



# Community Dialogue Report

## *Special Rapporteur on Violence Against Women its Causes and Consequences*

NONCEBA CENTRE, KHAYELITSHA, 8 DECEMBER 2015

### INTRODUCTION

The United Nations Commission on Human Rights Special Rapporteur, Dr Dubravka Šimonović, visited South Africa in December 2015 and held a dialogue facilitated by NACOSA at the Nonceba Family Counselling Centre in Khayelitsha on 8 December 2015.

The Special Rapporteur reports to the Human Rights Council on violence against women, its causes and consequences. Her role is to:

- Seek and receive information on violence against women from Governments, treaty bodies, specialised agencies, other special rapporteurs responsible and inter-governmental and non-governmental organisations and to respond effectively to such information.
- Recommend measures, ways and means at the local, national, regional and international levels to eliminate all forms of violence against women and its causes, and to remedy its consequences.

The Special Rapporteur is also mandated to transmit urgent appeals and communications to States regarding alleged cases of violence against women, undertake country visits and submit annual thematic reports. Her visit to South Africa will result in a special report submitted to the Commission on Human Rights. For more information on the Special Rapporteur visit [www.ohchr.org](http://www.ohchr.org).



NACOSA's GBV Specialist, Sharon Kouta, welcomed the Special Rapporteur and called the dialogue a great opportunity for women's organisations to engage and discuss issues facing women and girls in South Africa and to provide recommendations to the Special Rapporteur.

Dr Šimonović began by saying she felt honoured to be invited and outlined the reasons for her visit: to look at challenges and provide recommendations on what specific measures are needed to see concrete results. She noted that domestic violence laws in South Africa are very progressive but we are not seeing results. Dr

Šimonović urged organisations to give input and recommendations associated with their specific target group of women and girls. The UN Rapporteur bridges the gap between NGOs and the government in cases where NGOs feel the government is not doing enough to end violence against women. The special rapporteur encouraged attendees to visit the [www.ohchr.org](http://www.ohchr.org) website and have a look the different cases that they've provided recommendations for and how many countries have implemented the recommendations. She also drew attention to the communication mechanism available to civil societies to report specific issues and human rights violations directly to her office: "NGOs can use this to influence change at national level".

Input, comment and discussion was provided by representatives from the following organisations attending the dialogue:

Triangle Project

The Trauma Centre

NACOSA

SWEAT

Sisonke

NICRO

Rape Crisis Cape Town Trust

Heinrich Boll Foundation

Nonceba

AIDS Legal Network

Western Cape Women's Shelter Movement

Amnesty International

MOSAIC

UWC Women and Democracy Initiative

Shukumisa

Grassroots Soccer

Women's Legal Centre

Cape Mental Health Society

St Anne's Homes Shelter



## CALL FOR A NATIONAL STRATEGIC PLAN

Many of the organisations present backed a call for a costed National Strategic Plan to end Gender Based Violence (NSP for GBV) as a matter of urgency because of the country's extremely high levels of violence against women, particularly against the most marginalised groups such as the LGBTI+ community and sex workers. The ethos of the NSP for GBV campaign is that there should be no more lip service, no more empty promises and no more unfunded mandates.

Contributions from the floor included:

- The NSP for GBV must lay out a clear roadmap for how government will improve the scope and quality of services available to victims of GBV. Filling the gaps in implementing existing laws and policies will improve the quality and consistency of already legally mandated police, judicial and health services.
- The NSP for GBV should outline services that will be made available to all victims and address the gaps in implementing existing legislation. The plan also needs to be clear on psychosocial services for victims of GBV and on prevention interventions that actually work and should be incorporated in all government departments. The NSP must improve and expand psycho-social services provided by all sectors. Thus the NSP must formalise the statutes and institutional arrangements required to secure psycho-social care of victims and fully fund and support these mandated services.

- The plan should also have a robust accountability measure as at the moment South Africa has clear and progressive legislation but poor implementation. The NSP must monitor implementation and effectiveness on both the departmental and cross-sectoral levels.
- The current Victim Empowerment Bill should be looked at in tandem with an NSP for GBV.
- The NSP should look at establishing services for young people as evidence shows that victims of violence are increasingly young people.
- Gang rape and the normalisation of rape culture in areas with high gang activity needs serious attention.
- The NSP should look at all forms of violence against women.
- The NSP plan recommendations should also be based on concrete cases and the government must be committed to looking at adequate budgeting for domestic violence services.
- The NSP for GBV campaign – a civil society coalition – has put together a NSP GBV Shadow Framework of key demands which provides a comprehensive sound response to gender based violence. This framework was handed to the Special Rapporteur.

## LAW REFORM

A number of organisations submitted the urgent need to look at reforming the laws around sex workers as they were extremely vulnerable to violence from their clients and the police. The points raised included:

- Calling for the decriminalisation of sex work – the government still has not recognised the importance of this issue in terms of the health and violence implications. Female, male and transgender sex workers are subject to the most extreme, sadistic and degrading violence from the police and their clients, without access to justice and healthcare.
- The law governing sex work was called dubbed a conservative, Apartheid-era law that needed to be reformed. The Special Rapporteur called on organisations to submit evidence of abuse of sex workers by police directly to her office using the communications channel on the website. She reiterated that torture is seen as a very serious human rights violation by the UN.
- Accountability seems to be a huge problem in many countries and that also needs to be curbed by strong concrete cases.
- Discussions around programmes for perpetrators have taken place but the results of those are not good/ideal.
- There is no legal aid funding for women who are survivors of violence, the legal aid assistance mostly goes to perpetrators. Call for this to be revisited in the Victim Empowerment legislation.
- The Special Rapporteur asked SWEAT to look into the legal aid legislation and forward outcome, especially evidence of specific cases where victims have not had access to redress.

