



A THEMATIC PAPER: FEMICIDE AND GENDER-BASED VIOLENCE HATE CRIMES IN MPUMALANGA

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Synopsis

South Africa ranks among the top five countries in the world¹ with the highest female homicide rates. A day hardly passes without another case highlighted in the media. This impacts profoundly on the lives and well-being of survivors, families, communities and the broader society. According to a 2022 report by the Shared Value Africa Initiative, South Africa lost R36 billion as a result of gender-based violence (GBV) in 2019.² This thematic paper draws on national level data as well as provincial data with a focus on Mpumalanga, and particular towns in the province: Mbombela and Emalahleni.

South Africa's law enforcement institutions are either overwhelmed or incapacitated in dealing with cases and are also becoming places where gender-based violence and femicide (GBVF) are being perpetuated. In the second presidential summit held in November 2022, President Cyril Ramaphosa admitted that the government has not given enough urgency to the fight against GBVF in the country. Coordinated and integrated approaches including with faith-based communities, traditional leaders, and the youth are needed to curb the scourge.

This thematic paper reviews the literature focusing on GBVF at a national level drilling down to provincial level with a focus on Mpumalanga. Given the high number of cases in the province, the paper provides recent statistics and brutal cases to showcase evidence on the ground. This thematic paper also highlights updates on laws and policies to strengthen the fight against GBV. The thematic paper is a basis and part of the efforts to fight GBV and is targeted at different actors, including the government, civil society, policymakers, the private sector, funders, as well as community members, who are working tirelessly to find ways to improve the justice system.

Background

The Third National Femicide Study undertaken by the South African Medical Research Council (SAMRC) analysed the female murder data for 2017 and compared these with the data from the 2009 and 1999 reports. The study suggests that in this country there is a decline in the intimate partner femicide rate while non-intimate partner femicide has remained unchanged since 2009. While the findings are evidence of change and an indication of the importance of activism and strong policymaking, there is still an enormous problem of femicide and GBV hate crimes in the country, with three women being killed per day by an intimate partner.³

¹ UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). (2019) Global Study on Homicide 2019, UNODC.

² SHARED VALUE INITIATIVE. (2022) The Costly Impact of GBV

³ SOUTH AFRICAN MEDICAL RESEARCH COUNCIL (SAMRC)

Recent statistics from the South African Police Services (SAPS) reveal that in the five-year period between 2015 and 2020, a total of 13 815 women over the age of 18 years were murdered. That is an average of 2 763 murders a year, or about seven women a day.⁴ For the months of October through December 2021, there were 902 murders of women, 232 of which were specifically related to domestic violence. During the same period, 11 315 reports of rape occurred. This translates to 123 incidents every day. Although there was a 9% decline in sexual offenses,⁵ statistics frequently do not accurately reflect the reality because often such incidents are not reported. People Opposing Women Abuse (POWA) is one of many civil society organisations that believe that GBVF incidents are higher than what is reported,⁶ and that the official statistics do not reflect the true reality of what is happening on the ground.

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. The case of Singwa Namhla Mtwla, a 35-year-old woman who was allegedly killed by her boyfriend, became a nationally trending hashtag on social media – under #justicefornamhla.

During all this, one thing that stood out was one of the tweets from a young man who tweeted: “Drag me if y’all want but I was a perpetrator of GBV. Served 8 years for the murder of my then-girlfriend. Still on parole. I have a message for the gents. DON’T DO IT!” It is outrageous that he had to serve time in prison for killing his girlfriend before realising GBV is immoral.⁷ What is more outrageous is that this convicted murderer is walking free instead of still being behind bars for committing femicide. This is a condemnation of South Africa’s justice system that disregards the rights of GBV victims. The corrosive problem of delayed or denied justice affects not only the victims but also society as perpetrators get away with murder.

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. With the high level of corruption and low capacity by the police in recent years, these numbers have definitely increased. 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 that from the community level, to understand their causes as well as the reasons behind an increase in the number of unsolved cases.

⁴ SAPS 2019/2020 Crime Statistics

⁵ SAPS 2021/2022 Crime Statistics. <https://rb.gy/3axbvl>

⁶ Sowetan Live. February 2022. Latest GBV and femicide crime stats not 'accurate' says POWA.

