicate in private with the complainant.</li> </ul> |



| Theme | Recommendation | South Africa's Response   |
|-------|----------------|---|
|       |                | <p>(d) Electronic Communications Service Providers to assist courts. Clause 5B(1) of the Act provides that if an application for a protection order is made and it is necessary to determine whether an electronic communication, which was used to commit an act of domestic violence, was disclosed by the respondent, the court may direct an electronic communications service provider, that is believed to be able to furnish particulars, to furnish the court by means of an affidavit with, inter alia, any information that is available to an electronic communications service provider that may be of assistance to the court to identify the person who disclosed the electronic communication or the electronic communications service provider, that provides a service to that person.</p> <p>Clause 5B(6) of the Act provides that if the court issues a protection order, it must at the same time issue an order to the electronic communications service provider whose electronic communications service is used to host or disclose the electronic communication which was used to commit an act of domestic violence, to immediately remove or disable access to the electronic communication.</p> <p>(e) Director-General to develop an electronic repository of domestic violence protection orders. Clause 6A(1) of the Act obliges the Director-General to develop, establish and maintain the integrated electronic repository for domestic violence protection orders. This repository will store all domestic violence related documents for easy access and retrieval by authorised personnel in case where the original document is lost, destroyed or misplaced.</p> <p>(f) Directives for clerks of the court. Clause 18A of the Act obliges the Director-General: Justice and Constitutional Development to issue directives with which clerks of the court must comply in the execution of their functions in terms of the Domestic Violence Act, which directives must be published in the Gazette. The directives will set out the duties and responsibilities of the clerks of the court in relation to applications for domestic violence protection orders, and must ensure that adequate disciplinary steps will be taken against a clerk of the court who fails to comply with any directive.</p> |

- (g) Provision of legal aid at State expense. Clause 19(1) of the Act empowers the Minister of Justice and Correctional Services to make regulations regarding, inter alia, the granting of legal aid at State expense in appropriate cases in consultation with the Legal Aid South Africa to the complainant, respondent or a child to assist them with an application for a protection order in terms of this Act. The provision of legal aid is no longer confined to a child but is extended to the complainant and respondent.

*Key intervention 2: multi-sectoral coordination*

- (h) Directives by various stake-holder departments. Clause 18B of the Act provides that the Directors-General of the departments responsible for Health, Social Development, Basic Education, Higher Education, Science and Innovation and Communications and Digital Technologies must —
- (i) in consultation with Cabinet members responsible for health, social development, basic education, higher education, science and innovation, police and communications and digital technologies; and
- (ii) after consultation with the Director-General: Justice and Correctional services, National Director of Public Prosecutions and National Commissioner of the South African Police Service, publish in the Gazette directives regarding matters which are reasonably necessary or expedient to be provided for and which are to be followed by functionaries and other relevant persons when dealing with incidents of domestic violence, in order to achieve the objects of this Act. This promotes coordination amongst the relevant stake-holder departments.

The Western Cape Provincial government activated an additional 6 shelters for victims of crime and violence in the rural areas.

Furthermore, social work services have been activated in hotspot areas

The Western Cape Provincial government support NPO's to render GBV educational workshops in hotspot/ high risk communities in the Western Cape. This is also done by the key stakeholder departments nationally in hot spot areas.

| Theme  | Recommendation   | South Africa's Response |
|--|--|-------------------------|
| Ensure that perpetrators of domestic violence are not released on bail, are prosecuted and receive penalties commensurate with the gravity of the offence, as well as adequate correctional and rehabilitation services to prevent recidivism; | <p>The Western Cape Police Ombudsman receive and investigate service delivery complaints against the South African Police Service in the Western Cape.</p> <p>Should a victim of GBV find that there were elements of poor investigation, or that victims face secondary trauma at the police station, the office will be able to support victims by way of investigating the policing inefficiency. The Western Cape Community Safety Act, 2013 is being reviewed to include Law Enforcement bodies.</p> <p>President of South Africa signed into law legislation aimed at strengthening efforts to end gender-based violence, with a victim-centred focus on combating this dehumanising pandemic. The President has assented to the Criminal and Related Matters Amendment Act 12 of 2021. The purpose of the Act is to amend -</p> <ul style="list-style-type: none"> <li>• The Magistrates' Courts Act, 1944, so as to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings; the oath and competency of intermediaries; and the giving of evidence through audio-visual link in proceedings other than criminal proceedings;</li> <li>• The Criminal Procedure Act, 1977, so as to further regulate the granting and cancellation of bail; the giving of evidence by means of closed circuit television or similar electronic media; the giving of evidence by a witness with physical, psychological or mental disability; the appointment, oath and competency of intermediaries; and the right of a complainant in a domestic related offence to participate in parole proceedings;</li> <li>• The Criminal Law Amendment Act, 1997, so as to further regulate sentences in respect of offences that have been committed against vulnerable persons; and</li> <li>• The Superior Courts Act, 2013, so as to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings; the oath and competency of intermediaries; and the giving of evidence through audio-visual link in proceedings other than criminal proceedings, and to provide for matters connected therewith.</li> </ul> |                         |

| Theme | Recommendation   | South Africa's Response   |
|-------|--|---|
|       | <p>Provide mandatory, recurrent and effective capacity-building for the judiciary, law enforcement officers, forensic medical experts, health care personnel and social workers on all forms of domestic and sexual violence, the strict application of the DVA and the Sexual Offense Act (SOA), gender-sensitive questioning, proper case management and collection and use of forensic evidence, and their role in protecting, encouraging and assisting victims to report cases of domestic violence</p> | <ul style="list-style-type: none"> <li>• WC DOCS Monitoring of Domestic Violence and the role played by SAPS in the registration of domestic violence incidents, registration of criminal cases and the investigation of those criminal cases through oversight and the Court Watching Briefs. Reporting of the systemic failures which lead to GBV cases being struck of the court roles.</li> <li>• Assess 151 police stations which includes observation visits to VEP rooms, as the SAPS report on the functions related to domestic violence at the Domestic Violence Compliance Forum.</li> </ul> <p>A National Forensic Services Corporate Renewal Strategy was developed, to improve and strengthen the functioning and contribution of forensic services in the Criminal Justice System. The Strategy is aimed at improving the use, coordination, monitoring and impact of forensic products in criminal investigations and criminal court processes.</p> <p>Matters addressed in the Strategy are:</p> <ul style="list-style-type: none"> <li>• to capacitate forensic services, including an adequate baseline (operational) budget and the appointment of sufficient forensic staff; optimal crime scene investigation and exhibit collection; subsequent forensic analysis of exhibit material; storing and comparative searching related to fingerprints and forensic DNA profiles; and the provisioning of forensic products to detectives and courts to be used in the resolution of crime, including the quality of the process of exhibit preservation and collection on crime scenes that would substantially improve investigations and stand up to scrutiny in courts. The Strategy incorporates key findings made in the report on the Economic Evaluation of the Incremental Investigation in Forensic Services that was released by the DPME.</li> </ul> <p>Compliance with the taking of buccal samples from Schedule 8 arrested offenders are prioritised, in support of the implementation of the DNA Act. These offences are: murder, attempted murder, all types of sexual offences (including rape and sexual assault), all types of robbery, all types of burglary, all types of theft (excluding stock theft) and the illegal possession of firearms and ammunition.</p> |

