

Implementing the National Strategic Plan on Gender-Based Violence and Femicide in South Africa: The Challenges of Policy Implementation.



Ashleigh-Nicole Roberts

rbrash004

Supervisor: Associate Professor Helen Scanlon

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COMPULSORY DECLARATION

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Abstract

This paper examines the challenges toward implementing gender-based violence (GBV) interventions under the National Strategic Plan of Gender-Based Violence and Femicide (NSP GBVF) in South Africa. The NSP was introduced in 2020 as a multistakeholder policy to address the high levels of GBV in the country, however, has failed to reach a number of its targets in the first three years.

Six semi-structured interviews were conducted with experts in the field, who have worked for organisations that run gender-based violence interventions, to gain insight into their views about the implementation of the NSP as well as GBV prevention efforts in the country. The NSP GBVF was a result of women's and feminist groups organising to bring attention to the government's complicity in the high levels of GBV. South Africa has a strong history of women's movements mobilising behind causes that impact them. Civil society organisations that focus on GBV have been in contention with the government at times, due to the lack of transparency and accountability within the government as well as the perceived lack of political urgency around issues of GBV. The relationship between the government and Civil society organisations is an important one as these organisations bring expert knowledge about the communities they work in, have the potential to increase implementation capacity and hold the government accountable when promises are not met.

Currently, the gap between policy and implementation limits the effectiveness of the NSP at a grassroots level. Government needs to be held to greater accountability to ensure the adoption of the national framework at both institutional and grassroots levels. Community engagement is vital as a cultural shift in attitudes around gender and violence is required. South Africa has created gender-responsive policies since 1994, however these policies are not being effectively resourced or implemented which is why there has not been a reduction in GBV rates. The underlying structural causes of GBV need to be addressed in order to achieve results.

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Abbreviations and Acronyms

ANC	African National Congress
ANCWL	African National Congress Women's League
CEDAW	Convention for the Elimination of All Forms of Discrimination Against Women
CGE	Commission for Gender Equality
CSO	Civil society organisations
DoJCD	Department of Justice and Constitutional Development
DREAMS	Determined, Resilient, Empowered, AIDS-free, Mentored and Safe
DSD	Department of Social Development
DVA	Domestic Violence Act
DWYPD	Department of Women Youth and Persons with Disabilities
ERAP	Emergency Response Action Plan
GBV	Gender-Based Violence
HIV	Human immunodeficiency virus
IDMT	Inter-Departmental Management Team
IMC	Inter-Ministerial Committee
IJR	Institute for Justice and Reconciliation
LGBTQIA+	lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual.
NARCOSA	Networking HIV and AIDS Community of Southern Africa
NAP	National Action Plan
NCGBV	National Council on Gender-Based Violence
NGO	Non-governmental organisations
NSMSA	National Shelter Movement of South Africa
NSP GBVF	National Strategic Plan on Gender-Based Violence and Femicide

POA	South African Integrated Programme of Action Addressing Violence Against Women and Children
SAMRC	South African Medical Research Council
SAPS	South African Police Force
SOCA	Sexual Offences and Community Affairs
TCC	Thuthuzela Care centres
VAW	Violence against women
WHO	World Health Organisation

Chapter 1: Introduction

This thesis will explore the implementation of NSP GBVF and how it came to be created. As feminist and women's organisations were central to its creation, this thesis will begin by looking at the mobilisation that took place before the creation of the document and how historically women's organising has looked within the country. The tensions around women's organisations within the state and non-state women's organisations will be discussed namely by looking at the critiques laid against the ANCWL. This background is required to understand how these organisations have worked with or challenged the government around issues of GBV in the country. This sets the stage for understanding why the GBV summit was so important, and the grievances raised there. This thesis will look at previous plans that have been introduced to tackle GBV, the challenges they have faced and the similarities and differences between those and the NSP GBVF. On examination, it is clear the government struggles with implementation. This poor implementation will be examined and how this relates to the claims of the lack of accountability and transparency between the government and civil society organisations around the NSP GBVF. The lack of integration of the document in government departments will be discussed and whether this is due to the government's lack of commitment and interest in transforming gender relations and reducing GBV.

Additionally, South Africa's legal reform around gender will be discussed and the need to have laws that encourage gender equality. The gap between policy and implementation will be examined and whether policy is enough to address GBV. The legal system can further marginalise certain groups and in a country where race, class and gender are so closely linked this needs to be considered when thinking about legal interventions. The need for legal interventions and structural causes to work together will be discussed. Norms and attitudes need to be addressed to prevent GBV. The pervasive norms that encourage GBV will be investigated and how these norms must be tackled at the local level. Policy needs to reach the local and community level to truly have an impact which is why these grassroots organisations are needed. The relationship between civil society and the government is explored as well as how these groups have worked together and been at odds throughout the country's attempts to reduce the levels of GBV.

Background

The National Strategic Plan on Gender-Based Violence and Femicide (NSP GBVF) which is mandated to operate between 2020 and 2030 was created after growing protests in 2018 and 2019 by women's groups and civil society to address the high levels of gender-based violence

(GBV) in the country. South Africa is considered one of the most unsafe places in the world, with women and girls being killed at a rate five times higher than the rest of the world (Africa Health Organisation, 2021). In the 2022/2023 fiscal year 53500 cases of sexual violence were reported, with 80% of reported cases being rape (“Number of sexual offenses in South Africa from 2022 to 2023”, 2024). It should be noted that these statistics may not reflect the extent of sexual violence in the country as instances of sexual violence are often underreported. Underreporting is due to barriers such as lack of confidence in the justice system, difficulty in accessing police stations, fearing the stigma around being raped, fear of not being believed and lack of education on the topic (Maphanga, 2021). The NSP GBVF was created after the first Presidential Summit was held in 2018 and constituted by April 2020. This was historic as it was the first time since the Women’s National Coalition in 1992 that such a wide variety of organisations and civil society members came together for a common goal (National Strategic Plan on Gender-Based Violence, 2020:2). The NSP GBVF is a multi-sectorial plan that involves government, the private sector, non-governmental organisations (NGOs) and civil society organisations (CSOs). The plan focuses on six pillars:

1. Accountability, Coordination and Leadership,
2. Prevention and Rebuilding the Social Cohesion
3. Justice, Safety and Protection,
4. Response, Care, Support and Healing
5. Economic Power
6. Research and Information Management.

As GBV is such a complex problem and so pervasive in the country, a strategic plan needs to include all sectors of society (Enaifoghe et al., 2021:133).

The creation of the NSP GBVF was namely a result of feminist and women’s groups rallying and lobbying the government to address the high levels of GBV in the country. This was significant as Weldon and Htun (2013) note that autonomous feminist-informed movements have a greater impact in reducing GBV than women’s representation in government. This is evidenced by the South African government which has 42% of its government positions filled by women but this has little effect on the rates of GBV within the country (Gouws, 2016:404). Women’s movements have been key agents of change, with women playing a key role in activism in the country since the liberation struggle. One of the most significant protests led by women was the women’s march in 1956 to protest the pass laws during apartheid (Maluleke &

Moyer, 2020:874-845). The march has been commemorated in August since 1994, and subsequently, the celebration of the march became central to the anti-GBV protests in 2018, which was the catalyst for the creation of the NSP GBVF. On 1 August 2018, #TotalShutdown movement led a mass action protest and the boycotting of schools and work across the country to mark the start of Women's Month to bring attention to the high levels of GBV and to have GBV become part of the national political agenda (Vermuë, 2021:250). #TotalShutdown chose this date to march, to demonstrate that women have little to celebrate when rates of femicide are so high. In addition to the march, the group presented a list of 24 demands to the president, which was the catalyst for the creation of NSP GBVF (Vermuë, 2021:251). This movement was born as a way to challenge the complacency of the government regarding GBV. #TotalShutdown movement brought together a wide network of women with varying identities. Naidoo and Buiten (2022:59) argue that the #TotalShutdown movement was noteworthy because it was an autonomous movement, that drew on social media strategies to attract more people to the movement and move them to collective action. The use of social media has become increasingly popular as a site to encourage collective activism.

Bosch (2016:159) supposes that community protests have increased in the last decade because of the high levels of inequality, high levels of unemployment as well as limited access to basic services like water, sanitation and healthcare. At the same time, Twitter (X) has grown as a political tool to bring awareness to debates at a national level. In South Africa, the proliferation of the use of online platforms, particularly Twitter, was seen during the #feesmustfall protests. This was a movement led by university students to bring attention to how unaffordable tertiary education is in the country. The use of the hashtag #mustfall became a slogan used nationally, in more traditional media in later years was used to bring attention to other causes one of which was the #zumamust fall (Bosch, 2016:165). It should be noted that along with the protests there was added political pressure during 2018 and 2019 due to the 2019 national elections taking place. Furthermore, online platforms have become increasingly popular for citizens to voice their grievances, with the ANC and #zumamustfall gaining negative attention online. This was on the back of the 2017 #zumamustfall and #rememberkhwezi hashtags that were aimed at reminding the public of Zuma's alleged rape of Khwezi. Additionally, the ANC which has been in power since the first democratic election in 1994 saw a significant drop in popularity in the 2019 election and lost a substantial number of votes in areas where they had had a stronghold for many years (Thabela-Chimboza, Abrahams and Chigona, 2020:4).

#TotalShutdown began as a Facebook group (Vermuë, 2021:245), and used this platform to form and grow a community that was dedicated to fighting for the same cause. #TotalShutdown was smart in its use of media and used more traditional forms of media as well as social media to publicise their march which took place on 1 August. The use of both social and more traditional media was important as it gave the march local relevance and took into account local contexts (Naidoo & Buiten, 2022:61). Online activism is considered successful when it encourages social change and activism offline. Both the 2018 and 2019 marches were well attended. Therefore, they could be considered successful online campaigns as both those marches used social media to rally civil society (Thabela-Chimboza, Abrahams and Chigona, 2020:10).

While #TotalShutdown stands out for its use of social media to gain traction, women and women's organisations have been present in the fight for equality throughout the country's history. As mentioned previously the women's march was instrumental in bringing attention to the power women could have and their ability to engage in politics. However, during this time there was an acknowledgement that there was tension between national and women's liberation, with the national movement ending up taking priority (Maluleke & Moyer, 2020:875). The women's movement during this time fought to bring up issues of sexual equality and the violence that women, both within and outside of the liberation struggle, faced. This topic was viewed as divisive, and the liberation struggle chose to focus on political and economic inequality (Hassim, 2009:61). Discourse on sexual violence was seen as playing into the hands of the oppressors (Hassim, 2009:61). This is not surprising as one of the justifications for the oppression and violence against black men under colonials was because of their portrayal as savage animals that could not control their sexual urges (Moffett, 2006:135). Feminist consciousness was part of the women's movement during this time however was not given the room to be expressed or publicly debated (Hassim, 2009:61). This was unfortunate as it meant that women's double burden of oppression, in this case, their race and gender, was not acknowledged. Furthermore, women were often viewed through the lens of maternalism, and their roles were often around personal and relationship problems (Maluleke & Moyer, 2020:875). This furthered the perception of women's agency being dependent on their husbands, children, or even the nation rather than individuals with political and sexual agency (Hassim 2009:61-62). Although Gasa (2007:130) cautions against erasing the political agency of women and the mobilisation efforts that took place.

