

A LOOK INTO GENDER-BASED VIOLENCE AND
FEMICIDE IN MPUMALANGA: A POLICY BRIEF

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Key facts on GBVF in South Africa

- A report, Crimes Against Women in South Africa, published by Statistics South Africa (Stats SA) in 2021 revealed that one in five women (21%) experienced physical violence by a partner.
- In the five years between 2015 and 2020, 13,815 women over the age of 18 were killed, according to recent statistics from the South African Police Services (SAPS). Over the same time frame, there were 11 315 reports of rape, or 123 instances per day on average.
- Roughly seven women are murdered every day, or 2,763 homicides annually.
- There were 902 killings of women from October through December 2021, 232 of which were particularly related to domestic abuse.
- There was a 9% decrease in sexual offenses although statistics frequently do not fully reflect the reality because often such instances are not reported.
- There is a serious issue of femicide and GBV hate crimes in the country, with three times as many reported in 2016. However, the findings of The Third National Femicide Study undertaken by the South African Medical Research Council (SAMRC) show signs of change and emphasise the value of advocacy and effective policymaking.

Introduction

The high prevalence of gender-based violence and femicide (GBVF) in South Africa, further highlighted by several high-profile cases in recent years, has sparked a considerable upsurge in public support for ending GBV. On November 2022, during the second presidential summit, President Cyril Ramaphosa acknowledged that the government has not given the fight against GBVF in the country enough priority. Additionally, there is still work to be done, including better coordination and well-funded programs to support services and prevention.

In this policy brief, an overview of femicide in South Africa is provided with a specific focus on Mpumalanga. As the number of cases in the province rises, GBVF's nature is taking on a new dimension. The updated legislation and regulations that will help to improve the battle against GBV are also highlighted in this brief. This brief serves as a foundation and component of efforts to combat GBV and is directed at various actors, including the government, civil society, decision-makers, the private sector, funders, as well as members of the community, who are working tirelessly to find ways to enhance the justice system.

Background

Mpumalanga has the lowest overall femicide and Non-Intimate Partner Femicide (NIPF) rates, significantly lower than the overall South African femicide rate.¹ Even so, there have been an increasing number of high-profile instances over time. Civil society organizations (CSOs) such as the Greater Rape Intervention Project (GRIP) report that they deal with about 20 cases of rape each month in Mpumalanga communities with some months recording even higher number of

¹ SAMRC, (2022) 'The Third National Femicide Study'. South African Medical Research Council. Available at: <https://www.samrc.ac.za/media-release/research-nearly-two-decades-reveals-intimate-partner-femicide-declining-south-africa>. [Accessed April 1 2023]

cases.² Moreover, national GBVF statistics that are released on a quarterly basis (noted in key facts above), often do not speak to the local level, where GBV manifests in different forms and where a high number of cases remain unreported. Civil society organisations, like People Opposing Women Abuse (POWA), believe that GBVF incidents are higher than what is reported judging by what is happening on the ground.³

Policy dialogues and a rapid assessment by Masiphephe Network reveal that Mpumalanga is still a patriarchal society where GBV is normalized, resulting in a huge number of femicide and GBV hate crimes that remain unreported. The conviction and persecution rate is very low in the cases of GBV with GBV victims and survivors losing faith in the overall system. The corrosive problem of delayed or denied justice affects not only the victims but also society as perpetrators get away with murder. What is more outrageous is that perpetrators continue walking free instead of being behind bars for committing femicide. Law enforcement agencies in South Africa are getting less and less involved in cases of GBV and are also becoming hotspots for the perpetuation of GBVF. The above-mentioned study by SAMRC also revealed that there is an increase in missing information related to police investigations: missing dockets increased from 1.6% in 2009 to 9.1% in 2017.

Another key finding of the study was that there was an increase in cases where the perpetrators were not identified during the investigations. This shows a huge decline in the quality of police investigations of femicide cases. GBV does not occur in a vacuum and findings such as these need to be read alongside other relevant data, particularly from the community level, to understand its causes as well as the reasons behind the increase in the number of cases.