| Theme | Recommendation | South Africa's Response   |
|-------|----------------|---|
|       |                | <p>During 2020/2021, a total of 86 969 buccal samples were taken from a total number of 199 507 suspects arrested for Schedule 8 offences by the South Africa Police Service.</p> <p>During the 2021/2022 financial year, the National Prosecuting Authority SOCA Unit delivered 70 training sessions on the GBVF mandate to prosecutors and relevant stakeholders. These sessions <i>inter alia</i> include a curriculum on social context awareness. Our training manuals are annually reviewed and updated in line with the latest developments in law and legislation. This is also an ongoing responsibility for the NPA.</p> <p>In February 2020, the Sexual Offences Courts (SOCs) were promulgated into law in terms of Section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007).</p> <p>The aim is to create a justice system that is quick, responsive, caring and effective for victims of sexual offences.</p> <p>South Africa established a Task Team for the Designation of Sexual Offences Courts constituted by the Regional Court President (Limpopo), NPA (SOCA UNIT), Legal Aid SA, and Rape Crisis, Western Cape, and chaired by the CD: PRVG, to develop a Compact for the Designation of Courts as Sexual Offences Courts. The Compact was intended to set a roadmap to the implementation of the Regulations relating Sexual Offences Courts and the step-by-step process for the designation of courts as sexual offences courts in terms of section 55A of the Act.</p> <p>The task team finalised the development of the Compact in February 2021 and it constituted of the Guidelines for Designation of Sexual Offences Courts and the Checklist for the Selection of Courts for Designation.</p> <p>Due to the delay in DNA reports from the Forensic Science Laboratory (FSL) in South African Police Station, the National Prosecution Authority commenced with a collaboration initiative to address the urgency of DNA reports being finalised for court purposes. This is to also address the increased backlog of cases at courts due to the outstanding DNA reports. From October 2020, the project resulted in 2743 reports finalised from FSL and submitted to prosecutors to ensure that cases are being prioritized and prosecuted in court.</p> |

| Theme | Recommendation | South Africa's Response   |
|-------|----------------|---|
|       |                | <p>Capacity building is ongoing within the WC (rephrase) WC Funded Social Workers trained in substance use disorder given intersection between GBV and substance abuse.</p> <p>Issue to capacitate the Traditional Authorities in rural communities (Dikgosi/Ndonas) in rural communities Limpopo developing a localised document/guidelines/framework to guide on GBV. DSD Limpopo undergoing GBV Roadshows at MEC Level to create awareness. To ensure localisation of NSP at provincial level/local ground.</p> <p>Project Ndabezitha on role of Traditional Leaders in addressing GBV Cases – trained by the NPA. Reflect the role of Traditional Leaders in addressing GBV, highlight the impact and assessment.</p> <p>National Department of Health developed SRHR Curriculum. Module 13 – centered on GBV. Clinicians and non-clinicians are trained and capacitated across all 9 provinces. on handling the victims of GBV at facilities, including at primary health care facilities,</p> <p>Department of Social Development works with NPO partners and with Disability sector, to train social workers in trauma informed care and strengthening service delivery to LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Asexual) victims of gender based violence.</p> <p>Representatives of the Shelter social workers were trained in substance use disorder</p> <p>DSD conducted capacity building to representatives of Disability sector on GBV; National Strategic Plan and through this, strengthened intersectoral collaboration.</p> <p>Check with Justice, NPA and Judiciary on the training of the judiciary, SAPS</p> <p>Include internal plans for judiciary training: Association of Women Judges Training / Law Enforcement etc.</p> <p>Establish if there are training manuals and reflect if there are any, and the progress thereof.</p> <p>Awareness session are planned focussing on substance abuse, gender based violence and agri-worker rights and responsibilities.</p> |

| <i>Theme</i> | <i>Recommendation</i> | <i>South Africa's Response</i>   |
|--------------|-----------------------|--|
|              |                       | <p>Gender-based violence information sessions, Human Trafficking awareness sessions targeted at employees are conducted through the EHW service provider to raise awareness, following 365 days of no violence approach.</p> <p>GBV information sessions also focus on the role of Health care workers to assist and refer survivors for support.</p> <p>Management rural safety cases linking to all role players through referral pathways following an integrative approach.</p> <p>Total number of members trained and declared competent for the period 1 April 2015 to 31 March 2021 as per the Training Administration System on 15 September 2021:</p> |

| <i>Course Description</i>                             | <i>Trained Members</i> | <i>Competent Members</i> |
|---|------------------------|--------------------------|
| Basic Course in Hostage and Suicide Negotiation       | 80                     | 74                       |
| National Victim Empowerment Training Programme        | 4 862                  | 4 845                    |
| Domestic Violence Learning Programme                  | 11 740                 | 11 690                   |
| Children and Youth at Risk                            | 4 364                  | 4 335                    |
| Human Rights in Policing Programme                    | 3 741                  | 3 740                    |
| First Responder to Sexual Offences Learning Programme | 7 551                  | 7 542                    |
| Sexual Offences Course for Investigating Officers     | 3 422                  | 3 409                    |
| Resolving of Crime Skills Programme 1                 | 5 412                  | 5 214                    |
| Vulnerable Children Course                            | 8 083                  | 8 065                    |
| Basic Police Development Learning Programme           | 10 156                 | 10 155                   |
| Basic Crime Investigative Practice                    | 4 752                  | 4 712                    |
| Family Violence Child Protection and Sexual Offences  | 852                    | 852                      |
| Psychologically Motivated Crime Course                | 267                    | 263                      |
| <b>Total</b>  | <b>65 282</b>          | <b>896</b>               |

There is a monitoring tool developed to assist in the monitoring and reporting of the SAPS activities towards the implementation of the Gender Based Violence and Femicide National Strategic Plan (2020-2030). The SAPS report to the DWYPD on monthly basis regarding the implementation of the Gender Based Violence National Strategic Plan

| Theme | Recommendation  | South Africa's Response   |
|-------|---|---|
|       | <p>Prosecute all cases of rape ex officio, including when the victim is 16 years or older or withdraws her complaint against the perpetrator;</p> | <p>The Criminal Law (Sexual Offences and Related Matters) Amendment Bill [B16B-2020] as it pertains to the Amendment Bill's proposed amendments to extend the ambit of the offence of incest, to introduce a new offence of sexual intimidation, to regulate the inclusion of the particulars of persons on the National Register for Sex Offenders, and to regulate the reporting duty of persons who were aware that sexual offences had been committed against children. The introduction of this legislation will ensure that all cases of rape are reported and prosecuted.</p> <p>Part I of Schedule 2 to the Criminal Procedure Act provides that the offence of rape—</p> <p>(a) when committed—</p> <ul style="list-style-type: none"> <li>i. in circumstances where the victim was raped more than once, whether by the accused or by any co-perpetrator or accomplice;</li> <li>ii. by more than one person, where such persons acted in the execution or furtherance of a common purpose or conspiracy;</li> <li>iii. by a person who has been convicted of two or more offences of rape or compelled rape, but has not yet been sentenced in respect of such convictions; or</li> <li>iv. by a person, knowing that he has the acquired immune deficiency syndrome or the human immunodeficiency virus, is punishable by life imprisonment.</li> </ul> <p>Clause 15 of the Criminal and Related Matters Amendment Bill also provides for circumstances where the offence of rape is punishable by life imprisonment, where the victim of the offence is a vulnerable person. In terms of this amendment—</p> <p>(a) the age of a vulnerable person is increased from 16 years to 18 years; and</p> <p>(b) a new item is inserted to extend the application of Part I of Schedule 2 to a victim who is or was in a domestic relationship, as defined in</p> |