While women were only given official membership within the ANC in 1943, women were organising politically long before that. The ANC which in its earlier days was known as the South African Native National Congress (SANNC) was not seen as the best space for women's mobilisation and therefore women's political participation took the form of grassroots mobilisation. Gasa (2007:135) draws attention to the 1913 March which took place in Bloemfontein and saw women come together to organise against pass laws and permits. These laws became stricter at the turn of the century due to Bloemfontein's population rising and becoming an economic hub. With the stricter laws on permits came higher fees that had to be paid to ensure that permits were up to date which severely affected working women. This march was unique in that it brought together from different ethnicities and races, and this resulted in a large group of women mobilising to fight an issue. Another example of women's participation in mass direct action was the Potchefstroom march in 1929 (Gasa, 2007:141). This was in response to what was known as the lodger's permit which required that African people pay for a residential permit. This was introduced under the pretence of being a source of revenue that would go into the Native Revenue Account that was supposedly used to provide basic services. This account was already in surplus as Africans paid taxes that went into this account. While there is not enough space to go into the details of this march, what is significant is that it demonstrates that women were engaged in political mobilisation throughout the country's history. These protests saw women and men mobilise together for a cause and these protests indicated the rising political consciousness where women were not only engaging in issues that affected them but also partnering with political organisations, in this case, it was the Communist Party of South Africa (Gasa, 2007:142). This is not to say there were no other protests and cases where women mobilised, the above examples are there to demonstrate how women organised politically and the shift that took place from more grassroots mobilisation to later attaching to larger political organisations.

In addition to sporadic grassroots mobilisation, working women became active in the trade unions to fight for their rights which were increasingly being infringed on as greater restrictions were placed on their economic activity (Hassim, 2006:21) The women's movement was able to grow because of women in the trade unions and because of their fight for greater workers' rights that women came together and began to vocalise the links between class and gender oppression (Hassim, 2006:21). In the 1940s, the decline in the reserve economy led to increased urbanisation for both men and women, with women becoming integral to the growing numbers of discontented citizens in the townships. Directing this source of political mobilisation into

the liberation movement as well as the ANC wanting to increase the membership and mass appeal was the reason for the creation of the ANCWL (Hassim, 2006:22).

This unique relationship between the ANC and the ANCWL places women within the ANCWL in a position where their affiliation to their organisation comes first. This has created tension between the women's movement and the ANCWL since its inception. When the Women's Federation of South Africa was formed it was made up of members of the ANC Women's League, trade unions and the communist party. While the federation was formed, it was still understood that the ANCWL was first and foremost affiliated with the ANC and the larger liberation struggle (Hassim, 2006:25). Many members of the ANCWL were part of the liberation struggle and therefore came from the school of thought that places the national agenda above that of the women's movement. As members of the national liberation movement, they operated in the bounds of nationalism which presents women as producers of the nation and are limited in their ability to challenge the hierarchy that gives men their political power (Gouws, 2016:407). The women's movement which led to the creation of the Women's National Coalition in the 1990s was able to use its influence to have equality addressed in the Constitution. The reason the Coalition was able to be so successful was that it was autonomous from the ANC. This did not last as many of the women who were involved in contributing to the creation of the constitution were one, political elites and two, ended up working for the state or parastatal companies which weakened their roots within civil society (Hassim, 2009:62). Women that were given positions in the government were more interested in holding their power and thus remained loyal to their party rather than pushing for greater change and gender equality (Gouws, 2016:407). This created a gap between women within the state and those working at a grassroots level.

This divide was solidified when the ANCWL was seen supporting former president Jacob Zuma (who was then deputy president) during his 2006 rape trial and smeared Fezekele Kuzwayo, the rape survivor (Maluleke & Moyer, 2020:875). Gouws (2016:404) states that the ANCWL's support of Zuma was symbolic and acted to minimise the connection between the power of the law and the power of men in important political positions. While the ANCWL has been vocal in condemning GBV, they fail to hold powerful men accountable. Their calls for 'rapist to rot in jail' are seen as performative (Maluleke & Moyer, 2020:876) and this coupled with their partisan connections led to #TotalShutdown asking them to not be a part of the march ("ANCWL won't join...", 2018). Even though it is clear the ANCWL have made giant leaps towards greater representation for women in government positions, they have not aligned with

women's and feminist organisations that make up civil society. It is interesting to note that women who were part of the ANC during the early days of the liberation struggle were informed by feminist consciousness, which is why the women's movement tried to bring attention to the violence women face. However, we see that they faced limitations because the broader organisation did not have these norms and culture embedded in it (Gouws, 2016:408). This has created a divide between the ideologies of those women working in the state and women within civil society.

The ANCWL's lack of transformation and loyalty to the ANC party while claiming to fight GBV has created obstacles for activists. It should be noted that the ANCWL has noted that they are not a feminist organisation (Dlakavu, 2022:254), which again points to the conservative nature of their work within the state. Considering the history of the ANCWL and feminism in South Africa this is unsurprising. In the 1950s the ANCWL and the federation developed a 'female consciousness' that grew out of the "cultural experiences of helping families and communities survive" (Hassim, 2006:28). Although this consciousness was a way of promoting political action, it was with the constraints that women fulfil their roles of wives and mothers. The mobilisation around pass laws were closely related to this idea of women being constrained in their ability to fulfil the obligations that these roles required. From about the 1970s feminism and the national liberation struggle had a tense relationship. Feminism during this period was predominantly spoken about by white academic women with its roots in the global north. This created the perception that feminism had little relatability for black women and their experiences. Second-wave feminism of the 1970s tried to create a universalised image of women's experiences, and due to many of the women who called themselves feminists being middle class and white, it created resentment with black women who did not identify with their experiences and did not want to be spoken for (Steyn, 1998:43). This history illustrates why the ANCWL did not embrace the identity as a feminist organisation and demonstrates the difficulties that can exist between feminist movements and national liberation movements.

Feminist and women's organisations outside of the state are not intertwined with the state like the ANCWL and this has given them the freedom to bring attention to GBV and the state's complicity in it. One such organisation is the One in Nine Campaign. The One in Nine first gained national attention for their support of Fezekele Kuzwayo. The trial of Jacob Zuma sparked conversations around how widespread GBV was, what is understood as consent as well as ideas around justice and the judiciary's secondary victimisation of survivors due to the country's hyper-patriarchal norms and attitudes (Dlakavu, 2022:253). Dlakavu (2022:251)

posits that this organisation's use of direct action as a form of protest fostered political engagement and laid the foundation for other anti-GBV protests like #TotalShutdown and #RapeAtAzaniaHouse. Direct action is defined by Chesters and Welsh (2010:61) as a protest method that aims to bring about change by using tactics that are outside of the regular channels of political or social engagement. One in Nine differed from other movements of the time in that they were explicitly a feminist organisation that was committed to speaking out about sexual violence. This is a contrast to the ANCWL which had stated in the past that they were not a feminist organisation and not 'hostile to men' (Dlakavu, 2022:254). The trial of Zuma highlighted the complicity of the state in perpetuating GBV which prompted feminist organisations to begin to mobilise outside of state institutions, relying rather on direct action. The use of direct action was initiated by the One in Nine Campaign's public protests against GBVF (Dlakavu, 2022:251). The protests at universities against sexual violence have been characterised by Gouws and Coetzee (2019:4) as feminist direct-action referencing #RhodesMustFall #OpenStellenbosch #FeesMustFall and #EndRapeCulture. Dlakavu (2022:256) maintains that the visibility of the One in Nine created at the Zuma trial and their use of the silent protest was a precursor to the use of activists using their bodies as signifiers of resistance.

All these movements were a precursor to #TotalShutdown and are all examples of women's and feminist organisations engaging in activism outside of the state. In the cases of the One in Nine campaign and #TotalShutdown, these movements directly challenged the state for their role in perpetuating GBV. #TotalShutdown was able to engage the state and have them commit to a comprehensive plan to address GBV. The state and women's organisations have both worked together and been at odds, and this history demonstrates how their ideologies place them at odds today. While women's groups and feminist activists worked with the state to create the NSP GBVF, there is once again contention between the groups (this will be discussed later) as the government is being viewed as uttering lip service but not fully committing to implementing the NSP GBVF. This mirrors the critiques that Gouws (2016:409) had of the ANCWL which is that their activism is performative. This thesis will examine the state's progress on the NSP GBVF and how implementation has been hindered due to the state not adopting the principles and norms of the NSP GBVF across its departments.

This thesis will begin by defining gender-based violence and how this term has evolved to become more inclusive. This is an important definition as it lays the foundation for understanding who is affected by this issue. It will then discuss gender-based violence in South

Africa and some of the theories as to the high levels of violence in the country. It will also examine the difficulties in implementing gender-based violence interventions in the country and how pervasive norms around gender inequality need to be addressed within these interventions.

This thesis will look at the state's need for greater accountability, coordination and communication. It will examine the interventions that have preceded it, and how these have differed or been similar to the NSP GBVF. The role of civil society organisations will be discussed and how vital they have been in lobbying the government to address GBV South Africa. The country's policy and legislation are investigated and why this has not produced better results in reducing GBV. As legislation does not tackle the structural causes of GBV there needs to be more interventions that look at this. Norms and attitudes that facilitate violence are pervasive in society and must be looked at and dismantled at all levels, this includes structural, community and individual levels.

Research Methodology

Research question

What are the challenges toward implementing Gender-Based Violence (GBV) interventions under the National Strategic Plan of Gender-Based Violence and Femicide (NSP GBVF) in South Africa?

This thesis aims to explore the implementation of the NSP GBVF thus far and the challenges that have faced its implementation given that it had failed to meet many of the targets during the first year of its tenure. While Covid-19 was a contributor to this, this thesis aims to look at the other factors that contributed since. This thesis aims to explore in large part the relationship between the government and civil society activists and how that relationship has developed during the three years that the NSP GBVF has been operational, given that civil society played a crucial part in lobbying the state for a multi-sectoral plan.

Methodology

This section will discuss the theory that informed this thesis and subsequently the methods to collect and analyse the data that form the foundation of the discussion around addressing GBV in South Africa. This thesis uses a qualitative research design with the data being collected by conducting semi-structured interviews which were interpreted through a thematic analysis approach as well as collecting data from government and NGO reports and examining them through the literature review method. This section will lay out the theoretical framework that

informed the thesis. This will be followed by an explanation of how the data was collected and then went on to be analysed. Finally, the methodological limitations and challenges will be discussed.

This research project uses a qualitative research design as it attempts to understand human being's lived experiences and human phenomena. Qualitative research understands that meaning is socially constructed by the way an individual interacts with the world around them. A feature of qualitative design is that it uses richly descriptive words and pictures rather than the data consisting of numbers (Merriam, 2002:2). Qualitative research wants to understand why these constructions take place in different places and times (Merriam, 2002:4).