Laws and policies to strengthen the fight against GBV

At the beginning of 2023, President Cyril Ramaphosa signed into law legislation aimed at strengthening efforts to end GBVF, with a victim-centred focus to fight this scourge while ensuring that perpetrators are no longer able to use legislative loopholes to evade persecution. The amendments were made to the following laws:

- **The Criminal Law (Sexual Offences and Related Matters) Amendment Act** – its primary objective is to strengthen the nation's efforts to combat sex crimes, particularly sexual feelings directed at children (paedophilia). Additionally, it proposes to broaden the ambit of the crime of incest and introduce a new offence of sexual intimidation.
- **The Criminal and Related Matters Amendment Bill** – it addresses crime against vulnerable persons including GBV and it provides for additional procedures to prevent secondary victimization of vulnerable persons in court proceedings. The new law broadens the instances in which a complainant can give evidence through an intermediary and allows evidence through audio-visual linkages in proceedings other than criminal ones. Additionally, the legislation tightens bail and minimum sentence provisions in cases of GBV.

² RISE FM. (May 2022) 'Mpumalanga's kaBokweni reports about 30 GBV cases every month'. Available at: <https://risefm.co.za/mpumalanga-kabokweni-reports-about-30-gbv-cases-in-a-single-month/>

³ SOWETAN LIVE. (February 2022) 'Latest GBV and femicide crime stats not 'accurate' says POWA.'

- **The Domestic Violence Amendment Bill** – the amendment bill includes new definitions such as ‘controlling behaviour’ and ‘coercive behaviour’. It also expands existing definitions such as ‘domestic violence’, to include spiritual abuse, elder abuse, coercive behaviour, controlling behaviour, and or exposing/subjecting children to certain listed behaviour. The amendments introduce a new online **application for a protection order** against acts of domestic violence and impose obligations on functionaries in the Department of Health and Social Development to provide certain services to victims of domestic violence. The Amendment Bill also aligns the Domestic Violence Act 14 of 2021 with the provisions of the Protection from Harassment Act 17 of 2011.

The amendments to the legislation was a deliverable from the National Strategic Plan on Gender-based Violence and Femicide, which was developed following the 2018 Presidential Summit Against Gender-Based Violence and Femicide. The November 2022 summit highlighted that obstetric violence was recognised as a form of GBV. Obstetric violence is a growing concern in South Africa as it can result in maternal death newborn death or neonatal disability and have serious debilitating health and economic consequences.

In taking stock of the government’s efforts to combat GBV, the summit showed a huge gap between promises and implementation as only two out of 10 promises had been met since 2018. The two promises that have been clearly fulfilled include:

- The fast-tracking of all pending legislation relating to GBVF.
- Meeting a call from gender activists to tighten protection offered by the National Register for Sex Offenders which came into effect in July 2022.

Despite the advances in legal reform and the apparent political will, GBVF is still pervasive in South Africa. As a result, proper funding, cooperation among government agencies, and, most importantly, the provision of better assistance to survivors by the criminal justice system, are all urgently needed. Corruption, patriarchal attitudes, and poverty are further obstacles to putting GBVF prevention strategies into action. During the United Nation’s periodic review session in Geneva, Switzerland, South Africa was grilled on different issues which included femicide and corruption. The country is under scrutiny for misusing government cash intended for GBV programmes. According to estimates, between 2014 and 2019, corruption cost the nation R15 trillion. South Africa was asked by the Human Rights Council to activate its anti-corruption action plan more quickly.

The way forward

There is a need for joint stakeholder involvement in raising awareness to address GBVF. The role of CSOs, Faith Based Organizations (FBOs) and traditional leaders should not be undermined in fighting GBVF. They play an influential role in the prevention of GBVF starting at a community level. Through CSOs raising awareness and working with lawyers and paralegals, CSOs can gather testimonies of solved GBV cases. Also working committees are necessary amongst CSOs and FBOs to track progress in prevention, treatment and other GBV services. Action plans should be incorporated by all role players, abuses should be identified anonymously through social media, and referral systems for GBVF should be clearly defined.