| Theme | Recommendation  | South Africa's Response   |
|-------|---|---|
|       | <p>Provide systematic training to ensure that law enforcement officers investigate domestic violence cases swiftly, independently and thoroughly, including when a victim withdraws her complaint upon reconciliation with the perpetrator;</p> <p>Provide SAPS with the necessary skills and means, including sufficient vehicles, IT tools and training, to serve, enforce and monitor protection orders, accompany victims to collect personal belongings and confiscate firearms from perpetrators;</p> <p>Strengthen accountability mechanisms to punish non-compliance by SAPS officers with their duty to investigate and their obligations under the DVA, corruption, or collusion with perpetrators;</p> <p>Provide confidential debriefing spaces and psychological support to SAPS officers undergoing trauma, and incentives to register domestic violence cases by including GBV indicators in their performance evaluation plans;</p> | <p>With reference to the NPA, for the past 2021/2022 financial year the NPA SOCA Unit delivered 70 training sessions on the GBVF mandate to prosecutors and relevant stakeholders. These sessions inter alia include a curriculum on social context awareness. Our training manuals are annually reviewed and updated in line with the latest developments in law and legislation. This is also an ongoing responsibility for the NPA.</p> <p>KZN – training (SAPS, NPA) in dealing with Domestic Violence cases at District level. Provincial Men’s Forum aimed to strengthen curbing GBV, also highlight GBV case on Men by Women.</p> <p>Eastern Cape: 2 ongoing cases: Young man stabbed by women. The prioritisation of GBV cases. Warranting for SAP training on dealing with cases. The men’s forum and gender Machinery Training aid in addressing GBV in the province.</p> <p>Provision and inclusion of the NSP to be migrated and integrated into the Curriculum of Justice College.</p> <p>SAPS provide necessary skills and training to members of the police service, to serve, enforce and monitor protection orders, accompany victims to collect personal belongings and confiscate firearms from perpetrators. This is part of the SAPS training.</p> <p>Independent Police Investigative Directorate (IPID) has been established to fulfil an oversight role over South African Police Service (SAPS) and Municipal Police Service (MPS). IPID conducts investigations into police criminality, particularly cases of death, rape, and corruption, including crimes against vulnerable groups such as women, children, and persons with disabilities.</p> <p>Psychological support services for Members of the South African Police Services are largely provided through the SAPS Employee Wellness and Assistance Programme.</p> |

| Theme             | Recommendation  | South Africa's Response   |
|-------------------|---|---|
|                   | Introduce an electronic case management system and provide training on its use to prevent the loss of dockets   | <p>Domestic Violence Amendment Act seeks to amend the provisions of the Domestic Violence Act, 1998 (Act No. 116 of 1998) (the Act), to address practical challenges, gaps and anomalies which have manifested themselves since the Act was put into operation in 1999. The Bill further proposes the introduction of online applications for domestic violence, among others.</p> <p>The National Prosecuting Authority is improving efforts to modernise the prosecution service and broader criminal justice system. The prosecution service has enhanced the use of the Electronic Case Management System (ECMS) and the development of electronic systems and solutions related to trials. Increased use of audio-visual remand (AVR) systems and the development of court audio visual solutions (CAVS) form part of the solutions agreed by the entities in the criminal justice system (CJS) to enhance service delivery.</p> |
|                   |   | <p>Prosecutors are being trained virtually and are provided with support on the use of the ECMS. Further training modules have been developed, including modules on investigating officer diaries and decision dockets.</p>   |
|                   |   | <p><i>SMS notifications</i></p>   |
|                   |   | <p>The implementation of electronic notifications in the form of SMS notifications is aimed at optimising the tracking and communication on the processing of justice services, in that as court cases proceed through various stages, SMS messages will be sent to the parties to notify them of the status of their case as well as communicating court appearance dates. This alleviates the need for the parties of a case to telephonically contact or visit the courts to enquire about the status of their cases or their next court appearance dates. This capability has been implemented for domestic violence and family advocate services and will be implemented for other identified services in the next financial years.</p>  |
| Access to justice | Remove barriers to justice faced by women and girls, including by providing institutionalized affordable or, if necessary, free legal aid for domestic violence victims, irrespective of the perpetrator's legal representation, and reimbursement of transportation costs, and by funding organizations providing legal assistance to victims; | <p>For the past 2021/2022 FY, the NPA increased its number of TCC sites nationally to 60 sites and at the said sites, 34 456 matters were reported. All these victims received the required services. Of the number reported, 88% of the matters are specifically in relation to sexual offences and 58.3% with children as victims.</p> <p>Secondly, the NPA is in the process of establishing an additional 10 TCC-sites nationally.</p>  |

| Theme | Recommendation | South Africa's Response   |
|-------|----------------|---|
|       |                | <p>Furthermore, the NPA in its quest to increase the number of matters reported by victims nationally at TCC-sites, expanded its service to include a Domestic Violence Protocol at the TCCs to provide further assistance to victims. We have introduced such a protocol to eventually be implemented by all TCC sites. As part of the protocol all TCC-staff members are trained to assist the victim to apply for a domestic violence protection order and a nodal point at the court to assist with the process in granting the order.</p> <p>Representation for vulnerable or specialist groups of people is provided by the Legal Aid South Africa. This is available through our mixed model service delivery mechanism. Legal Aid South Africa Local offices have established links with 948 organisations working with vulnerable groups. Legal Aid SA work in co-operation with University Law Clinics who have specialist capacity to assist certain vulnerable groups such as refugees.</p> <p>Women constituted 57.7% of overall clients assisted in civil matters. A total of 2,517 children were assisted in administration of deceased estate matters and R50 million paid out to beneficiaries in estate matters. Legal Aid South Africa also offer legal assistance to the elderly and mental healthcare patients as well as refugees.</p> <p>Legal Aid SA works with Child-line SA and links with the Teddy Bear Foundation, to create creating greater access to legal services for children and caregivers of children. The Legal Aid SA also work with the National Movement of Shelters to provide the option of referral for legal services to people affected by gender-based violence.</p> <p><i>Provincial focus</i></p> <p>Government of South Africa is also running the Khuseleka One-Stop Centre, which are open 24 hours a day and provides services such as trauma counselling and psychological support, healthcare, police services, legal assistance and shelter for victims of abuse. These one-stop centres are available in 6 provinces: Limpopo, North West, Western cape, Gauteng, Eastern cape, and Northern cape.</p> <p>Western Cape Province funds a paralegal service at the provincial Khuseleka Centre at the Saartjie Baartman Women's Centre for women and children</p> |

