

REPUBLIC OF SOUTH AFRICA

(Form of Petition to Parliament)

**TO THE HONOURABLE THE SPEAKER AND MEMBERS OF PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA
IN PARLIAMENT ASSEMBLED**

The Petition of the undersigned

Post Office to Parliament Campaign Task Team, Cape Town.

Petition: A National Council on Gender-Based Violence and Femicide has not been established to implement the National Strategic Plan on Gender-Based Violence and Femicide, as committed since at least 2019.

Respectfully sheweth that:

We, the Post Office to Parliament Task Team in collaboration with the Uyinene Mrwetyana Foundation are requesting that the Portfolio Committee on Women, Youth and Persons with Disabilities and the Portfolio Committee on Justice and Correctional Services urgently intervene and ensure a National Council on Gender-Based Violence and Femicide (NCGBVF) is established as per the National Strategic Plan on Gender-Based Violence and Femicide (NSP-GBVF). Furthermore we request that the Portfolio Committee on Justice and Correctional Services, the Portfolio Committee on Police, the Portfolio Committee on Public Service and Administration and the Portfolio Committee on Social Development ensure the involvement of their respective executive bodies¹ as per the NSP-GBVF in this process.

After the 2018 Presidential Summit on Gender-Based Violence and Femicide, an Interim Steering Committee (ISC) was established with the specific mandate to develop and implement responses to combat Gender-Based Violence and Femicide (GBVF) through the National Strategic Plan (NSP). The NSP envisions: “A South Africa free from Gender-Based Violence directed at Women, Children and LGBTQIA+ persons.”² To effect this vision, the ISC was charged with the task to establish a national coordinating body on GBVF, the National Council

¹ Department of Police, Department of Public Service and Administration and Department of Social Development.

² National Strategic Plan on Gender-Based Violence and Femicide, 2020, p3.

on Gender-Based Violence and Femicide (NCGBVF).³ The ISC was unable to do this before their mandate expired in March 2020.⁴

The duty was then transferred to the Department of Women, Youth, and Persons with Disabilities (DWYPD) in March 2020.⁵ Establishing the NCGBVF must be done in line with the parameters of the NSP-GBVF. These parameters have indicated that Civil Society Organisations (CSOs) would make up 51% of the Council and that there would be a legislative framework for the Council to ensure accountability and transparency.⁶ The DWYPD has instead moved to establish a board of trustees which they have described as a temporary executive body who will then be tasked with establishing the NCGBVF.⁷ The Commission for Gender Equality has noted that the conduct of the DWYPD and the proposed structure and functions of this board are concerning for many reasons.⁸

The DWYPD has claimed that the board of trustees is a temporary body meant to establish the NCGBVF however the “Terms of Reference”⁹ put out by the DWYPD indicate otherwise. This document does not state that the trust is an interim body with a finite mandate or that it will disband once the NCGBVF has been established. Rather it’s functions seem to indicate that it is a permanent body which the Council will be structured around. The board seems to be an alternative to the council rather than the body tasked with establishing the council. The functions of the board as per the terms of reference place no obligation on the board to establish the NCGBVF, instead the functions are exactly those that the NCGBVF would be fulfilling. The functions and permanence of the board indicate that the board will likely become a replacement for the NCGBVF.

This is incredibly concerning as the board, unlike the NCGBVF, would not be established by enabling legislation. This means that the board has far less accountability and transparency than the NCGBVF is intended to have. The structure of the board also relegates CSOs to a

³Declaration of the Presidential Summit on Gender-Based Violence and Femicide, 2018, Article 3.

⁴Commission for Gender Equality, One Step Forward Three Steps Back, Assessing Current Government’s Responses And Interventions to Combat Gender-Based Violence and Femicide In South Africa, 2021 p.12.

⁵ Commission for Gender Equality, One Step Forward Three Steps Back, Assessing Current Government’s Responses And Interventions to Combat Gender-Based Violence and Femicide In South Africa, 2021 p.12.

⁶ National Strategic Plan on Gender-Based Violence and Femicide, 2020, p.58.

⁷ Commission for Gender Equality, One Step Forward Three Steps Back, Assessing Current Government’s Responses And Interventions to Combat Gender-Based Violence and Femicide In South Africa, 2021 p.13.

⁸ Commission for Gender Equality, One Step Forward Three Steps Back, Assessing Current Government’s Responses And Interventions to Combat Gender-Based Violence and Femicide In South Africa, 2021 p.24-26.

⁹ Terms of Reference for the Appointment of Civil Society Representatives to serve on the National Council on Gender-Based Violence and Femicide (NCGBVF) Board of Trustees. Available at: <http://www.women.gov.za/images/GBVF/NCGBVF-Board-of-Trustees---Terms-of-Reference.pdf>.

subordinate position to government officials contrary to the intended structure for the NCGBVF set out in the NSP-GBVF.¹⁰

The establishment of this board is clearly an attempt to circumvent transparency, accountability and the valuable input of civil society, as such we implore the legislature to urgently intervene on this matter. Section 55(2) read with Section 92(2) of the Constitution and Rule 227(1)(b) of the National Assembly Rules place an obligation on the National Assembly to maintain oversight over the exercise of executive powers and hold the executive accountable.

We urge the National Assembly to fulfil its constitutional obligation to hold the executive accountable for its actions. The Department of Women, Youth and Persons with Disabilities has not only shirked its responsibility to establish the NCGBVF, but has also allowed senseless bureaucracy to overshadow the fight against GBVF. The DWYPD was mandated to establish the NCGBVF on 1 March 2020 and almost a year and a half later little to no progress has been made, all while thousands of lives have been lost to GBV.

We request that the Portfolio Committee on Women, Youth and Persons with Disabilities take the appropriate measures to oversee the DWYPD's establishment of the NCGBVF. We request that the PCWYPD act swiftly and use all measures available within their powers to hold the executive accountable. We request that the PCWYPD ensure that the NCGBVF is constructed in line with the NSP-GBVF. Specifically, we request that the model structure reflects that envisioned in the NSP-GBVF¹¹ and that the membership of the secretariat be 51% CSOs. Furthermore we ask that the progress of the NCGBVF and the implementation of NSP-GBVF are made publicly available through the publication of reports.

We request the Portfolio Committee on Justice and Correctional Services to oversee the Department of Justice and Constitutional Development's development of enabling legislation for the NCGBVF.

We request that the Portfolio Committee on Police, Portfolio Committee on Public Service and Development and the Portfolio Committee on Social Development exercise the necessary legislative oversight over their respective executive departments while aiding the implantation of the NSP-GBVF and the establishment of the NCGBVF.

We request that the National Assembly hold the presidency and the rest of the executive accountable for the delayed action in establishing the NCGBVF and implementing the GBVF. We urge all sectors involved in these processes to act decisively in ensuring that the fight against

¹⁰ Commission for Gender Equality, One Step Forward Three Steps Back, Assessing Current Government's Responses And Interventions to Combat Gender-Based Violence and Femicide In South Africa, 2021 p.16-18.

¹¹ See organogram at: Commission for Gender Equality, One Step Forward Three Steps Back, Assessing Current Government's Responses And Interventions to Combat Gender-Based Violence and Femicide In South Africa, 2021 p.17.

GBVF remains a priority for the State. Furthermore, we request that a government body be designated to hold, process and store the letters we have delivered until they can be archived.

Wherefore your petitioners pray that the Honourable Parliament will be pleased to take their case into favourable consideration, and grant such relief as it may deem fit.

And your petitioners, as in duty bound, will ever pray.

(Signatures to follow)