This thesis is informed by intersectionality theory and uses it as a lens through which to answer the research question. Intersectionality looks at how gender, race, sexuality, disability, and class, to name a few, intersect and how these identities affect a person's lived experience as they come into contact with systems of oppression (Gouws, 2017:20). It refers to the dominance of social, political, economic, and cultural dynamics and power that intertwine. The term entered feminist literature as a critique of radical feminist's essentialisation of identities. Radical feminism, which emerged in the 1970s in the 'global north', essentialised women's experiences and focused solely on women and no other identities as women were viewed as a monolith. Intersectionality has been criticised for its additive way of looking at identity however it has moved away from a single-axis way of thinking to a matrix thinking (Gouws, 2017:20). Intersectionality's framing of the matrix of domination, when used correctly, allows for the understanding that domination and resistance coexist together and the complexities that exist when these two interact. There will always be resistance within domination, and that domination determines the privileged and oppressed within that context and shapes political behaviour (Hill Collins, 2017:25). Intersectionality is not a neutral concept but rather one that has emerged from histories of struggle that seek justice. Often intersectionality can be depoliticised which obscures its usefulness as a tool for resistance (Hill Collins, 2017:20). Within its epistemological practice, it can challenge current knowledge and bring attention to any gaps or silences, from an ontological viewpoint it can grapple with complexity as well as look at the agency within both privileged and oppressed groups and finally its political orientation is based in solidarity rather than sameness (May, 2015:34). Much of intersectionality focuses on the multiple differences in the present and draws on localism or nationalism (Kerner, 2017:847). Within South Africa, gender oppression is closely related to other identities which influences who is most affected by GBV. Economic, political, social, and

cultural institutions intertwine to perpetuate oppressive systems that fuel GBV. Using this lens allows for a greater understanding of the intersecting structures that are intertwined with GBV and therefore not only why an intersectional approach such as the NSP GBVF is needed but also the structures and institutions that encourage or challenge GBV. Part of the difficulty in addressing GBV is the identities that are intertwined with gender and make one more or less susceptible to GBV, which is why intersectionality is required to understand why GBV is so prominent in South Africa as well as how to comprehensively address it. Intersectionality was chosen as the theoretical framework as gender is intertwined with other identities and affects who is most affected by GBV and this needs to be investigated to identify who is most vulnerable to assist those groups.

Data Collection and Analysis

Six semi-structured interviews were conducted with the interviews including Sima Diar from Nisaa Institute for Women's Development, Colleen Wagner from NARCOSA, Edward Jacobs, Pabi Mbedzi and Therese from the Justice Desk Africa, Felicity Harrison and Katlego Sepotokele from the Institute from Justice and Reconciliation, Leonard Macakathi from Commission of Gender Equality and Dean Peacock who is the founder of Sonke Gender Justice (however has since left the organisation). Each interview explored each interviewee's different experiences and work in their different spaces that address GBV. The interviews aimed to examine the experiences the participants had had in the implementation of the NSP GBVF and their thoughts around the policy as well as their views on GBV prevention interventions. Each of the participants were from non-governmental organisations that have been working to reduce gender equality and GBV in South Africa. NGOs were chosen as the country has a long history of women organising in grassroots activism, politics and NGOs to fight against GBV and have been crucial in bringing attention to issues of gender both pre- and post-democracy (Vermuë, 2021:244). NGOs play an important role in closing the gap between the government and citizens of a country by helping to provide basic services where there is a deficit (Tshiyoyo, 2022) and in South Africa NGOs have been service providers for the state (Gouws, 2016:404). The work of NGOs is central to this thesis as Hassim in Gqola (2007:116) argues, strong autonomous feminist movements are crucial to the greater success of GBV interventions, and the NGOs working to reduce GBV are a prime example of a robust feminist movement outside of the state. NGOs have both mobilised outside of the state and worked with the state to develop GBV legislation in the country (Gouws, 2016:404) and have a unique and in-depth perspective

of the landscape of state GBV prevention in the country. Only six interviews were done as they produced similar themes across all six.

The interviews are there to back up the findings that have been discussed by scholars on GBV in South Africa as well as the findings from the reports produced by the government and other organisations on the progress of the NSP GBVF's implementation. Finally, videos and articles on the second presidential summit on GBV were looked at as this summit was between government and civil society activists about the progress of the NSP GBVF. The focus of the data taken from the summit is during day one where delegates¹, who work for various NGOs and CSOs, could raise questions and queries about the gaps they have seen in the implementation of the NSP GBVF. This demonstrates where these delegates perceive the challenges towards successful implementation to be. The use of government documents was used to gain perspective on what the government have reported have been their successes and challenges and there are many resources available to look at which is why it did not seem necessary to interview anyone within government. The focus of the thesis was to gain perspective from experts in the field and the interviewees all demonstrated vast and specialised knowledge on the subject.

The purposive sampling method was used as the aim of the thesis was to interview participants who were working in organisations that were involved in implementing the NSP on GBV and Femicide because of their work and experiences in communities. The participants all had experience working in organisations that are implementing GBV interventions in South Africa and therefore could speak to the work that is currently happening in the country as well as possible gaps that need to be addressed. Organisations that work at different stages of the GBV intervention process were approached, but also that varied from government organisations that work from the top down to more grassroots organisations. The first organisation that was approached was the Commission for Gender Equality. The Commission for Gender Equality (CGE) is a constitutional entity that was established through the CGE Act of 1996. In terms of Section 187 of the Constitution, the CGE's mandate is to "strengthen constitutional democracy" and to promote gender equality and the attainment, development, and protection of gender equality. CGE promotes and protects gender equality through research, public education, policy development and legislative initiatives (Commission for Gender Equality, 2021). The next organisation was The Institute for Justice and Reconciliation (IJR) which was founded in 2000

¹ Many of the delegates did not introduce themselves when raising their question.

after the Truth and Reconciliation Commission with the aim of taking the lessons learnt during South Africa's transition and post-apartheid space, into the future. Their programmes include the Peacebuilding Interventions Programme, Sustained Dialogues Programme, Communication, Advocacy & Strategy Programme, Research and Policy Programme (The Institute for the Justice and Reconciliation, 2022). IJR works as part of the National Action Plan (NAP) on Women, Peace and Security and has not been as involved in the NSP GBVF. The NAP on Women's Peace and Security differs from the NSP GBVF in that it was created as part of the country's commitment to the United Nations Security Council's Resolution 1325. The resolution aims to bring attention to women's role in peacekeeping and how women's experiences during armed conflict are linked to their position in society and their view as the lesser sex (National Action Plan on Women, Peace and Security, 2020:3). The focus of their work has been on community engagement, with both men and women, around gender rights. IJR's work as part of the NAP is to transform systems that perpetuate inequality and GBV (The Institute for the Justice and Reconciliation, 2022) and therefore addresses similar concerns as the NSP GBVF which is why they were interviewed. The Justice Desk Africa is a human rights non-profit organisation that works in South Africa, Zambia, Zimbabwe, Kenya, Tanzania, South Sudan, Sierra Leone, The Gambia, Liberia, and Ghana. The organisation concentrates on gender-based violence, human rights education, and children's rights. Justice Desk South Africa has three specialised programmes, the Mbokodo, iNtsika yeThemba and YA projects which operate in five communities: Bonteheuwel, Nyanga, Khayelitsha, Langa and Gugulethu (Justice Desk Africa, 2023). Their programmes are examples of grassroots behavioural programmes that attempt to tackle the root causes of GBV, and their interview was to gain insight and assess how these smaller programmes relate to the broader NSP. Additionally, at the time of the interview with Justice Desk, they were involved in Pillar One: Accountability, Coordination and Leadership and had one onsite social worker, who was involved in the network of NGOs that are responsible for holding the government accountable and monitoring the progress of the NSP GBVF (Edward, 2023). The Nisaa Institute for Women's Development (Nisaa) is a non-profit, non-governmental organisation that focuses on the prevention of gender-based violence and empowering women who have experienced abuse. The organisation does this by promoting women and children's rights and providing counselling services, shelters, raising awareness and advocating for the promotion of women's rights, providing training, and focusing on developing local, national, regional, and international partnerships to help in this cause (Nisaa Institute for Women's Development). Nisaa is the secretariat for the National Shelter Movement of South Africa (NSMSA) which is a network that focuses on

advocacy and engaging various stakeholders in building the capacity of GBV shelters that house women and their children. They have been involved in both the drafting and implementation of the NSP GBVF, with the director contributing to the drafting of the NSP GBVF in 2018 (Sima, 2022). Nisaa was asked to draw up a model on sheltering as well as to develop a core package of services for survivors of gender-based violence and look at costing that because of their role within NSMSA. The organisation predominately operates as part of Pillar Four of the NSP GBVF which is Response, Care and Support due to their experience in providing shelters for women. However, after the presidential summit in 2022 there are plans for them to be more involved in Pillar Two (Sima, 2022). The Networking HIV and AIDS Community of Southern Africa (NACOSA) is a community service organisation working to build strong, equal, and healthy communities that are not burdened by HIV, AIDS, tuberculosis or GBV. They are part of a network of over 1000 civil society organisations that work to achieve this. As gender inequality and GBV place people at a greater risk of contracting HIV and STIs and other sexual reproductive outcomes because of this fact there have been greater efforts to combine GBV interventions with HIV prevention interventions, especially in the post-rape care (NARCOSA, 2021:9). The Thuthuzela Care Centres (TCCs) are a key resource in the country where GBV and HIV intervention are addressed together and that is why NARCOSA was an important stakeholder to interview. The 55 centres are set up in areas where there are known to be high rates of sexual violence and have been operating since 2000 however, there are still challenges to accessing the centres as they are spread across all 9 provinces and limited resources remain a challenge toward opening and operating more centres (Process Evaluation of NGO Services at Thuthuzela Care Centres, 2018:10). Additionally, they run a programme called DREAMS (Determined, Resilient, Empowered, AIDS-free, Mentored and Safe) that looks at changing harmful attitudes and promoting protective family and community norms and parenting practices (NARCOSA, 2016). The DREAMS initiative was able to reach 4738 women and the initiative saw growth from operating in 4 provinces and 6 districts to 14 districts in the Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, and Western Cape (NARCOSA, 2021:9). The final interview was with Dean Peacock who is the founder of Sonke Gender Justice, which is a non-partisan, non-profit organisation that works to create change for men, women, and children so that they can have equitable and healthy relationships and contribute to developing a democratic society (Sonke Gender Justice, 2021). He has since left the organisation and has worked in the GBVF prevention space and currently works in The United States and Switzerland (Dean, 2022). His years of experience working to reduce the high levels of violence within the country was invaluable and why he was chosen

to be interviewed despite not working within an organisation that is directly related to implementing the NSP GBVF. The work these organisations are involved in, is the reason for them being considered as appropriate participants for this study.

Semi-structured interviews use open-ended questions and allow for a topic to be discussed in more detail. Due to the flexibility of this style of interview, the interviewer can probe further if the interviewee brings up a point of significance (Fox, 2006:7). 10 general questions were used as a guide, however, questions were discussed in more depth or omitted depending on each interviewee's expertise. The questions were there to guide the participants however the open-ended nature of the questions gave the participants the space to speak about their experiences based on the work they have done.

Bogner and Menz (2009), examined the literature on expert interviews and categorised them into three types based on their epistemological function. The three categories according to Bogner and Menz (2009) were exploratory expert interviews, systematising expert interviews and theory-generating expert interviews. The exploratory expert interview is used to generate knowledge in fields that have hardly been explored or are unknown. Systemising expert interviews is a jumping-off point for the methodological development of problem-centred expert interviews. The theory-generating expert interview, which was used in this thesis, is related to exploratory expert interviews and is used to gather comprehensive data to achieve comparability. The expert can be a technical or procedural expert. Procedural knowledge is based on practical experience and occurs because of the person's position in a process which is made up of their social practices, routines, and interactions (Döringer, 2021:266). The participants can be considered procedural experts because of their knowledge of the implementation of the NSP GBVF and the more general anti-GBV work they have done within their various organisations.

