Gender Based Violence: Problems of Interventions without Coordination

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1. INTRODUCTION

When the United Nations Special Rapporteur on Violence Against Women, Dubravka Šimonović, visited South Africa in December 2015, her visit came in the wake of the adoption of the Sustainable Development Goals at a United Nations Conference held in New York, from 25 to 27 September 2015. The visit also occurred at the time when the Commission for Gender Equality (CGE) was finalising its report assessing the effectiveness of national programmes on gender-based violence (GBV) in South Africa. The Special Rapporteur’s report appeared to confirm some of the key issues raised in the findings of the Commission’s study, particularly the fact that there was a need for effective coordination of national strategies for combating GBV as well as the need for institutional reforms (particularly within the police and the judiciary). The Rapporteur’s report also called for greater attention to prevention and awareness raising as an ‘urgent need’ as well as calling for a National Strategic Plan on this violence.

This policy brief highlights key findings and issues emerging from a 2015 assessment by the CGE of current approaches and institutions tasked with implementing national programmes on GBV. The study was conducted in selected provinces (i.e. Free State, Mpumalanga, Eastern Cape and North West. Among other findings, the study identified the issue of lack of proper coordination of the work of institutions dealing with GBV at national and provincial level, and how this accounted for lack of effectiveness in dealing with it.

This Policy Brief will draw some policy implications of the findings and outline the recommendations of the study for policy makers.

2. BRIEF ON STUDY APPROACH

The study adopted a qualitative approach, mainly utilising in-depth interviews with senior policy makers and department officials, as well as focus group discussions with policy implementers and relevant stakeholders in the selected provinces, especially from the Department of Social Development (DSD) at national and provincial level. Provincial stakeholders from various departments, including Social Development, Community Policing, Premiers’ Offices as well as Provincial Victims Empowerment Forums (VEPs) were invited to take part in focus group discussions on national and provincial programmes and strategies to combat GBV in their communities. The research team also participated in a number of workshops convened by provincial stakeholders and civil society organisations to discuss issues of GBV, while also utilising published/secondary sources to identify key issues on national strategies and programmes to combat this violence.

The research team also carried out a number of focus group discussions with key stakeholders and participants in four provinces (i.e. Free State, North West, Eastern Cape and Mpumalanga). These four provinces were selected on the basis that they were considered to be affected by high rates of GBV.
3. BRIEF FINDINGS

3.1 The Institutional/Structural Challenges

The problems of the institutional uncertainty and the lack of effective coordination have manifested themselves in terms of horizontal and vertical coordination weaknesses. Where horizontal coordination is concerned, the findings revealed that there were weaknesses in terms of effective cooperation and coordination of the various initiatives of the six key national departments identified by the DSD to be crucial in the implementation of the Integrated Plan of Action (IPOA) by the DSD, the National Prosecuting Authority, Department of Correctional Services, South African Police Services, Women’s Ministry and the Department of Justice and Constitutional Development. The absence of an independent, multi-stakeholder coordinating structure (previously the National Council on Gender Based Violence) which incorporates government and civil society in line with Resolution 19 of the Council for the Elimination of All Forms of Violence Against Women has left an institutional vacuum which is currently being partially filled by the DSD, even though this department is not a multi-stakeholder institution.

The most widely available institutional mechanism to coordinate the work of relevant departments and stakeholders at provincial level is the Victims Empowerment Programme (VEP) forum, under the auspices of the national DSD. Our analysis found significant incoherence and inconsistency in the way the memberships of these structures were made up, compared to the national mechanism for national coordinating strategies and programmes against GBV. For instance, the VEP forums memberships included representation from both government and civil society organisations. In other words, these are multi-stakeholder structures while, at national level, the DSD (which is effectively the coordinating mechanism for national strategies and programmes on gender-based violence) is not a multi-stakeholder mechanism, and therefore does not provide for the representation of multiple stakeholders from across various sectors in its operations.

Secondly, while the DSD clearly has decision-making powers to allocate budgetary resources to its coordinating responsibilities, it is not clear how the VEP forums in the provinces are funded, as well as whether or not they have similar budgetary resource allocation powers and responsibilities. Based on the issues that emerged from the focus group discussions in the Eastern Cape, it would seem that some departments are still reluctant to accept the authority of the DSD as a coordinating mechanism or lead department in terms of the strategies and programmes to combat GBV at provincial level. This reluctance and lack of cooperation by other departments appears to be the case in some of the other provinces that were selected for focus group discussions, resulting in the failure to adopt and allocate adequate resources towards the implementation of the IPOA, thus further undermining vertical coordination between national and provincial programmes on gender-based violence.
**Issues relating to the South African Police Services**