⁷ Twitter. <https://twitter.com/sizwethethird/status/1528690552337747969>

The gang rapes of eight women in Krugersdorp, west of Johannesburg in July 2022, has renewed concern over the failure by the justice system to secure conviction of GBV perpetrators. In Mpumalanga, the NPA announced its commitment to secure convictions in each of the femicide cases it prosecuted in 2021 as well as the first quarter of 2022. On the total number of murder cases it prosecuted, the NPA noted that it was able to secure guilty convictions for 195 out of 257. Of these murders, there is reportedly a 100% conviction rate for femicide cases.⁸ Mpumalanga has the lowest overall femicide and Non-Intimate Partner Femicide (NIPF) rates, significantly lower than the overall South African femicide rate.⁹ However the province has seen a hike in the number of GBV cases over the past two years, with children and young women being highly affected.¹⁰ A rapid assessment by Masiphephe Network revealed that Mpumalanga is still a patriarchal society where GBV is normalised, resulting in a huge number of femicide and GBV hate crimes that remain unreported. Civil society organisations such as the Greater Rape Intervention Programme (GRIPS) revealed that they deal with about 20 rape cases each month in Mpumalanga communities, and in some months the cases are higher.¹¹

The reality of GBVF in Mpumalanga (the shocking cases)

The case of the brutal murder of Hillary Gardee,¹² the daughter of the former Economic Freedom Fighters' secretary general, Godrich Gardee, was a wake-up call that GBVF affects everyone. Many women living in the province expressed concern and said that they fear for their lives with delayed justice while the perpetrators walk free. Currently, 80% of criminal cases in Mpumalanga are not concluded in time because of DNA Forensic testing backlogs. The delay caused by DNA backlogs is indeed justice delayed as prosecutions can then collapse.¹³

In May this year, the Mpumalanga ANC Women's League (ANCWL) raised its concern over the perpetual violence against women and children in the province. This came shortly after the mutilated body of six-year-old Bontle Mashiyane, who had been missing for a month, was discovered.

⁸ JACARANDA FM. (August 2022) *Mpumalanga NPA claims 100% conviction rate in femicide cases*. Available at: <https://www.jacarandafm.com/news/news/mpumalanga-npa-claims-100-conviction-rate-femicide-cases/>

⁹ SOUTH AFRICAN MEDICAL RESEARCH COUNCIL (SAMRC). (2022) *The Third National Femicide Study*. SA [Accessed March 29 2023]MRC. Available at: <https://www.samrc.ac.za/sites/default/files/files/2022-10-21/DecreaseFemicideSouthAfricaResearchBrief.pdf> [Accessed March 29 2023]

¹⁰ GERMISTON CITY NEWS. (May 2022) *Mpumalanga ANC Women's League calls for harsher sentences against GBV perpetrators*. Available at: <https://germistoncitynews.co.za/inn/1171340/mpumalanga-anc-womens-league-calls-for-harsher-sentences-against-gbv-perpetrators/> [Accessed March 29 2023]

¹¹ 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/> [Accessed March 29 2023]

¹² EYE WITNESS NEWS. (September 2022) Available at: <https://ewn.co.za/2022/09/09/mpumalanga-women-say-they-re-living-in-fear-in-wake-of-hillary-gardee-s-murder> [Accessed March 29 2023]

¹³ SOWETAN LIVE. March 2021. *National forensic lab's dysfunction irks party*. Available at: <https://www.sowetanlive.co.za/news/south-africa/2021-03-02-national-forensic-labs-dysfunction-irks-party/> [Accessed March 29 2023]

Just a few days after Women's Month in 2021, a police officer shot his wife and her two children aged 4 and 10. The Commission for Gender Equality expressed its concern about the dramatic increase in GBVF crimes especially by those who were employed to uphold law and order. The Commission further highlighted that non-reported domestic violence and GBV often escalates to femicide that adversely affects women and children and creates broken families.¹⁴

In the wake of the murder of a 26-year-old pregnant woman, Patricia Juliet Ndlovu, whose body was found in the Crocodile River at Kanyamazane, more than 50 suspects were arrested for alleged gender-based violence (GBV), including rape, in Mpumalanga in women's month, August 2021.