Schools also have a huge role to develop and enforce policies that promote equality among school pupils. Schools should include crime education in their curriculum. Mental health is important and should be part of essential health services in schools. Abuse and negligence cases should be thoroughly investigated at schools.

Parents should also ensure a safe and non-abusive environment for children and educate them on child rights. Men's forums should be involved in raising awareness about all kinds of abuse in schools. Male victims of GBV should be able to report GBV cases in police stations without any prejudices and stigmatisation. Police should have victim-centered personnel to work with GBV victims and survivors.

Conclusion and recommendations

Although there is no denying that attempts are being made to address and prevent GBVF, the effective participation of individuals and groups that are aware, involved, and in a position to demand change and better their lives is still necessary. Interventions that aim to affect social and behavioural change must centre on communities. However, the government and law enforcement organisations need to do more to combat the high rates of femicide. While programmes and activities are developed to enlighten males and discourage them from committing GBV, these programmes and initiatives must be evidence-based, inventive, and adaptive in our always-changing environment. It is essential that GBVF receives the attention it requires in order for those responsible for this crime to be held accountable and punished. Following the policy dialogues, Masiphephe Network recommends that

- Women should be economically empowered so that they do not fall victim to GBVF
- Government should develop sustainable economic solutions tailor-made for women and girls so that they become independent.
- Working with perpetrators is also important through using survey focus groups and clubs to discuss behaviour change.
- The youth are the key population in raising awareness at schools, e.g. Zazi clubs about GBVF and they should also define GBVF so that victims can identify if they are being abused.
- Men's groups should educate men to live healthy lifestyles such as avoiding substance and alcohol abuse that often drive them to become perpetrators of violence.
- Stories of positive change should be celebrated to promote peer-to-peer learning.
- Use of sports and culture to work with young men on ending GBVF is an important innovative approach that can keep young people away from trouble.
- There is a need to educate communities about the process of reporting GBVF cases with a special emphasis that rape cases need to be reported within 72 hours.

DISCLAIMER

This policy brief is for the “Strengthening Local Governance to Improve Gender Based Violence” Project also known as the “Masiphephe Network” (“Let’s Be Safe”). The project is funded by the United States Agency for International Development (USAID), through its Democracy, Human Rights and Governance (DRG) unit, and led by the Centre for Communication Impact (CCI). The Masiphephe Network community-based gender-based violence (GBV) prevention and response partners across three provinces in South Africa, believe that GBV is the grave consequence of complex social and structural problems. Our programme encourages inclusive GBV interventions through strategic policy advocacy, community-led collaborative supportive multi-sectoral partnerships, building awareness and promoting behaviour change to shift GBV social norms. Our views are informed by community engagements and recommendations. The contents of this policy brief are the responsibility of CCI and do not necessarily reflect the views of USAID.

BREAK THE SILENCE, CALL 0800 428 428 (GBV COMMAND CENTRE) TO REPORT AND GET GBV SUPPORT.

Masiphephe Network Implementing Partners

ORGANISATION	IMPLEMENTATION SITE/ LOCATION	CONTACT #
CCI	Pretoria, Gauteng	012 366 9300
GHJRU	University of Cape Town	021 406 6023
Agisanang Domestic Abuse Prevention and Training (ADAPT)	City of Johannesburg Region E, Gauteng	011 786 6608
Sonke Gender Justice (Sonke)	City of Johannesburg Region D, Gauteng	011 339 3589
Ethembeni Crisis Care Centre (ECCC)	eThekweni West, KwaZulu Natal	031 704 6860
Gugu Dlamini Foundation	eThekweni INK Area, KwaZulu Natal	031 292 2852
Project Support Association Southern Africa (PSASA)	Emalahleni Local Municipality and City of Mbombela	013 752 5624

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