| Theme | Recommendation   | South Africa's Response  |
|-------|--|--|
|       | <p>Require court clerks to assist victims to fill out application forms for protection orders, inform them about the need to show imminent harm and to appear on the return date for obtaining an eviction or a final protection order, as well as to report recurring violence;</p>   | <p>WC DSD funds CBO NGO's (lay counsellors/Social Auxiliary Workers) at specified courts, to assist victims to complete protection orders; provide emotional containment and referral to resources.</p> <p>KZN: Collaborate with CBO/ NGO play crucial role in providing support. Women's Network is providing support to other Women organisations and Network to assist victims: support, court cases, housing and lodging.</p>  |
|       | <p>Train magistrates and clerks to formulate protection orders that effectively protect victims and prohibit further acts of domestic violence, ensure that applicants are received outside court working hours, referred to victim support services and that they can make applications online and in victim-friendly facilities;</p> | <p>The National Prosecuting Authority compiled a comprehensive GBV draft strategy for national implementation by all prosecutors, which is addition to all relevant policy directives on related GBV legislation.</p> <p>To complement current GBV related Training manuals, further research and development of specific module on GBV to be included in relevant material was undertaken. These training materials are reviewed and updated on annual basis before the delivery of all related training sessions. It also includes a crucial session on social context awareness as presented to all prosecutors and integrated stakeholders.</p>  |
|       | <p>Ensure that police officers located in TCCs are available 24/7, increase the number of adequate victim friendly facilities in police stations and ensure that police officers and volunteers undergo training on gender-sensitive protocols;</p>  | <p>The 55 TTCs continued to be fully operational providing a victim-centric service in an effort to reduce the trauma associated with sexual offences.</p> <p>Significant progress was, made in establishing two additional sites in Cradock-(EC) and the Paarl (WC) where services commenced despite them not being fully operational.</p> <p>A 16.6% reduction in matters reported at the TCCs was noted which is ascribed to the impact of the COVID-19 pandemic. During the year under review, 29 593 victims were assisted at the 55 TCCs, of which 26 281 (89%) were victims of sexual offences. For the past four years, the TCCs delivered services to 133 593 victims, 89.5% of which were specifically victims of sexual offences while 57.6% of these were children.</p> <p>The TCCs referred cases to the courts for prosecution and 734 convictions in the 993 cases finalised with a verdict (73.9% conviction rate) were obtained.</p> <p>The conviction rate decreased by 1% from that obtained in the previous financial year. It was also noted that over the last two financial years the courts have imposed more severe sentences. Eighteen percent (18.1%)</p> |

| Theme | Recommendation  | South Africa's Response   |
|-------|---|---|
|       | <p>Ensure that victims of domestic violence have access to effective remedies, including rehabilitation, and that cases are not referred to alternative dispute resolution procedures or traditional courts prioritizing mediation;</p> | <p>of all accused convicted of rape were sentenced to life imprisonment, while 50.5% of the accused received sentenced of long-term imprisonment in line with the Minimum Sentences Legislation. Despite this, the scourge of sexual offences and related offences is not abating and is becoming a national crisis.</p> <p>The National Prosecuting Authority finalised 3 349 sexual offences cases with a verdict and there were convictions in 2 539 cases in the 2020/21 financial year. The target for the conviction rate in sexual offences cases was exceeded by 5%. The conviction rate of 75.8% is the highest conviction rate recorded in the past nine years and is a clear indication of the commitment to act decisively in these cases.</p> <p>The Western Cape DSD funds psychosocial services at all Thuthuzela Care Centres (TCC) in the province that is available 24/7. Services funded include funding of lay counsellors or social auxiliary workers to provide emotional containment of rape victims when presented at the TCC, as well as funding of social workers to provide long term psychosocial support. The Department has furthermore appointed 30 GBV Social Workers in 2020 that assist with long-term psychosocial support of victims.</p> <p>The GBV Command Centre and KZN DSD call Centre operates for 24 hours a day in seven days per week and has the capacity to receive telephone calls from members of the public in need of counselling, conduct intensive telephone counselling sessions and refer the cases for psycho-social service providers for follow up and continuation with psycho-social support by local service office Social Workers.</p> <p>DSD also funds the Lifeline Organisation who employs Social Workers who render psychosocial support services to victims at 92 Police stations, all 8 Thuthuzela Care Centres and 13 Crisis Care Centres in all Districts.</p> <p>The Department of Social Development funds shelters and service organisations at critical entry points to provide psychosocial support services to victims of GBV.</p> <p>The Department of Social Development has developed the Intersectoral shelter policy for victims of crime and violence in order to standardise quality of services rendered at the shelters across the country. The aim</p> |

| Theme | Recommendation  | South Africa's Response  |
|-------|---|--|
|       | <p>Create a supportive environment to encourage victims to report incidents of domestic violence by:</p> <ul style="list-style-type: none"> <li data-bbox="512 516 1045 699">i. Destigmatizing victims, dismantling commonly held victim-blaming beliefs, protecting victims from threats and retaliation by perpetrators before, during and after legal proceedings, and imposing strict penalties for breaches of protection orders;</li> <li data-bbox="512 743 1045 862">ii. Ensuring victims' access to forensic psychiatric evidence, especially in rural areas, and fast-tracking forensic medical examinations at day hospitals;</li> <li data-bbox="512 1224 1045 1442">iii. Ensuring that court proceedings are not unduly prolonged, avoiding direct confrontation of victims with perpetrators, eliminating judicial gender bias and raising awareness among the judiciary and police of the need to give due weight to women's and girls' testimonies as parties and witnesses;</li> </ul> | <p>of the Intersectoral shelter policy is to ensure that shelters across the country are inclusive in the accommodation of victims, this covers LGBTI victims and children. The policy addresses the recommendations of the 2019 CGE report on the Status of Shelters in South Africa. Furthermore, the same policy advocates for the skills development to be implemented in all shelters for economic empowerment of women.</p> <p>National and provincial government provides support to NPO's to render GBV educational workshops in hotspot/ high risk communities.</p> <p>Funding is also provided to organisations rendering court support services to provide victims with psychosocial support when applying for a protection order or for proceedings at sexual offences courts; providing containment and referral to further services</p> <p>Through the Provincial VEP forum stakeholders meet quarterly to discuss victim support services blockages.</p> <p>Most GBVF cases rely on forensic evidence in the form of DNA, therefore, the NPA SOCA Unit collaborated with SAPS FSL (who is responsible for the DNA analysis) to ensure a fast-tracking process re these reports.</p> <p>Since October 2020 up to 26 May 2022, a total of 10 490 of these reports were prioritized accordingly and submitted to prosecutors in the divisions nationally.</p> <p>This process has a direct positive impact on the prioritization and finalisation of these cases in court, which ensures an improved victim-centric approach by the CJS.</p> <p>The reports following forensic psychiatric evaluations of Victims are submitted to the Courts as part of expert evidence in a particular court case.</p> <p>Forensic medical examinations are also provided in District Hospital in Rural Areas. Victims are accessing support from DoH, psychiatric and psychological support and evaluation at rural areas. SA addressing the challenges. The reports following forensic psychiatric evaluations of Victims are submitted to the Courts as part of expert evidence in a particular court case. Feedback is given to all mental health care users</p> |