Thematic analysis is a method of analysing data that looks across data sets to identify, analyse and report patterns that are reoccurring (Kiger & Varpio, 2020:2). It requires that codes are identified within a data set and grouped into larger themes. This method is useful because of the flexibility it provides to the researcher. Thematic analysis is most useful when attempting to understand experiences, thoughts and behaviours and the shared meaning that exists across a data set (Kiger & Varpio, 2020:2). For Braune and Clarke (2019:591) the researcher's subjectivity is beneficial as qualitative research is creative and flexible. This flexibility is useful in the following considerations: the type of research questions that can be answered from

people's experience in different social contexts, the type of methodological or epistemological frameworks that can be used, the amount of data to be analysed, and whether the data is inductive or deductive. Thematic analysis is useful in helping a researcher create meaning within a specific context and tell that 'story' through their own interpretive lens. Qualitative research is not meant to uncover a universal truth that is buried in the data (Braune & Clarke, 2019:591). The results that come out of thematic analysis are due to the researcher being immersed in the data and from there actively generating and developing themes. This process requires adaptability when choosing codes and later themes as thematic analysis is a method that is used to guide a researcher who needs to decide what meaning they gain from the data (Braune & Clarke, 2019:591).

The first step in analysing the data was to become familiar with the data (Kiger & Varpio, 2020:2). This was done by transcribing the interviews and reading through the transcriptions. The next step was going through each interview and identifying codes which were annotated in the margins. This was done to see what recurring ideas appeared in the data. From those codes, 12 themes were identified and then grouped together until the final 6 themes were chosen. The final themes were the greatest barriers to implementing NSP, causes of GBV that need to be addressed, types of prevention, social norms that influence GBV/ attitudes around GBV, key target groups and, the gap between policy and implementation. After this, each theme was assigned a colour which was used to highlight the sections of the interviews that correlated to that theme. This made it easy to identify themes within each interview and see how the themes correlated across the six interviews. Furthermore, when looking at the videos and articles from the summit the themes that emerged from those data sets were able to be placed within the themes that emerged from the interviews with many of the same themes being echoed by activists at and reporting on the summit expressing themes to the interviewees. From this point, it was easy to pick out related quotes that spoke to each other. The flexibility of thematic analysis allowed for the themes to emerge from the interviews by identifying what ideas or sentiments were repeated, with the participants often talking about the same points.

Methodological limitations

There were a number of challenges that were encountered during the interview process. The first was due to the purposeful sampling method that was used to get participants who were working within the GBV space. There was an attempt to contact several other organisations and individuals however because the process consisted of cold calls, many of the requests went unanswered. One of the interviews which was with Sonke Gender Justice could not be used as

it was cut short by internet issues. Sonke was considered to be an important organisation as they have been calling for a national plan on GBV since 2013 after the murders of Anene Boysen and Reeva Steenkamp (Dean, 2022). In 2013 Anene Boysen's murder caused outrage and gained media attention because despite her being gang raped, only one of the perpetrators was sentenced. Shortly after this Reeva Steenkamp's murder as she was killed by her boyfriend Oscar Pistorius who was a well-known paralympic athlete. The trial of Pistorius was the first to be televised in South Africa (Gouws, 2016:409). Despite reaching out to the organisation numerous times and speaking to another individual, another interview was still not agreed to. This was disappointing as the organisation is a prominent organisation in South Africa that has been working to achieve gender justice and prevent GBV. Luckily Dean Peacock, the founder of Sonke agreed to an interview. Many of the organisations were NGOs and the participants appeared to share similar views on the NSP GBVF's implementation. Having other stakeholders would have been helpful to investigate if there would be a contrast in opinions. As the NSP GBVF was only two years into the ten-year plan there was still a lack of integration across departments and therefore many of the goals for the first year had not been met. While no government departments were interviewed regarding this lack of integration, some reports demonstrate what goals have been met and what departments are onboarded the NSP GBVF. Additionally, the discussion that emerged about the state's perceived lack of buy-in as a challenge steered the thesis to look at the documents produced by the government and how that may back up or differ from the experiences of those in civil society. The NSP GBVF is still in its earlier stages and therefore a retrospective look may present a different picture of the current challenges that exist.

One of the greatest limitations of this research was time. As the NSP GBVF is currently being enacted there are still emerging challenges, and it would have been beneficial to be able to track its implementation throughout the 10-year period.

Even though there are clear challenges that have been identified when discussing implementation, none of these are novel in the research of GBV. There is room to further explore the gap between South Africa's progressive policy and legislation and the levels of violence in the country. While the country appears to have the correct tools in place there is still a disconnect between policy and results.

Perhaps the greatest limitation was the sample size of the thesis. There is such a vast number of organisations working on the NSP GBVF that it is unclear whether this sample is

representative of all organisations. Furthermore, due to the vast difference between the funding and resources of each province, it could be beneficial to interview organisations across all 9 provinces and highlight the unique difficulties each face. Lastly, the lack of participants from the government could have skewed the results of the thesis to represent one particular viewpoint and that is of NGOs and CSOs.

Chapter 2: Literature Review

Defining Gender-Based Violence

Historically there has been some contestation around the definition of GBV which needs to be teased out for the purposes of this thesis to understand how the definition has evolved into the one used in the NSP GBVF. According to Buiten and Naidoo (2020:62), GBV and VAW were used interchangeably and were used in reference to domestic violence, sexual violence and femicide. GBV is an ‘umbrella term’ that encapsulates any harmful action taken against a person’s will that is due to ‘socially ascribed differences between males and females’ (Division of International Protection, UNHCR, 2020:510). Similarly, to VAW these acts can be physical, sexual, or psychological (Division of International Protection, UNHCR, 2020:510), although it differs as far as it is based on any perceived diversion from gender norms (Division of International Protection, UNHCR, 2020:511). Therefore, any man, woman or person with diverse sexual orientation or gender identity can be targeted. Within Sub-Saharan African research, policy, and practice around VAW have fallen under GBV which has resulted in this conflation of the two (Jakobsen 2014:538). Meyiwa, Williamson, Maseti & Ntabanyane (2017:8608) suggest that while there are many different definitions of GBV at the core of all of them is that female subordination is maintained. Jakobsen (2014:538) notes the danger of this, as it perpetuates the idea of the gender binary and heterosexual normativity which in turn silences the importance of looking at gendered forms of violence against LGBTQIA+ people. Jane Bennett (2000:2) argues that within the discussion of GBV what is important to understand is that gender relations are at the centre of violence within South Africa and “suggests that both women and men are vulnerable to the way dominant norms of gender relations, within their contexts, are working” (Bennett 2000:2). Fraser (2013) in Gouws (2016:402) when discussing their bivalent model of justice (this focuses on the distribution and recognition) suggests that from a distributive dimension, women are seen fit to have lower wages, pink collar work and domestic services which are often not as valued and from a recognition dimension, ‘masculine’ traits are valued higher than feminine traits. Women are subjected to gender-specific forms of “gender subordination”. Fraser states that these include: “sexual harassment, sexual assault, and domestic violence, trivialising, objectifying, and demeaning stereotypical depictions in the media; disparagement in everyday life; exclusion or marginalisation in the public sphere and deliberative bodies; and denial of the full rights and equal protection of citizenship” (Fraser, 2013:162). While Fraser’s (2013) definition clarifies how women are subordinated and how this inequality fuels GBV it fails to account for other

gender identities, Bennett's (2000) explanation of how gender norms restrict all people leaves more room for other identities.

Msibi (2011:51) expands on this more when discussing the high levels of GBV directed at the LGBTQIA+ community within South Africa. As the country is highly patriarchal there are certain ideas and norms around both masculinity and femininity. Considering Bennett's (2000:2) explanation of GBV being linked to restrictive gender norms as a foundational definition, Wells (2006) in Msibi (2011:51) builds on this when discussing homophobic violence and the use of 'curative' rape on lesbians. In these cases, 'masculine' lesbian women are seen to be challenging the role of men. In contrast, effeminate gay men undermine the superiority of men within the patriarchal order (Msibi, 2011:51). This definition accounts for a greater and more inclusive understanding of GBV. It demonstrates that while women in South Africa are disproportionately affected by GBV, all genders are susceptible to GBV and that restrictive gender norms affect all genders. The NSP GBVF has taken this into account and has chosen a definition of GBV that includes all genders. The Plan notes that GBV occurs when there is an expectation of the normative roles of a gender that directly relates to the sex assigned at birth and when there is inequality between genders. It further goes on to note that the vision of the plan is to have a country that is free from GBV directed at women, children and LGBTQIA+ persons (National Strategic Plan on GBVF, 2020:11). This indicates a more inclusive conceptualisation of GBV that goes beyond conflating the terms women and gender.

While this is noted to be a global problem that affects people across varying circumstances, the focus of this thesis will be on South Africa. South Africa is one of the most unsafe places in the world for women according to the World Health Organisation, with gender and sexual-based violence being widespread and unfortunately underreported (Mpani & Nsiband, 2015). Femicide, the killing of women or girls by men based on their gender, by an intimate partner was reported to be five times higher in South Africa than the global average, with South Africa having the fourth-highest female intimate partner violence out of 183 countries according to a study by the World Health Organisation in 2016 (Africa Health Organisation, 2021). Furthermore, GBV statistics have been shown to increase annually. In 2021 statistics showed that more than 9500 cases of GBV were reported, and 13 000 cases of domestic violence between July and September of 2021 alone. This demonstrates a rise of 7.7% from the previous year (Vellai, 2021). This is based on documented cases; however, it is unclear how many more cases go undocumented every day putting the number of cases much higher than what is known.

Furthermore, in South Africa, studies have demonstrated the link between sexual violence and the contraction of HIV and other sexually transmitted diseases. One in three women experience intimate partner violence, with a particular prevalence in young women between 15 and 19 being exposed to this. Additionally, girls of this age are more likely to attract HIV than their male counterparts of the same age as these girls are in relationships with older men who pass the disease on to them (Abdool Karim & Baxter, 2016). GBV can affect girls to the point that they are forced to drop out of school due to pregnancy, long-term health concerns or contracting HIV (MacEntree, 2015:22). Women are also confronted by physical violence by their intimate partners with a woman being killed every eight hours by an intimate partner, which is the highest prevalence on the world (Colpitts, 2019:246-247). Women and girls face harassment and assault from all angles which include peers, family members, and adult teachers. This demonstrates how often sexual abuse is perpetrated by men that women and girls are in contact with every day and not only faceless strangers (Abdool Karim & Baxter, 2016). Given the prominent levels of sexual violence within the country, scholars have attempted to understand why instances of GBV are rising in the post-apartheid era. According to Meyiwa, Williamson, Maseti and Ntabanyane (2017:8609), the constitution which was created in 1994 was heralded as being one of the most progressive in the world with the founding tenets creating racial and gender equality, promoting socio-economic redress and the upholding of human rights. The gap between the constitution and the experiences of South Africans requires exploration to address this divide.