The findings of the study revealed that there was generally unpreparedness or lack of the relevant expertise and skills among police officers in dealing directly with the victims, often causing more harm and inadvertently perpetrating secondary victimisation to the victims of violence. Participants also pointed out that in some provinces specialised units, such as gender desks, child protection units and safety rooms, did not exist, while victim protection within the provinces was considered weak. These factors appear to underpin the argument of some of the focus group discussion participants about the perceived unpreparedness of the Police Services as one of the key state institutions in the implementation of the IPOA under the DSD. This is seen as further evidence, as discussed in the previous section of this report, of the lack of commitment to the IPOA by some of the relevant government institutions that is undermining its effective implementation.

**Issues relating to the LGBTI (Lesbian, Gay, Bisexual and Transgender, Intersexed) Community**

The continuing incidents of systemic discrimination and mistreatment of members of the LGBTI community, particularly by officers of the SAPS, were revealed during the interviews across the selected provinces. The effect of this is that many LGBTI victims increasingly refrain from reporting cases of abuse and violence against them. There was therefore a strong feeling among the participants on the need for greater education and awareness among relevant public officials on the rights of victims of violence, including members of the LGBTI community. For instance, a recent study showed that homophobia is still a major problem in the world and a survey by the Pew Research Center in 2013 found that in South Africa, unlike in many other African countries, homosexuality is legal and discrimination based on sexual orientation is unconstitutional, 61 per cent of the survey respondents said that homosexuality should not be accepted by society, while 32 per cent said it should be accepted.1

This level of homophobia, accompanied by the lack of training, knowledge and awareness within law enforcement agencies such as the SAPS on the constitutional rights of members of the LGBTI community serves to underpin and therefore perpetuate the high levels of related prejudice in South Africa.

### 3.2 Programme/Operational Challenges

The first challenge relates to the outcomes of the reviewed National Action Plan of the 365 Days Programme of Action. The key issue here is the lack of clarity on an overall guiding national strategy and programme to deal with GBV. It would appear that both state /

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government institutions (at national and provincial level) and civil society organisations do not have a common strategic/programme platform to operate from in terms of their various programme operations to combat gender-based violence. The lack of a national strategy tends to exacerbate the operational challenges faced by all the stakeholders in combating GBV. Also, the issue of funding has continued to affect the implementation of programmes intended to combat gender-based violence, including the implementation of the 365 Days National Action Plan. One of the key constraints that faced the National Action Plan as the primary national plan for combating GBV was the willingness of state institutions to allocate funding for National Action Plan-related activities from their budget allocations for its five-year cycle (2007-2011). Secondly, the analysis of our findings has revealed that there is a proliferation of different structures across various provinces which are creating vertical coordination problems at operational and programme level in the fight against gender-based violence. This has led to a great deal of fragmentation in terms of the approaches and strategies adopted by various government and civil society role players, which in turn have undermined the impact of the initiatives currently in place to deal with GBV across the country.

Thirdly, the DSD, in partnership with European Commission, has established One-Stop Centres called Khuseleka Centres across the country, whose main objective is to provide services to victims of crime and violence. The issue of the establishment of Khuseleka Centres, in addition to the existing Thuthuzela Care Centres, and other structures such as the VEPs serves as evidence of the lack of common approaches or institutional fragmentation in national efforts to combat GBV. The existence of such variations in institutional arrangements often leads to duplication of programmes and ineffective use of resources, which in turn undermine effective and coherent delivery of vital services to victims of violence across the different points of service delivery. Such variations in approaches and strategies to deal with gender-based violence also impede effective institutional and programmatic coordination on the ground.

During some of the focus group discussions held with key stakeholders in the provinces, the variations in these existing structures were criticised for being costly to maintain and unsustainable in the long term.

4. POLICY IMPLICATIONS

The findings of the study hold a number of important implications for policy makers. One of these implications is that there is lack of institutional and strategic/programme coordination at national level, and this affects the effectiveness of programme implementation and operations on the ground. In other words, the effectiveness of national strategies to combat GBV is being undermined by lack of effective coordination at national level. Secondly, the unresolved conflict among provincial departments and other structures on the role of provincial DSDs in terms of coordination of the fight against gender-based
violence at provincial level implies lack of national guidance and strategic leadership, which in turn undermines national efforts to combat GBV. Thirdly, lack of proper vertical coordination and guidance leads to, and therefore implies, a proliferation of various approaches and strategies on the ground, thus increasing the chances of duplicated efforts and wasted resources in tackling the gender based violence.