| Theme          | Recommendation  | South Africa's Response  |
|----------------|---|--|
| Victim support | <p>iv. Ensuring that courts adequately take into account domestic violence when determining child custody or visitation rights</p> <p>Establish a centralized electronic case management system in the judiciary to ensure effective and efficient handling of cases of domestic violence.</p> <p>Increase the number of and provide sufficient funding to TTCs to ensure that they can operate 24/7, provide adequate medical and psychosocial support to victims of sexual violence, particularly in rural areas, and train social workers on trauma counselling;</p> | <p>following mental health assessments as part of care, treatment and rehabilitation in designated psychiatric hospitals across the country.</p> <p>The electronic case management system was introduced in January 2020 in South Africa.</p> <p>Performance of the NPA established TCC-sites for the past 20212-2022 FY reflects the following:</p> <ul style="list-style-type: none"> <li>• 60 sites</li> <li>• Matters reported; 34 456</li> <li>• Conviction rate of TCC cases finalised in court; 76.7% (which is 6.7% above our national target)</li> <li>• 1346 cases finalised, which is an increase of 35.5% from the previous Financial Year</li> <li>• Breakdown of sentences imposed by the courts for TCC reported cases;</li> <li>• Life imprisonment sentences: 201 (an increase of 60 (42.5%) versus the previous FY)</li> <li>• 20-25 years imprisonment sentences: 106 (an increase of 21 (24.7%) versus the previous FY)</li> <li>• 10-19 years imprisonment sentences: 378 (an increase of 83 (28.1%) versus the previous FY)</li> <li>• Furthermore, it confirms that the courts are generally imposing more severe sentences specifically on rape offences in relation to TCC verdict cases, in comparison with the FYs prior to the NSP on GBVF (2018).</li> </ul> <p>The NPA, who is mandated to manage TCCs in the country (due to the prosecution-court link to the model), has embarked on an accelerated expansion to rapidly increase the number of TCCs in the country nationally with due regard to rural and urban areas.</p> <p>Furthermore, the NPA has a comprehensive court preparation program for all victims of crime, which has a central focus in its approach to</p> |

Adopt the Victim Support Services Bill, define VES as mandatory services, adequately fund NGO-run shelters and safe houses, increase the daily benchmark allocation per resident using the same funding model in all provinces, remove bureaucratic obstacles to DSD subsidies and the requirement for NGOs to have infrastructures in at least four provinces, and facilitate the acquisition by NGOs of the land where their shelter premises are based;

Ensure that shelters and safe houses have sufficient capacity to receive victims of domestic violence, including those with psychiatric conditions, LGBTI victims, and their children, provide dedicated allocations for skills development in shelters in all provinces, and fully implement the recommendations in the 2019 CGE report on the 'State of Shelters in South Africa';

attend to the needs of victims of crime but ensure that they are given a greater role in the process of achieving justice. In the past FY, a total of 97 213 witnesses were assisted by the CPO's of which 46 805 relates to witnesses in sexual offence cases, whilst 7 813 victim impact statements were facilitated. This is an increase of 35 735 (64%) of total witnesses assisted by CPO's in comparison with the 2020/21 financial year.

In the Western Cape Province, DSD funds psychosocial services at all Thuthuzela Care Centres (TCC) in the province that is available 24/7. Services funded include funding of lay counsellors or social auxiliary workers to provide emotional containment of rape victims when presented at the TCC, as well as funding of social workers to provide long term psychosocial support.

The NPA has ensured that these services are available in all provinces.

The Department of Social Development is currently refining the VSS Bill after it was gazette in the year 2020 and received public comments were processed and incorporated into the VSS Bill. The VSS Bill will be tabled into Cabinet for approval to table into Parliament. The VSS Bill aimed to regulate the victim support services and putting the victim at the centre of the Criminal Justice System.

KwaZulu Natal Provincial government employed Social Workers in all Districts (100 Social Workers) to assist with offering Victim Friendly Services. Through VEP Programme in the DSD in the province.

The Department of Social Development has developed the Intersectoral shelter policy for victims of crime and violence in order to standardise quality of services rendered at the shelters across the country. The aim of the Intersectoral shelter policy is to ensure that shelters across the country are inclusive in the accommodation of victims, this covers LGBTI victims and children. The policy addresses the recommendations of the 2019 CGE report on the Status of Shelters in South Africa. Furthermore, the same policy advocates for the skills development to be implemented in all shelters for economic empowerment of women.



| Theme | Recommendation  | South Africa's Response  |
|-------|---|--|
|       | <p>Ensure that survivors of domestic violence and their children have access to affordable housing, free education, long-term psychosocial support, loans, credit and other basic services and financial support, and are economically empowered to gain economic autonomy to leave and recover from abusive relationships;</p> | <p>Nationally the majority of TCCs across the country are linked to a shelter, with protocols in place to ensure quick access to a shelter for victims who received services at the TCCs.</p> <p>The Department of Social Development as lead in the implementation of NSP on GBVF Pillar 4 (Response, Care, Support and Healing) ensure the provision of psychosocial support services to victims of GBV beyond the Shelter.</p> <p>The Intersectoral Sheltering Policy mandates the re-integration of GBV victims to an extent of involving other relevant stakeholders within the Sector to contribute to healing of the victims.</p> <p>The school fee exemption for learners is based on a National Gazette and national policy as per the Department of Basic Education. Each parent applies for a school fee exemption.</p> <p>The policy takes into consideration the income of both parents who have registered the learner at the school, however each situation is investigated and proper consideration is given by the school and SGB. If the parent is unhappy with the outcome s/he can appeal a reconsideration at the circuit/district office.</p> <p>Lifeline organisations are funded to provide economic empowerment opportunities to women and these include short courses in sewing, baking, hair and nail care and basic computer literacy. These women are recruited from their current caseloads and attend the training on a daily basis. Lifeline also provides taxi fare for the women on a daily basis.</p> <p>Western Cape provincial government funds shelter to address skills development needs of clients to increase economic independency. In addition, the province also provides shelters rendering second-stage housing to women and their children, allowing for additional 6 month stay in shelter to advance independency.</p> <p>Limpopo – IN partnership with Legislature and the standing committee on WYPD made oversight of the VEPs, Office of the Premier- OSWs must make requisitions for support of survivors. Since May 2022 sanitary needs, clothes, etc. were distributed.</p> |

| Theme   | Recommendation  | South Africa's Response  |
|---|---|--|
| Ensure women's economic protection upon divorce, reduce the length of divorce proceedings, enforce maintenance obligations and provide adequate child support to mothers leaving an abusive relationship. | Limpopo - Skills Development taking place for Women currently in shelters and for those who moved. Sewing training (30 Women) supported by Nyamokawa Women Empowerment Initiative in partnership with First Rand. Receiving training. Will receive start-up capital 3000 – 4000 upon conclusion of training. To eliminate dependence. | Psycho-social support is offered to survivors of DV, GBV through funded NPOs and DSD own services National and Provincial level across all 9 provinces.  |
|   |   | In South Africa, marriage is governed by different laws:   |
|   |   | <ul style="list-style-type: none"> <li>(a) The Marriage Act, 1961 (Act No. 25 of 1961)</li> <li>(b) The Matrimonial Property Act of 1984 (Act No. 88 of 1984)</li> <li>(c) The Recognition of Customary Marriages Act of 1998 (Act No. 120 of 1998)</li> <li>(d) The Civil Union Act, 2006 (Act No. 17 of 2006)</li> </ul>   |
|   |   | The Recognition of Customary Marriages Act of 1998 (Act No. 120 of 1998) repealed the Black Administration Act of 1927, which considered customary wives to be minors subject to the guardianship of their husbands. In terms of section 3(1) both prospective spouses must be over 18 years old and must both consent to be married under customary law. Section 6 provides that both spouses are recognized equal status and equal capacity to acquire assets and to dispose of them, to enter into contracts and to litigate.   |
|   |   | In terms of section 7 customary marriages entered into after the commencement of the Act create a community of property regime, unless the spouses agree differently, while existing marriages remain governed by customary rules Section 8 provides that divorce may be dissolved by a decree of divorce issued by a court on the ground of the irretrievable breakdown of the marriage, when it has reached such a state of disintegration that there is no reasonable prospect of the restoration of normal marriage relationship. Upon divorce there is equal distribution of the marital property and court orders address issues of child maintenance and spousal support. |