Understanding the Causes of GBV

According to the National Strategic Plan on Gender-Based Violence & Femicide, the high rates of GBV in South Africa are linked to the history of violence under colonialism and apartheid within the country that has entrenched a culture fueled by racism, sexism, and structural violence (National Strategic Plan on Gender-Based Violence & Femicide, 2020:23). While the history of violence within the country may play a role in the levels of violence today, there are several explanations that scholars have explored to produce a theory on why GBV is becoming increasingly rampant. Four broad frames will be examined to demonstrate the main explanations for GBV; however, it should be noted that these frames are not mutually exclusive and can overlap (Du Toit, 2014:102). When discussing the prevalence of GBV, South Africa's violent history of colonialism and apartheid is one of the most widely discussed explanations. Colonialism and apartheid will be looked at together as both systems are predicated on the idea of white supremacy and saw the use of violence to maintain the social hierarchy. The

relationship between the levels of GBV today and colonialism is a complex one, that needs to be more closely examined. Many scholars have looked at how the history of colonialism and apartheid, and the violence during this time, is linked to current levels of GBV in post-apartheid South Africa. Coetzee and du Toit (2017:221) assert that decolonial feminist insights are important in framing this problem. For Coetzee and Du Toit (2017:215) while race is central to the systematic inferiorisation that allowed for violent conquest and slavery in the European expansion, they stress the significance of gender/sex as being equally as important to look at, as these pseudo-biological categories (race and gender/sex) are mutually interdependent and reinforce one another in qualifying the colonial mindset. Coetzee and Du Toit (2017:215) use both the work of Lugones and Oyewumi to demonstrate that the hierarchy created through the colonial project placed not only whiteness at the apex of the pyramid but also privileged the dominant Western ways of performing gender. In this way not only was blackness seen as inferior, but women were viewed to be the inferior gender. For Lugones in Coetzee and du Toit (2017:219) gender and sex were central to the colonialist project with clear distinctions between masculine and feminine being central to Western values of gender. This strict gender binary created a 'correct' way of performing gender and in turn, aided in distinguishing those considered to be civilized and those who were becoming civilized i.e., those internalising these gender norms. The perception of the inferiority of the "native" man was rooted in the idea that his perverse sexuality was directly correlated to his racialised biology (Coetzee & Du Toit, 2017:220). Thus, sex and race were seen as mutually reinforcing, with the black man being seen as 'backward' and uncivilized which was most apparent through his 'unruly' sexual practices. In the case of the native women, she was not seen to possess the characteristics of Western femininity (notably fragility and seclusion to the private sphere) but instead was seen to be sexually aggressive and strong enough for any labour. In this case, the "native" women were thus doubly disqualified from the category of human (Coetzee and du Toit, 2017:220). This construction of the native under colonialism resulted in the black man's sexuality being demonised and the black female being seen as unrapable by law because they were presumed to be promiscuous (Coetzee and du Toit, 2017:221). While race was deeply rooted in creating hierarchy during colonialism, sex/gender was a secondary categorisation which was used to paint black people as uncivilized. This framing of the black man and woman has a direct impact on how sexual violence is spoken about in post-apartheid South Africa.

The history of othering the black man and woman plays a role when discussing GBV as the othering of black men and hyper-sexualisation during apartheid influenced narratives around

sexual violence in post-apartheid South Africa. Often justificatory narratives were used to excuse rape, with the discourse around race, namely accusations of racism, being used to silence conversations around sexual violence (Moffett, 2006:132). For Du Toit (2014), four interpretative frames can be used to explain why there has been a rise in GBV. The first two frames, whether intentionally or not, appear to justify or explain away men's behaviour. The first frame focuses on the transition from apartheid to democracy and is known as the past perpetrator trauma frame. This frame was important because it was the first step in de-trivializing rape, as prior to this frame, rape was denied being taking place at a large scale, denied being perpetrated mostly by men, denied being a threat to democracy, denied having devastating effects on the victims, naturalised rapist behaviour in men, and blamed the victims. In this frame, the emphasis was placed on the perpetrator and there was a systemic explanation that did not locate rape in the private sphere but acknowledged the social dimension (Du Toit, 2014:103). This frame attempts to present a causal explanation for rape as it believes that rape is not natural for men and therefore tries to draw on psychological theory to explain this phenomenon. This frame argues that the colonised man is emasculated and psychologically damaged by colonialism and compulsively uses sexual violence to heal themselves so as not to feel as though they are damaged or not a complete man (Du Toit, 2014:103).

Graaff and Heinecken (2017:624) share a similar sentiment that views the high occurrence of violence as being due to its normalisation within the long history of militarisation and violence under apartheid. Continued exposure to violence makes it an acceptable way to respond to a situation and then is encouraged, placing pressure on men to display violence to live up to hegemonic ideas of masculinity (Graaff and Heinecken, 2017:624). Gqola (2007:114) also discusses the way in which violence has become commonplace and how children are then socialised into believing violence is a normal part of everyday life. Gqola draws on Jacklyn Cock's (1991) 'ideology of militarism' to explain that the high levels of violence in the country are because of the silent acceptance of everyday violence and the lack of discourse around how this affects society (Gqola, 2011:114). However, none of these explanations account for the rising number of rape cases that are present in South Africa today, as the frame tries to create a causal relationship between the liberation struggle during apartheid and rape, and therefore implies that in democratic South Africa rape cases should be declining (Du Toit, 2014:103). This is because, this frame places the reasoning behind rape on a wounded or emasculated man (due to freedom being taken away under apartheid) and so with the democratic transition and the granting of freedom rape should, according to this theory be less common as men have

gained more freedoms. One of the main problems with this frame is that it can be interpreted as justifying the rapists' actions by linking them to harm that they might experience. The presumption is that men of colour are perpetuating violence to live up to the hegemonic masculinity and does not account for violence by white men or men who are considered to embody the hegemonic masculinity (Graaff and Heineken, 2017:625). Furthermore, the focus on the rapist also takes away from examining the effects of rape on the victims further silencing their experiences (Du Toit, 2014:106-107).

There are similar issues around justification with the second frame that Du Toit examines. The current socioeconomic exclusion explanation is like the first frame, as it too focuses on the idea of the injured masculinity. However, this explanation is rooted in the socioeconomic exclusion of men both under Apartheid and within democratic South Africa (Du Toit, 2014:107). Again, rape is seen as a way for men to try and overcome their emasculation through sexual violence; however, it takes it a step further in asserting that it is a way of overcoming any inadequacies which are a result of poverty. The focus on poverty implies that rape is perpetrated only by black men, which is untrue (Du Toit, 2014:108) and reinforces myths about black men being savage and sexually deviant. This suggestion is dangerous because it does not paint a full picture of the extent of sexual violence but also opens the conversation around rape to reports of racism. The discourse around patriarchal and sexual violence is overshadowed by claims of racism in the conversation of sexual violence and taken away from victims' experiences (Du Toit, 2014:111). Moffett (2006:134) argues that the linking of apartheid and sexual violence has many shortfalls which include: the generation of discourses that resemble 'excuses'; attributing the degradation of masculine pride to the predisposition to rape and does not apply any critique to the patriarchal framework that creates this pride; finally, it lays the blame on those who were most discriminated against during apartheid. This further enforces ideas around rapists being black, this is not only harmful to black men but also opens the space for the discussion around sexual violence to become one of race, and potentially silences the victims. Sexuality cannot be separated from race or culture. The racial discourse in South Africa serves to silence and displace feminist attempts to discuss rape as a form of sexual or gender politics while political power is gendered and masculinized (Hassim 2014:172). A framework needs to consider sexual and gender power dynamics and norms to better understand GBV in South Africa and cannot solely look at the past.

The patriarchal politics frame looks at gender politics and the realisation of women's rights within a democracy (Du Toit, 2014:112). When looking at the use of sexual violence for

political purposes in this framework, the deduction is that there is an ongoing war between the sexes. This war is traced back to democratic dispensation in the country with men feeling threatened as their status in society is weaker now that there is democracy and peace. Within a patriarchal society, men gain power from women being inferior and the use of sexual violence is used as a political oppression and a punitive way to maintain patriarchal order (Du Toit, 2014:113). One problem with this explanation is that while it looks at sexual violence as a form of violence, it fails to account for why violence is taking place in a sexual form and lacks nuance in separating the different forms of violence which does not provide an explanation why violence has a sexual component. The differentiation is important to understand victims' experiences of sexual violence as opposed to other forms. Another problem is the assumed battle between the sexes which presumes that the strides made for women in democratic South Africa, can be seen as a loss for men. This in turn views this battle as a zero-sum game that will result in further sexual violence as women gain power as a way for men to try and gain back the power they have lost (Du Toit, 2014:117).

Gouws (2016:402) uses Nancy Fraser's bivalent model of justice which looks at distribution and recognition, to suggest that it is vital for women to be viewed as equals in society and how the lack of this can be a factor in GBV. This goes against the patriarchal political frame and the idea that when women gain more rights, they will be more likely to experience violence. Instead, the argument is that when gender is viewed through the distribution perspective, within the bivalent model, women in the economic sphere are relegated to lower-paid positions with care work and domestic work being seen to be part of the private sphere. From the recognition perspective, gender is determined by a gendered order within a society where cultural values that favour masculinity are institutionalised (Gouws, 2016:402). Misrecognition and maldistribution deny women equal status in social interactions which does not result in less exposure to sexual violence but creates an acceptability around sexual violence as women are not viewed to have the same rights or social capital. Fraser in Gouws (2016:402) suggests a third aspect should be added to the model and that is representation in the political sphere. By entering the political sphere women can engage in policymaking and strengthen substantive representation. Women need to be part of the state to achieve parity. This additional sphere is important as values that do not place merit in parity are found in both cultural institutions but also laws and policies. The key to women gaining access to the political sphere is in whether feminist norms and ideals are adopted when women become part of government. If this is not the case then there may be representation however, there is no transformation and there will

not be a shift in gender norms and therefore instances of GBV will not be reduced (Gouws, 2016:403).

The inclusion of black women is important due to the double burden of their race and gender which has historically resulted in black women being excluded from the political economic and social spheres. Even within the liberation struggle in the early 20th century, women were sidelined with women in the African National Congress (ANC) having little say in the political landscape. Many of the women were auxiliary members in the early days of the movement and viewed concerning a man who was a member within the party often being reduced to nothing more than the wife of a member even though women played a significant role in fighting for passes, cost of living and against racist legislation (Hassim, 2006:22). Hassim (2005:179) asserts that feminism and the national liberation movement in South Africa in the 1980s and 1990s have at times been in contention with each other because women's movements often operated in conjunction with the larger liberation struggle. However, within the liberation struggle, feminism was seen to be for the white and middle class and therefore considered unimportant and unnecessary in the fight for democracy. GBV, sexuality and reproductive rights fall under the category of feminism and were thought to distract from the struggle against the apartheid regime, thus these issues were not considered to be part of the public political space (Hassim, 2005:179). This began the divide between feminists and the liberation struggle, as the connection between male power within the private sphere influenced politics in the public sphere (Hassim, 2005:179-180).

The distinction between the private and public has influenced the political landscape of South Africa with women and more specifically black women being excluded from the public political sphere. Fraser's bivalent model seeks to address this by having women enter the public political sphere to address this historic exclusion. Gqola (2007:115) warns against discourses around gender remaining superficial within the country with the general discourse around 'women's empowerment' in a way that is not transformative which is why we see evidence of women not being empowered as is clear by the high statistics of GBV, the rampant sexual harassment at work and in public spaces, the siege on black lesbians, raging homophobia and the very public and relentless circulation of misogynist discourse (Gqola 2007:115). Gqola (2007:115) suggests that women empowerment is only for certain women and that some women being able to gain wealth, and positions in government and corporate spaces is seen as enough empowerment. Even though representation is a major step there are still strides that need to be made as class, homophobia, race, and xenophobia all affect the ability of women to

gain power. Hassim in Gqola (2007:116) argues that due to the social and economic inequities, not only is strong representation for women needed in the state but assertive representation of poor women is also needed alongside feminist movement outside of the state. Within the political landscape not only is representation important for all women but there needs to be a transformation in the way women are viewed within this space and feminist ideals should be adopted into the operation of the state.