5. POLICY RECOMMENDATIONS

This study led to the following recommendations intended to assist policy makers to address some of the key issues raised by the findings.

Firstly, the CGE urges the national government to take urgent steps to resolve the current institutional uncertainty that has resulted from the demise of the National Council Against Gender-Based Violence. A clear decision needs to be made regarding the national mechanism that will take over the role and responsibilities of the now defunct national council. Such a decision needs to be communicated formally to all key role players at national and provincial levels. This will be crucial in creating the necessary institutional certainty and provide strategic and programmatic leadership at national and provincial level to combat this violence.

Secondly, it is imperative for the government, with the involvement of all key stakeholders (including civil society organisations), to take urgent steps to ensure the development of a national strategic plan for combating this issue. This is supported by the UN Special Rapporteur on Violence against Women. The involvement of key stakeholders including CSOs will ensure the sustainable implementation of the national strategic plan through collective buy-in and commitment from all key role players.

Finally, we recommend that after the development of the national strategic plan, it should be widely disseminated to all stakeholders in society, especially government departments and related institutions at national and provincial level. This will ensure a national consensus and common approaches to the country’s strategy programme against GBV.
CGE MANDATE

Section 187(1) of the Constitution of South Africa reads: “The Commission for Gender Equality must promote respect for gender equality and the protection, development and attainment of gender equality.” The CGE is a catalyst for the attainment of gender equality. Section 187(2) grants the CGE “the power, as regulated by national legislation, necessary to perform its functions, including the power to monitor, investigate, research, educate, lobby, advise and report on issues concerning gender equality.”

Our Vision
A society free from gender oppression and all forms of inequality.

Our Mission
The Commission for Gender equality shall advance, promote and protect gender equality in South Africa. This is done through:

- Research
- Public education
- Policy development
- Legislative initiatives
- Effective monitoring and litigation.

Monitoring
To evaluate of policies and practices of both public and private bodies, government compliance with international agreements, legislative review, law reform, and research.

Investigation
To investigate any gender-related issues or complaints received from the public or initiated by individuals.

Public Education and Information
To raise awareness through education and information that promotes gender equality and to publicise the activities and services of the Commission for Gender Equality.

Liaison
To develop and maintain relationships and collaborations with a range of like-minded organisations in the Gender sector to promote the objectives of the Commission and gender equality.

VALUES

We anchor our values in the supremacy of the Constitution and the rule of law, and we perform all our functions with an ethos grounded in the following values:

1. Independence – we impartially perform our duties without fear or favour, mindful of the independence of our office.

2. Professionalism – we timeously execute our responsibilities with utmost care and diligence, responsive to the society we serve.

3. Accountability – we always give an account of our actions and decisions.

4. Ethical behaviour – we maintain high standards of
   - Trustworthiness and Honesty,
   - Respect and Empathy, and
   - Integrity.

5. Teamwork – we support and work in collaboration with our colleagues, state organs and civil society to maximise the attainment of our objectives.
In addition to these values, the work of the Commission for Gender Equality is anchored in the eight Batho Pele Principles that were developed to serve as an acceptable policy and legislative framework regarding service delivery in the Public Service, namely:

1. Consultation
2. Setting Service Standards
3. Increasing Access
4. Ensuring Courtesy
5. Providing Information
6. Openness and transparency
7. Redress
8. Value for money

HOW CAN CGE HELP YOU
Complaints about discrimination can be made on specific grounds including:
- Race
- Sex
- Pregnancy
- Marital status
- Disability
- Sexual preference
- Age
- Trade union, government and private activity.

HOW TO LODGE A COMPLAINT
Complaints can be sent by:

1. Letter to:
The Legal Department
Commission for Gender Equality
PO BOX 32175
BRAAMFONTEIN
2017
Fax: 011 403 5609 (Legal)
Fax: 011 403 7188 (general)

2. Email to: Forms can be downloaded from our website: www.cge@org.za

3. Or call, +27 11 403 7182 for a complaints form.

After a complainant’s letter has been received, the CGE will investigate the complaint. It may not be something that CGE manages and will then need to referred:

If the matter falls within the CGE mandate the following procedure will be followed:
- We will write to you or send you an email asking more question.
- We will let you know what is happening to your complaint.
- We will try to sort out the problem by writing to the respondent.
- We will follow up on the reply
- We will then decide if conciliation is needed. This is when a meeting is organised with all the parties to try to sort it out informally.

Remember: The Commission does not provide legal representation or advocacy to any parties. The Commission for Gender Equality handles complaints as an impartial party to the complaint.

4. Call to 0800 007 709