| Theme                            | Recommendation   | South Africa's Response  |
|----------------------------------|--|--|
| Prevention and awareness-raising | Adopt, effectively implement and adequately fund preventive measures to challenge and dismantle the root causes of domestic violence, including patriarchal attitudes and discriminatory stereotypes that perpetuate or legitimize domestic violence and harmful practices giving rise to such violence and confine it to the private sphere, and combat the culture of silence and impunity surrounding domestic and sexual violence; | <p>For the NPA, public awareness is a continuous process re our prevention strategy. In the past 2021-2022 FY, the NPA SOCA Unit, delivered and or participated in 275 events during the 16-days of no violence campaign. These sessions are specifically on the GBVF mandate and cover a wide spectrum on related topics.</p> <p>As with training, public awareness on GBVF, is an ongoing responsibility of the NPA. The Department of Economic Development and Tourism's Human Rights Implementation Plan is to be incorporated into the Western Cape Government GBV Implementation Plan, in conjunction with the National Strategic Plan on Gender-Based Violence and Femicide, the Western Cape's Provincial Strategic Plan 2019 – 2024 (PSP), as well as the Western Cape Safety Plan.</p> <p>The Department of Economic Development and Tourism's (DEDAT) Human Rights implementation plan is focusing on the following Pillars with regard to Sexual Harassment, Gender Based Violence and Gender Mainstreaming:</p> <ul style="list-style-type: none"> <li>• Creating an organisational culture of gender sensitivity.</li> <li>• Empowering woman to understand their worth and their rights.</li> <li>• To raise awareness on sexual harassment.</li> <li>• Understanding the rights of GBV victims</li> <li>• Provide basic self-defence tools.</li> <li>• Employees understanding their rights.</li> </ul> <p>Interventions and activities are incorporated into planning thorough the entire year, based on the needs of the department.</p> <p>Active Employee Health and Wellness Programme in place for counselling to employees who are in need.</p> |

| Theme | Recommendation  | South Africa's Response  |
|-------|---|--|
|       | <p>Implement and financially support civil society organizations conducting awareness-raising programmes for the general public, political, traditional and religious leaders, initiators, the CNL and the media to promote understanding of the criminal nature of all forms of domestic violence, including psychological and economic violence, rape and harmful practices and the incompatibility of certain cultural practices with women's rights, and address the stigma faced by victims;</p> | <p>The Department of Traditional Affairs in partnership with the Commission for Gender Equality conducted workshops with members of the Provincial Houses of Traditional and Khoi-San leaders in all Provinces. The workshop focused on GBVF and other related matters such as the Recognition of Customary Marriages Act. Traditional leaders were also equipped with information on how to react and solve problems relating to sexual violence and GBVF in their communities. Video footages and life events such as photos were used during the workshop to make the workshop more relevant. Traditional leaders were also encouraged to organise and hold meetings with boys in their communities and engage further on issues of GBVF.</p> <p>Various Provinces conducted their own GBV dialogues with Traditional leaders and in some cases with rural women and the focus ranged from GBV, toxic gender norms, sexual harassment, patriarchy, teen pregnancy and Ukuthwala.</p> <p>Members of the National House of Traditional and Khoi-San leaders also participated in dialogue to combat drug abuse in Mpumalanga. Participants included Business, Government Departments and Local municipalities.</p> <p>A Women's Dialogue was hosted on 31 August 2020 and dealt with issues of GBV.</p> <p><i>Provincial Government</i></p> <p>Western Cape province conduct One Voice Campaign in the Western Cape</p> <p>Limpopo provincial government undertake - GBV Roadshows and Community radio station Slot for people with disabilities every Saturday. Focus on all thematic areas, including GBV and destigmatisation.</p> <p>KwaZulu- Natal provincial government is rolling out ongoing campaign "Speak Out" in partnership with the Men's Forum on addressing stereotypes particularly on patriarchal systems and decision. Including workshops at schools, hostels. Led by men at public spaces, across media platforms and public spaces to create opportunities for conversation</p> |

| Theme | Recommendation  | South Africa's Response  |
|-------|---|--|
|       | <p>Strengthen educational programmes on women's rights and gender equality at all levels of education to eliminate stereotyped gender roles and sensitize girls and boys on the harm caused by GBV;</p> | <p>The South African Police Services conducted a total of 823 awareness campaigns, countrywide, to educate learners at schools, churches and the general community concerning GBVF-related crimes during the financial year 2020/21. The aim of the awareness campaigns was to encourage communities to report such crimes to the SAPS. Furthermore, FCS Units, countrywide, conducted a total of 8 459 suspect tracing operations, which resulted in a total of 13 171 arrests.</p> <p>Public awareness campaigns are undertaken throughout the year to address GBV. During the 16 Days of Activism against Gender-Based Violence campaign, 46 of the TCC sites participated in various GBV and femicide (GBVF) discussion topics, webinars, radio talk shows and community awareness campaigns. An estimated 130 events took place during this campaign in 2020/21 financial year.</p> <p>The right to basic education is afforded to all children within South Africa – including non-nationals. The Bill of Rights in our Constitution obliges government to progressively make education available and accessible through reasonable measures.</p> <p>In support of this right, DBE has various interventions that supports the curriculum through creating an enabling conducive environment for learners in schools. The work is guided by the Care and Support to Teaching and Learning (CSTL) Framework ensuring that learners in schools are provided with a conducive environment so to deal with addressing barriers to teaching and learning.</p> <p>The Protocol for Management &amp; Reporting of Sexual Abuse &amp; Harassment in Schools is part of the systemic response to the growing scourge of sexual abuse and harassment. The Protocol provides a guide to the management and reporting of sexual abuse and harassment perpetrated against learners. It responds to the need for a standardised response to learners' allegations of incidents of sexual abuse and harassment, whether they are perpetuated by fellow learners, educators or other persons. The Department found it essential to review the full version of the Protocol to provide a summary of its contents and develop an abridged version, using simpler and clearer language for learners and parents. The abridged version was the used to develop a fact sheet on the Protocol with clear guidelines on how it can be used to</p> |

ensure that schools use child protective approaches to manage and report incidents of sexual abuse and harassment timeously and effective.

With regards to discrimination and gender identity, the department is finalising Guidelines for the socio-educational inclusion of Diverse Sexual Orientation, Gender Identity, Expression and Sex Characteristics (SOGIESC) in schools. Broadly speaking, these guidelines aim to ensure that schools are addressing and eliminating discrimination, harassment and victimisation, and in turn, to advance equality of opportunity regardless of sexual orientation, gender identity, expression and sex characteristics.

Department of Basic Education (DBE) also aims to provide a teaching and learning environment that goes beyond the cognitive focus to support young people's social and psychological development, as well as emotional support and interaction with their peers in a cohesive and structured manner. As the custodian of basic education, the DBE is acutely aware that the social and emotional well-being of learners contributes significantly to academic success. Comprehensive Sexuality Education (CSE) provides opportunities to explore one's own values and attitudes and to build decision-making, communication and risk reduction skills about many aspects of sexuality. CSE emphasizes an approach that encompasses the full range of information, skills and values to enable young people to exercise their sexual and reproductive rights and to make decisions about their health and sexuality.