The final frame that will be discussed is known as the ontological violence frame which improves on the patriarchal politics frame by distinguishing invasive forms of violence like rape and torture from other forms of violence. Leonhard Praeg and Michael Baillie (2011:258) drew on French theorist Rene Girard's 'sacrificial violence' framework because it views rape as a regenerative form of violence with the ability to restructure patriarchy and gender identities when these are threatened. It improves on the previous frame by teasing out that rape has both a sacrificial and regenerative or restorative power that allows for the inscription of patriarchal gender identities (Du Toit, 2014:118). This frame understands that masculinity is unstable and needs to be affirmed and therefore sexual violence is used to perform masculinity and display male dominance. This frame does not attribute the use of sexual violence to the crisis of masculinity or as an instrument of oppression but rather "as an aspect of the performance of masculinity" (Du Toit, 2014:118).

Importantly, it is acknowledged that high rates of sexual violence persist because it is risk-free due to low reporting, overburdened police, and few convictions which comes with minor legal risk. Gouws (2021:5) refers to the 'absent presence' of the law when observing the high levels of lawlessness in the country which leads to the law having little to no power. When the law is not enforced, people draw on cultural constructions of sexuality to justify their behaviour. In post-colonial South Africa colonial constructions of culture are used as a justification for violence (Gouws, 2021:6). Within this framework, one still draws on authors who have looked at the militarised history of South Africa under apartheid to understand how masculinity has been performed and how violence has become synonymous with masculinity in the country. Gqola (2007:113) brings attention to the levels of militarisation under apartheid which were accompanied by patriarchal structures in both Black and White societies and therefore militarisation operated along gendered lines. The 'ideology of militarism' was integrated into society and has normalised violence. It should be noted that when militarisation is discussed, the focus is on men, due to the gendered nature of militarisation and its connection with masculinity, when violence and militarisation are discussed, women can be silenced in certain

discussions of the past (Gqola, 2007:114). The silencing of women is highlighted as it is seen when discussing certain aspects of South Africa's past namely concerning GBV. This frame is important as it allows men to be held accountable for rape while also addressing the patriarchal frame and social complicity that makes rape appealing to men (Du Toit, 2014:120).

Du Toit (2014:120) notes that when discussing explanations for the prominent levels of sexual violence in the country, victims' experiences are often not amplified enough. Du Toit (2014:120) suggests that in this frame it is key to understand the victim's perspective. Rape aims to destroy the sexual and personal integrity of the victim which the perpetrator understands intuitively. Du Toit (2014:120) further emphasises this by noting how a victim's trust-beliefs about themselves, others and their place in society are destroyed. For Du Toit rape is more than political domination, the appeal lies in embodied power the perpetrator receives (Du Toit, 2014:120). This frame is helpful in that it considers the patriarchal frame that leads to the violent performance of masculinity and demonstrates the need to break down this structure. This indicates that the more instilled women's rights are and the greater their status in society the more benefits there will be (Du Toit, 2014:121). The final frame gives the best overall explanation for the attractiveness of sexual violence and opens exploration into how to address it through the transformation of women's role in the public sphere. Examining these theories is crucial as it gives context into South Africa and the possible explanations for GBV, which can be used to understand the causes and drivers. Furthermore, it demonstrates what gender norms are harmful and therefore in need of redress.

The Implementation of GBV Interventions

Similarly, the causes of GBV have many different theories, and there are varying opinions on what makes a country more likely to successfully implement GBV interventions. For Weldon and Htun (2013) the argument is that a country needs to have strong feminist movements as well as regional agreements that work together to create strong norms within a country that are anti-violence. On paper, South Africa would appear to have a strong women's representation within the government with women making up 42% of the government. From a feminist movement perspective, however, there has been an erosion of feminist movements over time. In 1994 strong feminist movements and allies influenced parliament with the various organisations housed under the National Gender Machinery (Gouws, 2016:404). These structures were dismantled later, and the Ministry of Women, Youth and Persons with Disabilities was created to replace them however, it was so unsuccessful that it was replaced with a Minister for Women in the Presidency in 2014. Youth and persons with disabilities were

added back under that department in 2019. With this change in structure, for issues of gender to be put on the policymaking agenda, civil society relies on women in parliament to champion these issues (Gouws, 2016:406). Many of the MPs are also part of the ANCWL and as has been discussed earlier these MPs gained their positions due to their loyalty to the broader ANC agenda, leaving gender activism to be a low priority (Hassim, 2014:15). Nancy Fraser (2013) furthers this with their argument that not only does there need to be representation, which it can be argued South Africa has, but there also needs to be engagement with policy. Fraser sees representation as a precursor for change namely economic and cultural. Gouws (2016:401) builds on this and suggests that GBV needs to be addressed with a multipronged approach and that local understanding of violence is required along with policy change. Policy not only determines where funding is used, but it also legitimates a cause and signifies its importance (Gouws, 2016:402). However, if policy is a cornerstone for norm-setting it begs the question of why anti-GBV norms have not become commonplace if South Africa has some of the most comprehensive GBV policies and legislations in the world (Meyiwa et al., 2017:8607). Not only does the constitution set the precedent for equal rights for all, but South Africa has introduced the Domestic Violence Act (1998) and Gender Equity Bill (2000) to address GBV in the country (Meyiwa et al., 2017:8607) and continues to amend laws and bills that strengthen the law around GBV. This, along with the recently introduced NSP GBVF which is a multisectoral policy, points to strong policies and legislation.

Given the high levels of violence that women in South Africa face, the government has tended to focus on VAW and in turn conflated VAW and GBV. On the one hand, the focus on gendered violence acknowledged that women's participation in public life and their status as citizens was limited, this was due to their mobility, dress, and access to resources being determined by their fear of violence and this demonstrating how rape is a form of control. On the other hand, this legislation ended up focusing on women as the sole victims of GBV and that resulted in action against GBV being placed under the Department of Women, Youth, and Persons with Disabilities (Graaff, 2021:2). Graaff (2021:2) suggests that this conflation could hinder the ability of the government to address GBV effectively. Vetten (2014: 51) notes that the focus on VAW in South Africa when creating gender-sensitive legislation aimed at reducing violence, may have had unintended consequences whereby instead of reducing the burden placed on women, framed women as victims in need of protection and made them lesser citizens. Women along with children, persons with disabilities and rural communities were framed as different and in need of special treatment (Vetten, 2014:51). For Vetten (2014:51-

52) the lack of acknowledgement of men's exposure to violence is strange as the National Crime Provent Strategy noted that the aetiology of the high levels of violence was due to men's exposure to violence coupled with the lack of support services for them, however, this was not made a priority and women as a vulnerable group became the focus of legislation and policy. Gouws (2005) in Vetten (2014:52) contends that men were not thought to be a vulnerable group because of the gendered logic that underscores discourses about vulnerability. In Gouws' opinion 'paternalistic and protectionist' assumptions about gender and who is a legitimate victim along with how women's citizenship is viewed in relation to their otherness and vulnerability lead to their rights being seen as a burden on the state (Vetten, 2014:52). Gender legislation thus needs to be inclusive so that all victims receive support. The draft on the NSP GBVF is attempting to broaden the way GBV is viewed within legislation by including the need for recognizing 'women, girls, men, boys, LGBTQIA+ person and other vulnerable groups (such as sex workers, refugees, prisoners, and HIV-positive people)' (National Strategic Plan on Gender-Based Violence and Femicide, 2017:2). Graaff (2021:3) acknowledges that this change has led to civil society policy and legislation being more inclusive. This inclusion demonstrates a less narrow view of gender and who is considered to be vulnerable to GBV.

While South Africa has some of the most comprehensive legislation on gender in the world, there is still a way to go before this translates into outcomes. The focus on women as victims of GBV while important, as they are disproportionately affected, has also created a discourse around women being vulnerable as well as failed to acknowledge that all genders are affected by GBV. GBV is fueled by restrictive gender norms and therefore, how that affects all genders is vital for the successful implementation of GBV interventions. Furthermore, the assumptions around the causes of rape can contribute to the reinforcement of myths around race and rape which makes addressing GBV more difficult. The introduction of the NSP GBVF indicates that South Africa is beginning to not only look at a broader definition of GBV that recognises all people affected by GBV but also points to a more comprehensive approach to addressing GBV.

Chapter 3

This chapter will examine the major critiques of the state's implementation of the NSP GBVF. While the NSP GBVF can be seen as a positive step towards reducing GBV in a country, scholars argue that a multi-sectorial and multipronged approach that engages a range of stakeholders in a country is the best way to fight GBV (Enaifoghe et al., 2021:133); there appear to be several challenges that are plaguing this plan. Perhaps the greatest of which is the implementation of the NSP GBVF. One of the greatest obstacles to this is the lack of accountability that exists which makes monitoring and evaluating the progress of NSP GBVF targets difficult because it is not clear who should be held responsible. This section will look at previous committees, policies and plans that the state has introduced in the past that have been unsuccessful and the implications those have had on the current NSP GBVF. Lastly, the role of activists from NGOs and CSOs will be discussed and how they have held the state accountable and continue to push back against state complacency when addressing GBV. It will also look at what these organisations perceive to be the challenges on the ground regarding the NSP GBVF and the state.

Since the transition to democracy, women's and feminist organisations in South Africa have been working with the government to strengthen policies around gender equality. As discussed, this relationship has been strained at certain points, when political and organisational agendas have been at odds. The creation of NSP GBVF after the #TotalShutdown protests resulted in the government working with NGOs as well as engaging civil society. The first presidential Summit on GBVF was held in 2018 after the #TotalShutdown march and brought together stakeholders from both the public and private sectors. The summit resulted in the drafting of the NSP GBVF as well as the key areas that the plan would focus on (National Strategic Plan on Gender-Based Violence and Femicide, 2020:2). The Second Presidential Summit on GBVF was about looking back at the successes and challenges of implementing the NSP GBVF thus far. The Second Presidential Summit on GBVF which was titled: Accountability, Acceleration and Amplification, NOW! was held in November 2022. The summit demonstrated the cracks that have been forming between the government and these civil society activists. This breakdown has been due to the lack of delivery by the government and the inability to meet the promises they made (Ludolph, 2022). Resha and Mabindisa (2022) of the Centre for the Study of Violence and Reconciliation, noted that the summit was a "waste of time" as many departments cited outdated deliverables and had made no significant steps toward implementing the NSP GBVF because of their lack of accountability. One of the biggest criticisms laid by civil society organisations, many of which are part of the End-GBVF

Collective that is made up of various stakeholders and who work voluntarily, is about the lack of communication and coordination about the NSP GBVF's implementation (Resha & Mabindisa, 2022). This is a theme that came up with interviewees when discussing their experiences:

“If we look at accountability, coordination, and leadership, we are still having a challenge there. Also, accountability...if we look at the justice system on its own, how does it take into account the issues of gender-based violence, where we have seen that the Department of Justice on its own and NPA (National Prosecuting Authority) is still having the issue of patriarchy, where men are dominating...Gender issues are not part and parcel of their institutionalization” (Leonard, 2022).