The Mpumalanga Department of Health recorded an alarming rate of teenage pregnancies across its hospitals between April 2021 and August 2022. The reports at the department's disposal indicate that 8 543 teenagers between the ages of 15 to 19 years and 297 girls aged 10 to 14 years gave birth at health facilities between April 2021 and March 2022.¹⁵ Some of the teenage pregnancies are a result of rape or sexual coercion.

Update on laws and policies to strengthen the fight against GBV

In January 2023, President Cyril Ramaphosa signed into law legislation aimed at strengthening efforts to end GBVF, with a victim-centered 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 32 of 2007– 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 offense of sexual intimidation.

The Criminal and Related Matters Amendment Bill addresses crimes against vulnerable persons including GBV and it provides for additional procedures to prevent secondary victimisation 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

¹⁴ EYE WITNESS NEWS. (September 2021) *Mother And Two Children Allegedly Killed by Husband*. Available at: <https://ewn.co.za/2021/09/05/mother-and-two-children-allegedly-killed-by-husband>

¹⁵ MPUMALANGA NEWS. (October 2022) *Mpumalanga Department of Education says 8 840 learners give birth in one year, not 90000*. Available at: <https://mpumalanganews.co.za/?p=415882> [Accessed March 29 2023]

criminal ones. Additionally, the legislation tightens bail and minimum sentence provisions in cases of GBV.

The Domestic Violence Amendment Bill – the amendment bill includes new definitions such as ‘controlling behavior’ and ‘coercive behavior’. It also expands existing definitions such as ‘domestic violence’, to include spiritual abuse, elder abuse, coercive behavior, controlling behavior, and or exposing/subjecting children to certain listed behavior. The amendments introduced a new online application for a protection order against acts of domestic violence and imposes 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 enacted 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 2022 November 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.

Small pledges such as establishing a National Council on GBV and rolling out GBV desks at 1550 police stations nationwide have not yet been met.

Despite the strides in law reform and apparent political will, GBVF is still rampant in South Africa. There is a need for adequate funding and cooperation among government departments. Above all, the criminal justice system needs to improve its support to survivors. Poverty, patriarchal norms and corruption are also barriers to implementing measures to tackle GBVF. During the United Nation’s periodic review session in Geneva, Switzerland, South Africa was grilled on different issues including femicide and corruption. The country is in the spotlight for misusing public funds intended for GBV initiatives. The Human Rights Council urged South Africa to accelerate the activation of its anti-corruption action plan.¹⁶

¹⁶ THE HUMAN RIGHTS COUNCIL. (2022)

The role of media and the civil society

The media and civil society play a crucial role in unveiling all kinds of GBV hate crimes and femicide. The media reported 482 cases of the murder of women between 1 January 2018 to 31 October 2020. Mpumalanga province ranks the lowest in GBV crimes. In South Africa, women aged between 20 and 39 are at highest risks of facing murder that emanates from GBV.¹⁷ The media in collaboration with civil society can draw up provincial-specific media guidelines for sensitive reporting of GBVF. The media also has a role to play in shifting norms and changing violent behavior to enable and amplify the voices to fight GBV. Civil society continues to play an important role in providing support to GBV victims and survivors by intervening in the justice system and pledging to drive a cause.

Conclusion

The efforts to address and prevent GBVF are undeniable, but it still requires active, informed and involved engagement of people and communities to demand change and better their lives. Communities need to be the focal point of interventions to affect social and behavioral change. On the other hand, the government and law enforcement agencies should be working harder to fight the high levels of femicide. While initiatives and programmes are created to educate men and deter them from being perpetrators of GBV, however these initiatives must be informed by evidence and remain innovative and adaptable in our ever-changing world. It is critical that GBVF receives the attention it needs so that perpetrators are held accountable and punished for this crime against women. The second pillar of the National Strategic Plan on Gender-Based Violence and Femicide (NSP-GBVF) seeks to address behavioural and structural issues that affect vulnerable groups like children and women. More needs to be done to dismantle patriarchy and recognise that the rights of children, women and LGBTQI+ persons are human rights.

¹⁷ MAIL AND GUARDIAN. (2022). Media Hack Collective.

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)	eThekwini West, KwaZulu Natal	031 704 6860
Gugu Dlamini Foundation	eThekwini 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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