The Department of Basic Education has various structural interventions that it employs to deal with human rights, including on gender equality, role of boys/men etc. in preventing violence. One such intervention is the Adolescent Girls/Boys and Young Women/Men (AGYW/ABYM) which aims at offering a comprehensive package of services that aim to improve the health, psychosocial and socio economic well - being of both girls/boys.

Though the focus with the Techno-Girl is more biased on girls, boys are being considered to form part of the programme. Techno-Girl has a deliberate focus on Science, Technology, Engineering and Mathematics (STEM). Consequently, it contributes towards creating a significant pool of women from disadvantaged communities, with qualifications in STEM and which are critical to the Fourth Industrial Revolution (4IR). More importantly, after completing of the schooling phase of the

programme, girls are motivated and supported to pursue studies in STEM-related careers. Ultimately the programme aligns with the priorities of inclusion: the eradication of poverty and inequality.

Capacity building and training is ongoing and in line with the departmental Human Rights Implementation plan.

The department, through the CRU unit is dedicated to address matters relating to gender equality and GBVF.

Standing Gender Equity task team meetings take place on a quarterly basis, with departmental meetings taking place every 6 months.

The Department is represented at the Transversal GVB Forum.

To date the following interventions took place:

- An internal newsletter has been issued, dedicated to the 16 days of activism.
- Sexual Harassment officer appointed.
- Awareness sessions held, targeting youth and interns on sexual harassment.
- Employees attended training on LGBTQ.
- Employees attended GE webinars & interventions – transversal.
- Attended National Disability machinery workshop.
- 60-70% employees trained on SH.
- PAYE interns attended “DEPP GM workshop for Youth”.
- Human Rights Mainstreaming Plan was developed.

*Provincial initiatives*

*KwaZulu-Natal (KZN) Provincial Government*

Implementing programs at school targeting teachers and educators. Particularly as educators are victims of GBV, impacting on performance. Will be training the teachers at district level in September 2022, with office of the premier on GBV. Summit looking at Intimate Partner Violence, supported by the DSD and relevant partners.

| Theme | Recommendation   | South Africa's Response   |
|-------|--|---|
|       | <p>Raise awareness among police officers, social workers, teachers and lecturers of their duty to report child abuse in their communities and sexual violence, including intimate partnership violence, at universities, respectively;</p> <p>Implement sustained drug abuse and alcoholism treatment and education programmes in communities and schools.</p> | <p><i>Limpopo Provincial Government</i></p> <p>Through SAPS, adopt a school where they are making awareness on GBV in the schools.</p> <p>The National Prosecuting Authority in South Africa (Sexual Offences and Community Affairs (SOCA)) successfully delivered crucial training sessions nationally on virtual platforms, focusing on sexual offences, domestic violence, maintenance, child justice, trafficking in persons and integrated stakeholder training at TCC sites. Together with experts from various academic institutions, SOCA designed and developed a Court Report Training Manual encompassing all forms of expert assessment reports required in court and the submission of reports and viva voce evidence by experts in court.</p> <p>The use of court preparation officers by the NPA to prepare witnesses for court is an initiative aimed at empowering witnesses and victims and reducing secondary trauma. In the reporting period, 55 579 witnesses were assisted by the court preparation officers and 4 189 victim impact statements were facilitated. Witnesses appearing in all criminal courts are assisted, however, the bulk of the witnesses are in respect of regional courts cases (83.6%) with a particular focus on witnesses in sexual offences cases (53%).</p> <p>Capacity building is on-going with social workers of funded Non-Profit Organisations and Department of Social Development staff.</p> <p>Limpopo provincial government and other provinces conduct GBV and Child Protect Week Roadshows. Creating awareness on GBV and Children Care and Protection. DBE and Schools were part of the engagements,</p> <p><i>Commemoration of the International Day against Drug Abuse and Illicit Trafficking</i></p> <p>South Africa as a signatory to the United Convention, annually commemorates the International Day against Drug Abuse and Illicit Trafficking to create awareness on the dangers of alcohol and drug abuse and encourage communities to take action in fighting the scourge of substance abuse.</p> |



| Theme | Recommendation | South Africa's Response  |
|-------|----------------|--|
|       |                | <p>In 2020/21 financial year due to COVID19 pandemic, the department commemorated the International Day against Drug Abuse and Illicit Trafficking through a Substance Abuse webinar under the national theme “Value yourself and make healthy choices against alcohol, tobacco and drug abuse to minimize the spread of COVID-19. The highlighted the harmful effects of substance abuse as well as the link between substance abuse and COVID-19.</p> <p>The department also provided information sessions on the risk associated with alcohol drinking during pregnancy targeting youth and women of child</p> <p>In line with its mandate outlined in the national health sector drug master plan, the Department of Health implements a comprehensive package of substance use control measures that cover the entire public health continuum- from primary prevention and risk reduction to early intervention, treatment, care, recovery, rehabilitation and social reintegration that is grounded in the fundamental public health precepts of equity, social justice and human rights.</p> <p>The initiative was done to eliminate and minimise the risk of Foetal Alcohol Syndrome. Furthermore, pregnant women who drink alcohol were provided with brief counselling and referred for further intervention.</p> <p><i>Education and awareness at Institutions of Higher Learning.</i></p> <p>The Department implemented National Anti-Substance Abuse Awareness campaigns to create awareness on the harmful effects of substance abuse, gender based violence and social crime in institutions of higher learning, schools and communities.</p> <p><i>Festive Season Campaign</i></p> <p>This campaign serves to remind communities about the dangers of alcohol and substance abuse during festive season because many lives are lost in road accidents caused by drinking and driving. Young people get involved in irresponsible sexual behaviour which could lead to different sexual transmitted infections and unwanted pregnancies because of the abuse of alcohol and drugs. The campaign targets shopping malls, taxi and bus ranks, train stations, toll gates, beaches, and also participating in door to door campaigns, fun walks, roadblock</p> |

blitz in partnership with other relevant stakeholders in the field of substance abuse.

*Conference on Substance Abuse and Family Related Interventions*

It was held on 31- 02 November 2019 in Gauteng Province (Birchwood Conference Centre). The theme of the conference: “The impact of substance abuse on Families”. The main objective was to create a platform for delegates to share information and views regarding substance abuse challenges and dynamics affecting families. The target of the conference was 350 inclusive of Political leaders, Government departments, NGO’s, CBO’s, FBO’s, Research Institutions, Disability Sector, Treatment centres, African Union, SADC Region and International countries. Twelve (12) resolutions were adopted out of the conference. These resolutions are implemented through the National Drug Master Plan 2019-2024.

*Ke Moja Drug Awareness Programme*

The Department of Social Development is continuously implementing the Ke Moja Drug Awareness Programme. Ke Moja is a national programme aimed at raising awareness among South African communities on the dangers of drug abuse and providing alternative healthy lifestyles through education and counselling. The programme has since been evaluated and reviewed in 2011/12 to enhance its content and also accommodate emerging trends in the field of substance abuse. The target for the programme includes children, youth, parents and care givers. To date, five provinces has been capacitated on the reviewed programme and the remaining four provinces will be capacitated in 2021/22 financial year.

*Siyalulama Outreach Programme*

The purpose of this programme is to take services to people who are affected by the Substance Use Disorders and who cannot take initiative in reaching out for such services. During 2021/22 financial year, the outreach programme was conducted at Hamanskraal, Bronkhorspruit, Tembisa, Dobsonville, Charlestown and Newcastle. The Department will continue with the outreach programme during 2021/22 financial year.