## SHELTERS

Shelters accommodate a variety of women and affected children from different backgrounds. While considered critical to combatting domestic violence, shelters and women's organisations in shelters face considerable challenges. Some of the challenges raised with the Special Rapporteur included:

- Funding constraints limit the ability of Shelters to provide comprehensive services to women.
- Shelters cannot provide afford the number and variety of staff required to provide comprehensive services that include dealing with the mental health challenges that women face. Most frequent health concerns include depression, psychiatric conditions, substance abuse and HIV.
- Women also arrive a range of and practical and emotional needs.

- Shelters don't have the capacity to deal with whole families. When women leave an abusive environment they leave with their children. Most Shelters do not want to accommodate boys over the age of 12 years due to limited space and to protect girls of other women at the shelter. Other related issues include enrolling them at schools during the short stay at the shelter, no ID documents as they often had to flee the house without it or it was destroyed, no or little child support, child grants etc.
- Children accompanying women are not receiving adequate services i.e. psycho-social service such as play therapy.
- Most women at the shelter had no income while staying at the shelter and many brought very young children with them.
- Men are mostly the perpetrators of violence but cultural practices and norms and economic dependency often force women to stay in an abusive relationships.
- Women's legal needs extend beyond acquiring a protection order. Other legal needs include applying for IDs, follow up on domestic violence cases, maintenance applications, divorce proceedings, court preparation etc. Most women that applied for protection orders could not access shelters as there are not enough shelters to accommodate them. Access to shelters remains a great concern.
- A challenge facing the Nonceba Family Counselling Centre, Khayelithsa is the abusive men who still find a way to harass these victims ignoring the protection orders. Perpetrators also try to enter the centre and demand "their women". The Shelter has a duty to protect women and children that are in their care and would then not provide information to husbands and partners about the whereabouts of women.
- Victims are permitted to stay for 3-6 months but sometimes they need to stay longer because they have no-where to go besides the abusive home and the centre can't send them back to the same environment. This creates less space for new victims in centre.
- The need for second stage housing for women who need a longer stay was raised by Joy Lange representing the Western Cape Shelter Movement.
- Shelters are very important when it comes to dealing with issues of gender based violence, particularly to survivors. This issue of long-term housing for victims is a problem.
- National Minimum Guidelines and Standards for Shelters are in place but there are vast variances in practices across the country. Funding for shelters are inadequate and also differs vastly which leads to shelters not being able to render adequate services to women in abusive situation. Sharon Kouta of NACOSA, called for a similar process to the Guidelines and Standards for Rape Survivors to be applied.

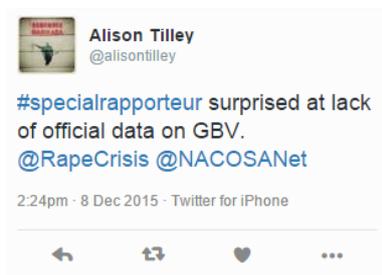
## OTHER ISSUES

The discussion raised other issues, including:

- Therapeutic services for children help break the cycle of violence but the waiting lists are very long. The issue of visitation rights with children for perpetrators was also discussed.



- Violence against the LGBTI+ community is extremely high and a lot of issues experienced by this community are felt not to be adequately recognised by government. The lived experience of lesbian, bisexual and transgender people is not recognised.
- The South African Police Service (SAPS) and Department of Justice must be held accountable if they are not fulfilling their legislated roles in protecting victims of violence.
- Women with disabilities are also extremely vulnerable to domestic and sexual violence and are less able to access services and support. Not enough is being done to address this vulnerable group.
- No or few services for victims with psychiatric or mental disabilities was noted. These victims have to go through a competency test to prove that they can testify in court which violates their rights.
- Court support for survivors is limited and Rape Crisis called on government to roll out sexual offences courts, properly funded so that there is a civil society-led victim support in every court. Collaboration between civil society and government roots a court or service in their community.
- The issue of compensation for survivors was discussed and it was noted that the Victim Empowerment Act did not address this. In domestic violence cases, compensation was seen as critical.
- NICRO talked about programmes with perpetrators. The Special Rapporteur noted that such programmes are controversial and that the research found they had limited effect in curbing violence against women.
- Many organisations called for a more coordinated response amongst civil society.



- Data is a big problem – police statistics don't disaggregate which means we are working with anecdotal evidence. Given the disincentives for reporting sexual crimes it is known that the reported statistics do not give a real indication of the extent of violence against women. A study conducted by MRC in 2009 shows that intimate partner femicide is the leading cause of female homicide in South Africa. These studies suggest that what we know about violence against women in terms of reported incidents is a mere fragment of the whole picture.
- Proper data and research is needed: the government needs to be accurate when disseminating data on violence as some of their data is not a true representation of what is actually taking place. More pressure needs to be put on the government around this.

- It was felt that the Ministry of Women was not doing much to protect victims of violence, concentrating more on socio-economic empowerment.
- There is a shortage of forensic nurses and doctors to do examinations of rape survivors
- Financial support for civil society is lacking
- Safe abortion and sexual health services need to be made more accessible, particularly for young girls.

## CONCLUSION

In summing up, NACOSA's Mokgadi Malahlela and the Special Rapporteur agreed:

- As a nation and a country we need to understand and embrace coordination and collaboration
- NGOs need to come together to work for a common cause – ending violence against women and supporting survivors.
- In silos we won't be able to do it but if we work together we can make the necessary changes.

The Special Rapporteur encouraged civil society organisations to make use of the processes and tools available in the country to address the huge challenges of gender based violence and that if these tools don't deliver, organisations must keep a record of cases/evidence and submit it her using the communication channels on the website.

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