The lack of accountability within departments is evidenced by the lack of onboarding of the NSP GBVF within government departments. According to the one-year rollout report on the NSP GBVF, (the only report out at the time of the interviews), on average 10 departments had a compliance of 50% or above. Compliance is based on the outcomes that each department is expected to produce which is based on their particular mandate (NSP One Year Rollout Report, 2021:10). The report noted part of the issue was that reports were expected to be produced weekly by the departments which led to departments looking to produce smaller outputs rather than outcomes. With the reports being moved to monthly requirements there is the hope that this will increase the quality of the reports and a greater focus on producing outcomes. The report went on to note that only a few departments had embedded the NSP GBVF into their operations and that there was a lack of urgency generally across government departments ((NSP One Year Rollout Report, 2021:10). Adding to this, in the third year of the NSP GBVF, reporting appears to have lessened. At the summit, one delegate raised a query about reports by the various departments which seem to have not been produced. “President, what are you doing about the departments who are not submitting monthly reports to your office on their role and responsibility on GBV?” (Delegate 1, Second Presidential GBVF Summit). The absence of the reports brings into question the commitment by the departments to keep up with the requirements that are set by the NSP GBVF and more than that what progress they have made in producing the set outcomes. Dlakavu (2022:257) highlights that the continued high levels of GBVF are due to the state's passivity and lack of political will. This questioning of political will is a direct result of the limited implementation of NSP GBVF within government departments by organisations.

One of the most glaring issues that has affected the coordination of the plan and accountability across departments is the lack of a coordinating body. The council that is responsible for NSP GBVF has yet to be established as a bill needs to be passed that provides the council with the necessary powers to oversee the bill (Ludolph, 2022). Shalen Gajadhar a spokesperson for the DWYPD said, in response to questions about the council, that the structure needs to be well-resourced in order to function. Ludolph (2022) draws attention to the similarities between this and the anti-GBVF council that was established in 2012 and was meant to oversee the implementation of the 365-Day National Action Plan to End Gender Violence that was never properly established.

Resources and budgeting have always been a challenge when implementing national policies and without a clearly costed plan, it becomes difficult to make any changes. The Emergency Response Action Plan (ERAP) was created following the protests that followed the death of Uyinene Mrwetyana (Vetten, 2021:16), is an example of a plan that received a substantial amount of funding to carry out its goals with the plan being allocated R1.6 Billion to address the root causes of GBVF. This along with the GBVF Response Fund I which was launched by President Ramaphosa on 4 February 2021, and received R128 million worth of pledges from the private sector were examples of well-funded initiatives (Vetten, 2021:18). Unfortunately, at the summit the lack of accountability became glaring when activists had to ask for the R1.6 billion to be accounted for as it was unclear where that money had been spent (Ludolph, 2022). There are no reports on how the money was spent. CGE notes in a report that while there was a pledge by the government to raise R1.6 Billion, it has not been made clear how those funds were to be raised or allocated (Commission for Gender Equality, 2020:44). Furthermore, there appears to be conflicting information on how the money has been spent and where it came from. According to Gajadhar the six departments that were responsible for the plan had to come up with R1.6 Billion from their existing budgets it was not a separate amount and some of the money had been subsequently reallocated when the COVID-19 pandemic began. On the other hand, Dr Olive Shisana, a special advisor to the president said that the money was used to tackle issues that had been identified by the committee of the ERAP (Resha & Mabindisa, 2022). Shisana further noted that the R1.6 Billion was not given to organisations as there was no process established to disburse that money and that further procedures would need to be put in place for NGOs to access that money (SABC News, 2022). Shisana went on to report that the amendment and implementation of laws was one of the areas that the committee focused on, which resulted in the Sexual Offences and Related Matters Amendment Act (2022). One of the

key changes was a clear definition of child grooming and prostitution as well as asserting them as crimes (Resha & Mabindisa, 2022). With no clear report on how the money was spent, it is unsurprising that the ERAP was only able to meet approximately 21 per cent of its goals according to the CGE (Vetten, 2021:16), with 17 out of the 81 targets being met according to a 2020 CGE report (Ludolph, 2022). Currently, the government's website, shows that R150 million has been pledged through the private sector GBVF response fund and that R69 million of that has been distributed (Government of South Africa 2022). This fund was created in 2021 and is separate from the emergency response fund that ran for 6 months as a stopgap measure while the NSP GBVF was being drafted. Transparency and accountability are vital to achieve the goals set out by these plans. While COVID-19 was an obstacle in 2020, the CGE alludes to the pandemic not being the predominant reason for the government not reaching their targets. This raises the question as to the real reasons these goals are not being met. Furthermore, the lack of clear reporting about expenditure indicates a lack of transparency between the government and civil society.

It should be noted that implementation globally has always been a challenge when it comes to legislation. When looking at GBV primary prevention strategies globally the WHO in their 2007 report found that of fifty-eight programmes that they looked at, only 29% were "effective" meaning that the intervention had a direct positive effect and rigorous research methodologies and 38% were "promising" indicating that the intervention had some effect, or the programme had a less rigorous methodology (World Health Organisation, 2007a). However, from a South African perspective, the legislation and strategies that have been employed thus far to address GBV have either inadequately addressed the problem or execution has been poor. This is evidenced by the high rates of GBV being sustained. This is perhaps most evident by the lack of successful committees and plans that were part of what has been coined the National Gender Machinery (NGM) (Gouws, 2005:144). The National Gender Machinery is once again the result of women's organisations fighting to have gender be part of the national political agenda post-1994. The NGM is made up of structures that are part of the state that reflect women's interests. This NGM reflects the hard work of women during the 1990s to have gender become part of the political agenda (Gouws, 2005-2006:144) and is an example of why autonomous activist groups are so important. The problem is that while activists can engage the state, the implementation of legislation and policy is controlled by the state and activists have little say over this aspect. Unfortunately, these structures were weakened over time and replaced in 2009

with the Department of Women, Youth and People with Disabilities to ensure women's compliance with the state (Hassim in Gouws, 2016:206).

This change resulted in several committees that were in charge of creating policies that would address the high level of violence, being created but not being given enough authority or resources to make any real change. The first of these was the Inter-Departmental Management Team (IDMT) was made up of the Department of Social Development (DSD), the Department of Justice and Constitutional Development (DoJCD), the South African Police Services (SAPS) and the Department of Health, with the team spearheaded by the Sexual Offences and Community Affairs (SOCA) Unit of the National Prosecuting Authority (IDMT, 2002). The IDMT was a coordinating structure that ran until 2011 and during this time produced an anti-rape strategy, that was never made public, and the 365-Day National Action Plan to End Gender Violence (NAP). After the dissolving of the IDMT, there was an excess of plans and structures that were created (Vetten, 2021:6-7) which should have been promising however these plans and structures were little more than symbolic. The excess of plans and structures has resulted in structures running concurrently and having overlapping mandates and thus has led to them struggling for power. In 2011 a National Council on GBV (NCGBV) was approved by the cabinet, however, less than a year later the Inter-Ministerial Committee (IMC) chaired by the DSD was created to investigate the root causes of GBV. The IMC was only created after a video of a group of men raping a woman with intellectual disabilities began circulating (Vetten, 2021:9), which demonstrated a trend by the government of retroactively responding to public GBV incidences rather than thoughtfully addressing the root causes of it nationally. The IMC was in theory supposed to enable the NCGBV to fulfil its mandate however the two ended up competing for power and resources rather than working together. Adding to the contention, the NCGBV had weak institutional authority and was created in "name only", as the CGE noted the NCGBV had no budget nor any functional systems or operating procedures. The structure of the council was so unclear that there were 3 different organograms and members of the NCGBV were not able to agree on the council's role or purpose (Vetten, 2021:10). This bears a striking resemblance to the current NSP GBVF which at the time of the interviews had yet to be given a working budget.

Government structures and plans created to tackle GBVF have often suffered from not having authority due to the government approving them but not introducing a clear structure and mandate for these committees to effect change within the GBV space. This was seen with the IMC developing a South African Integrated Programme of Action Addressing Violence Against

Women and Children (PoA) (2013 – 2018) which the NCGBV argued fell into their mandate not the IMCs (Vetten, 2021:10). This along with NCGBV not receiving funding until July of 2013 despite being launched in 2012 prevented the council from implementing any goals resulting in their lack of legitimacy. The NCGBV was dissolved in 2015 when the Department of Women Children and Persons with Disabilities was restructured (Vetten, 2021:12), considering the lack of success by this department that led to its restructuring (Gouws, 2016:404), it is perhaps unsurprising that the NCGBV struggled to gain legitimacy. During the same period as the NCGBV, the PoA had been presented to Cabinet and approved despite not fully being completed, costed or being presented to civil society. After going through several revisions, the PoA was also abandoned in 2019 (without ever being costed) after plans began, to draw up the NSP GBVF (Vetten, 2021:15). The discussion of the NCGBV, IMC and PoA is to show the state's history of introducing plans, policies and bodies that do not have the resources or authority to implement real change. KPMG (2016:86-87) stated in a report that the lack of coordination between sectors had led to competition rather than cooperation and that the lack of costing prevented the implementation of these acts and policies. This history of mismanagement is worrying considering the NSP GBVF is the largest multi-sectoral plan to address GBV and requires strong coordination to be implemented effectively.

The examination of previous plans like the NCGBV has shown that implementation has been hindered due to plans being introduced without being fully thought through or without proper planning and this has at times resulted in overlapping mandates. “In South Africa, the bane of our existence is implementation. You know, we have wonderful plans, a great constitution. We have everything that we need it's just, there seems to be a disconnect between us on the ground and those who make these policies” (Edward, 2022). Although this document reaches across departments, “this was a very good response to say from the national government we heard you, we are responding, here is a document that's multiplied so that it pulls in the Justice Department, pulls in DSD, it pulls in health, and the NPA” (Colleen, 2022), it lacks a competent coordinating body, and this is a challenge to implementing the NSP GBVF successfully. While on paper all departments are included in the rollout plan for the NSP, everyday implementation does not reflect this which is a foreseeable outcome considering many departments have failed to implement the plan in their daily operations (Overview of National Strategic Plan on Gender-Based Violence and Femicide Roll-Out, 2021). Implementation cannot be expected to happen if all the departments are not coordinating with one another and with other stakeholders.

“I would say that there needs to be greater integration we struggle with integration...Look at, you know, infrastructure development. And, you know, and schools, the Department of Basic Education is not speaking to, you know, to public works. I think it's generally the challenge of just general government planning and integration” (Katlego, 2022).

Glass et al. (2018:8) argue that country capacity is central to ensuring that GBVF programmes are successfully executed, and while South Africa has created a strategy to address GBVF nationally, the lack of clear roles across departments and institutions brings into question the state's capacity. Although based on the discussion around the lack of urgency and political will it begs the question whether complacency is the issue rather than capacity.

No department embodies this question around capacity or complacency more so than the department that holds GBVF, the Department of Women, Youth and Persons with Disabilities (DWYPD). The contention around the department which at the time was called the Department of Women, Children and People with Disability has been restructured due to its lack of performance in 2014 and became Minister for Women in the Presidency (Gouws, 2016:406). After the elections in 2019, the Department of Women Youth and Persons with Disabilities was instated and placed in charge of overseeing the NSP GBVF (National Strategic Plan on Gender-Based Violence and Femicide, 2020:5). The restructuring of the department due to poor deliverables brings into questions its ability to hold such a huge undertaking as the NSP GBVF which seems to be confirmed as it is struggling to meet the yearly goals set out by the NSP GBVF. This department is not viewed as competent which is problematic as they are the main department that oversees the NSP GBVF rollout.

“Who is meant to be accountable? If you look at who it is, it's the Department of Women Youth and People with Disability...But maybe they'll be active during the 16 days of activism. Women's Month. But then the rest of the year, they were quiet. How can they be the lead department in prevention?” (Sima, 2022).

There is a loss of confidence that is created in the government's ability which can breed mistrust between the state and NGOs. Beyond that, the lack of coordination and accountability trickles down to all organisations working to prevent GBV resulting in a lack of directive from the highest level.