*Treatment Programme*

The department of Social Development has adopted the Universal Treatment Curriculum (UTC) since 2019. The aim of the curriculum is to assist countries cadres in the field of substance abuse to increase their skills, knowledge and capacity relating to prevention, treatment, care and support. The curriculum has been Internationally Certified for Addiction Profession (ICAP) cadres in the field of substance abuse. To date, twenty-five (25) Master Trainers have completed ICAP1 training, passed exams and are now certified addiction counsellors. The department has also echo trained more than 260 cadres who will be writing exams before the end of September 2021. The curriculum is implemented in three public treatment centres since 2020 and has been extended to four more additional centres in 2021/22 financial year. Access to treatment services was increased through the building of treatment centres in all provinces. There are 13 public treatment centres in the country. Nine (9) of the public treatment centres admit women, men, youth and children in a demarcated ward.

*The National Drug Master Plan 2019 – 2024*

The National Drug Master Plan 2019 – 2024 was approved by Cabinet in October 2019. The plan advocates for the reduction of demand for drugs in communities. Provincial Substance Abuse Forums were capacitated to prevent those who have not started using drugs and treat those who have started using drugs. During capacity building workshops the emphasis under demand reduction were the following:

- Individual oriented strategies such as community-based and participatory educational programmes, whereby the participants are trained to counter social pressure;
- Environment oriented strategies such as participatory efforts to redress socio-economic deprivation and increase opportunities for non- risky activities;
- Specialised and broad-brush clinical services that provide short and long – term therapy as well as other services such as medical treatment, occupational training that are aimed at reducing drug related harms, disability, enhance rehabilitation, prevent relapses and recurrences of drug misuse and Substance Use Disorders, and

| Theme                              | Recommendation   | South Africa's Response   |
|------------------------------------|--|---|
| Accountability and data collection | Establish accountability mechanisms and a system to monitor and evaluate the implementation of the NSP and regularly collect, analyse and publish disaggregated statistical data on the number of complaints about all forms of domestic violence, the rates of dismissal and withdrawal of complaints, including upon reconciliation, the rates of prosecution and conviction, the sentences imposed on perpetrators and the reparations provided to victims. | <ul style="list-style-type: none"> <li>• Community – based information campaigns that assist the public to detect risky drug use early and access appropriate services.</li> </ul> <p>The National Drug Master Plan 2019 – 2024 prioritised populations for interventions as follows:</p> <ul style="list-style-type: none"> <li>• Youth in and out of school/ institutions of higher learning;</li> <li>• Children;</li> <li>• Women;</li> <li>• Persons with disabilities;</li> <li>• Pregnant women;</li> <li>• Families in all their manifestation including child – headed families;</li> <li>• Disadvantaged people in vulnerable communities; at risk (such as artists, athletes and professionals), and</li> <li>• Key populations (such as LGBTIQ, sex workers, migrant workers etc.).</li> </ul> <p><i>Provincial Interventions</i></p> <p>Limpopo Provincial Government created awareness in school regarding bullying and substance abuse in February 2022.</p> <p>A Monitoring and Evaluation Framework over the five-year interval (2020-2024) has been developed to guide systems and processes for tracking, assessing, and reporting the results of the interventions outlined in the NSP on GBVF (2020 -2030)</p> <p>The Framework outlines the theory of change, technical indicator definitions, data flow processes, roles and responsibilities, and the requisite capacity to implement.</p> <p>This process is further supported by the development of a communication strategy; a comprehensive national prevention strategy for GBVF; and costing of the NSP on GBVF.</p> <p>All this processes are strongly supported by technical expertise from development partners.</p> |

Reporting tools have been developed and reporting mechanisms established. Weekly monitoring reports were piloted from June 2020 to institutionalise the process of reporting on progress. From February 2021 progress reports on implementation are submitted to the President on a monthly basis as a process of timely assessment of progress and identification of areas of improvement. Processes are in place to strengthen reporting by other sectors other than government. The focus is on civil society organisations.

*GBVF Human Resources and Technical Support*

The process of localising the NSP on GBVF is in progress. Provinces are showing urgency in establishing or revitalising multi-sectoral provincial, district and local coordinating structures; developing implementation plans and coordinating implementation and reporting.

Through the support from European Union gender equality and women's empowerment programme, additional capacity is being brought on board to strengthen institutionalization of the NSP on GBVF and the Gender-Responsive Planning, Budgeting, Monitoring and Evaluation and Auditing Framework capacity across government. Through this programme monitoring and evaluation specialists and data capturers are being employed to bolster capacity to drive the NSP on GBVF as province level as well as the establishment and functioning of multi-sectoral rapid response structures at local levels.

In order to ensure that there are no delays in the implementation of the NSP on GBVF, a Technical team has been appointed on a contract basis at the national level to serve as a secretariat in the absence of the NCGBFV and to drive engagements of all stakeholders with a particular focus on civil society engagement.

The NPA SOCA Unit has a comprehensive TCC data collection tool in place to monitor and evaluate the performance of services at TCC sites including related prosecution and court services of these cases.

### *Provincial Government*

The Western Cape Government drafted a Provincial Gender based violence implementation plan aligning to the NSP GBV&F, and was signed off by the WCG cabinet in September 2020. Quarterly feedback is provided by the different WCG departments per pillar, as indicated in the NSP.

KwaZulu Natal Provincial Government developed a 5-year plan on GBVF extracted from NSP in the province approved in February 2022.

Identified and appointed personnel in provinces for data capturing. Technical Committee on GBV in the Province, meeting bi-monthly.

Limpopo Provincial Government established the GBVF Forum. Meeting quarterly and developed an implementation plan with specific pillars. Supported by 2 Universities (University of Limpopo and University of Venda and Chapter 9 institutions. Dedicating June Month to raise awareness on bullying, substance abuse and GBV across the District.

DWYPD conduct 16 Days Activism on No Violence against women and children across all 9 provinces.

Women's Month across all 9 provinces creating awareness on issues affecting women and children.

Government monitors compliance with the Domestic Violence Act, with an emphasis on the following:

- Focusing on cases withdrawn in court and making proposals for re-enrolment of such cases.
- [Monitor.GBV@westerncape.gov.za](mailto:Monitor.GBV@westerncape.gov.za) is activated and emails forwarded to that address is attended to either by the unit or by referral to the correct stakeholders.
- High profile GBV and domestic violence cases referred by Minister or HoD are placed on an active list so that the matters are not struck off the court rolls.
- A GBV booklet and poster was created to facilitate an awareness of GBV and the services available to victims.

| <i>Theme</i> | <i>Recommendation</i>   | <i>South Africa's Response</i>   |
|--------------|---|--|
|              | <p>Conduct research and a dedicated survey on GBV to obtain more reliable data on the extent and economic impact of GBV, including domestic violence, in the State party.</p> | <p>A Multi-Disciplinary Research Technical Team has been established under Pillar 6 of the NSP focusing on GBVF. This is a collaborative platform which includes government, academic institutions, research institutions, and civil society organisations. A number of research initiatives has been planned and are under way focusing on GBVF.</p> <p>The Department of Social Development Research Conference “Why men are Angry” relating to GBV. Included focus groups and findings from the engagement.</p> <p>Non-State (Scholar masters Level) – Research on GBV on inmate incarcerated for 20years plus at Westville and Maritzburg Correctional Services.</p> |