“Who is supposed to drive the whole issue at a department level and at a community-based level... who is who to the deliver this document because even [CGE], There are no specifics in terms of the how we supposed to play the role around the NSP GBVF as a human rights

institution to make sure that it becomes part and parcel of our own deliverables. I wonder in other departments whether there is a clear role of their accountability in terms of delivering expected services on the document” (Leonard, 2022).

Once again there is a divide between the state and local levels which is a pattern that has continued within the GBVF space for decades. While all the organisations that were interviewed have programmes that fall under the mandate of the NSP, the work that they are doing is being run at an organisational level and had not yet been integrated into the larger NSP GBVF project at the time interviews took place. To achieve this, greater integration needs to happen and better coordination from the top is required to ensure that the NSP GBVF starts reaching its deliverables.

The lack of clear communication, which was expressed by activists at the summit and the experiences of the participants interviewed point to a gap between government and NGOs/CSOs. The summit demonstrated this gap, and this sentiment was echoed by the interviews. At the summit one delegate raised the issue of the lack of reporting “Mr. President what are you doing about the departments who are not submitting monthly reports to your office on the on their goal and responsibility or GBV?” (Delegate 2, Second Presidential GBVF Summit). This points to the lack of communication with NGOs who are working at the local level. Furthermore, one delegate raised the issue of not receiving enough support or acknowledgement for the work they do.

“The space of NPOs [non-profit organisations] in GBV is shrinking, government has taken over, lack of funding...government is failing to account for the money, the money that the president pledged during the first summit. Organisations like Ilitha Labantu with vast experience on violence against women and children are not recognised at all” (Delegate 3, Second Presidential GBVF Summit).

There needs to be greater integration between government, NGOs, and CSOs as they understand the local contexts best. Vermuë (2021:243) warns that programmatic policies that require distinct measurable results and focus on a more ‘professionalised’ response can result in there being a disconnect from the local context and expertise. NGOs are central to understanding local knowledge, cultural contexts, grassroots networks and implementation capacity (Vermuë, 2021:243), and therefore need to be integrated into the implementation process.

Grassroots organisations and activism are essential in addressing GBV because of the various challenges that different communities face that are specific to them as well as localised experiences. Grassroots organisations are made up of civil society members who work towards a cause and grow their organisation from the ground up (UNHCR, 2024). Grassroots organisations bring in expertise such as local knowledge, cultural understandings, ties to communities and grassroots connections, and can increase implementation capacity (Vermuë, 2021:248). While the NSP GBVF has worked with women's organisations and GBV activists to create an inclusive definition of GBV that includes LGBTQIA+ persons (National Strategic Plan on Gender-Based Violence and Femicide, 2020), the day-to-day experiences of people who experience GBV may vary. Whilst the NSP GBVF may encompass a wide definition of GBV, the way that GBVF is conceptualised on the ground may differ from the document. This results in a lack of comprehension of the many ways GBV can manifest on the ground. Feminist scholars have maintained that gender should be central to what we understand as prevention, as well as the root causes of violence against women and children (Storer et al., 2016:251). There is also a need to look at what attitudes and norms exist that facilitate violence more generally (Storer et al., 2016:251).

In the case of South Africa, while there is greater gender equity in the public sphere, this has not always moved over into the private sphere. Morrell (2001) noted that some men are defensive about women gaining more power in the public sphere. The country has a long history of being patriarchal with colonialism both importing patriarchal gender roles but also reinforcing the patriarchal norms that already existed in the indigenous cultures (Colpitts, 2019:427). Colpitts (2019:436) suggests that men need to be engaged in feminist thought that reframes the thinking that gender equity will threaten their power but also changes the way power and control are thought of across the genders. Moffett draws attention to the tension that exists within the country, where women are given more political power however in the private sphere men are still seen as the 'leaders' of the household. This way of thinking about gender needs to be considered when conceptualising what gender roles look like in local communities and when looking to address them if they are narrow or more 'traditional'. One issue that was noted was the different ways that GBV can manifest, "but prevention for? [someone] staying in Mitchells Plain won't be the same meaning as [someone] staying in Worcester as staying in Bredarsdorp as [someone] staying in Beaufort West" (Leonard, 2022). These communities around Cape Town experience different drivers of GBV and have access to different resources, understanding that is crucial to addressing the issue. "Instead of assuming that you know the

problem. Or assuming that the problem in Bonteheuwel is the same problem in Khayelitsha you know, and you can only find out by collaborating with them and not like coming as a saviour” (Edward, 2022). It is because of this that the community engagement should be at the centre.

Hill-Collins (2017:27) argues that communities are the foundation of politics even though it is often not recognised. Communities can be imagined, as a mutual cultural ethos, a national or ethnic group, a religious collective or bound by place like a neighbourhood. Communities are used to provide context into how people experience domains of power and are a lens through which to view how individuals and social institutions interact as well as the many complexities that exist within intersecting inequalities. In addition to understanding how these inequalities interact, communities are made up of individuals who have strong feelings toward specific issues and thus can be used to call individuals to action. Communities are therefore far more than just a collection of individuals but are key spaces that can either reproduce or challenge relations (Hill-Collins, 2017:27-28). These communities’ unique experiences demonstrate the necessity of grassroots organisations and why policy is simply not enough to reduce GBV. No matter how comprehensive a policy is if it is not put into practice at the ground level it will not result in meaningful change.

The government has come under scrutiny for their lack of accountability and slow onboarding of the NSP GBVF in government departments. The second presidential summit exposed the tensions that existed between the government and civil society organisations because of the perceived lack of transparency and accountability. Additionally, authors like Dlakavu (2022:257) have criticised the government for their lack of political will which has directly affected efforts to reduce GBV. The lack of transparency namely around state expenditure of the GBV response fund as well as the history of the state's failure to implement successful plans and structures to address GBV like the NCGBV and IMC creates mistrust between the state and its citizens. The gap between government and CSO pressure on these organisations. CSOs are vital sources of knowledge and understand the unique challenges that the communities they work in face. Furthermore, this knowledge can increase implementation capacity (Vermuë, 2021:243) which is vital to ensure that the NSP GBVF reaches more communities.

Chapter 4

This chapter investigates the use of legislation and policy as a tool to reduce GBV and its application in South Africa. It will look at the effectiveness of legalisation as well as how it can revictimise survivors of GBV and perpetuate inequality. Additionally, this section will touch on the argument by feminist scholars to move away from criminal justice and toward addressing the structural causes of GBV. The norms and attitudes that underpin GBV in the country will be looked at as well as the need to address these norms in all aspects of society from the state to the community level.

Responsive government policy is one of the factors that determine if a country's efforts to reduce GBV will be successful (Weldon) and is the foundation for norm-setting (Meyiwa et al., 2017:8607). Policy and law are both there to symbolically demonstrate what is considered 'right' or 'wrong' and more concretely it is there to reduce the harm, and vulnerable experiences as well as prevent what is considered to be unacceptable behaviour from taking place (Dobash, 2003:315). Post-1994 the National Crime Prevention Strategy found that the rates of violence against women and children were high and thus made it a priority, this began the process of several legal reforms being introduced (Vetten, 2005:2). Women's groups used the influence they had to have the constitution directly address the issue of gender inequality. This foundation laid by the constitution demonstrated a commitment to gender rights by the new government. Later this resulted in further legislation being created to address the high levels of violence. In our interview, Dean also noted that in his experience working in the field, the call for justice was often tied to demands for greater legal interventions. "The extent of the violence, the kind of horror of GBV in South Africa meant that most advocates were demanding strength and focus on the criminal legal response...related to harsher sentences, more reliable arrest, you know, better prosecution. There was a real focus on access to justice" (Dean, 2022). It was this focus on justice that resulted in South Africa creating laws that were focused on reducing GBV. This focus on legislation to address GBV is an example of carceral feminism. Carceral feminism is a term that has been used to describe feminists' entanglement with criminal legal mechanisms (Gruber, 2023:236). While carceral feminism has assisted in creating laws that are more responsive to victims' needs it is not without its criticism. Punitive policies can make marginalised women more vulnerable to criminalisation and result in their secondary victimisation as the state can be a source of violence (Gruber, 2023:236). While it is important to acknowledge these criticisms especially in a country like South Africa which has a history

of state violence, it is valuable to note the laws that have been created to specifically address violence.

One of the most significant laws that were introduced was the Domestic Violence Act (DVA) which was passed in 1998. This law was reviewed by a committee of feminist lawyers and experts in domestic violence (Vetten, 2005:3). There was some pushback on the law because its definition of domestic violence was deliberately made to be broad.

“Acts constituting domestic violence include physical, sexual, emotional, verbal and psychological abuse 4; economic abuse 5; intimidation; harassment; stalking; damage to property; entry into the complainant’s residence without consent, where the parties do not share the same residence; and any other controlling or abusive behaviour where such conduct harms, or may cause imminent harm to the safety, health or well-being of the complainant” (Vetten, 2005:4).

Meintjes (2003:141), suggests that this law was only able to be so progressive because the right circumstances came together during this time. The first of these was that the women’s movement mobilised around the Act and the network between women politicians and bureaucrats in the state was strong. Notably, Meintjes (2003:141) notes that one of the important factors was that those in leadership were championing the issue, this demonstrates the need for political buy-in. While civil society groups can lobby the government, once legislation goes to Parliament to be approved, these groups have little to no say (Gouws, 2016:407). Therefore, if legislation is to be put on the agenda, then there needs to be people who are in the government who are passionate about creating and implementing legislation to address specific problems.

This is why Fraser in Gouws (2016:402) warns that while women need to have representation in the political sphere if feminist norms are not adopted as well, there will be no significance to address issues around gender. For the implementation of a document like the NSP GBVF to be successful, there needs to be a commitment by members of the government to ensure its rollout. As one of the interviewees noted: “I think...law reform is there, it's on paper, but it takes people to be able to implement those. So, I think it’s important to ensure that we start tackling the individual belief systems” (Sima, 2022). The other two factors were that the discourse around democracy included a gendered dimension and lastly civil society organisations had the expertise to intervene and negotiate with the state (Meintjes, 2003:141). During the early days of democracy, South Africa ratified many laws, policies and programmes

that were geared toward GBV including the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), Gender Equity Bill (2000), The Domestic Violence Act (as discussed) and the Bill of rights. Lewis (2021:110) argues that these laws that revolved around strengthening women's and LGBTQIA persons' rights have become indicators of progressive democracies and 'enlighten' nation-states. In the case of South Africa, it signalled the new democracy and a way for the country to distance itself from traditionalism' and 'primordialism (Lewis, 2021:110). This difficulty comes in when legalisation is limited in its implementation. Muthien and Combrinck (2003) in Lewis (2021:111) warn that limited resourcing of legislation that prevents implementation works to undermine legalisation as the legal system and police force are not able to provide justice to women and sexual minorities. This is backed up by Meyiwa et al., (2017:8607) who contend that legislation is required to demonstrate what it is the state will deem as acceptable behaviour or not, however, this alone is not effective and requires the implementation of these policies.

Despite the continued attempt to produce laws to limit the levels of GBV, the rates of GBV have continued to rise. Another issue with the cases of GBV is that there is a problem with GBV being underreported. Data on under-reporting found that approximately a quarter of women had experienced sexual violence however only one in 25 had reported this to the police (Vetten, 2020). It should be noted that this data is not a decade old and the disparity between the reporting and experiencing sexual violence has most likely grown. According to the TCC in the 2017/2018 report, 33 973 sexual offences were dealt with in that year and of those cases, however, only 35% of victims wanted to lay a criminal charge (Vetten, 2020). The cycle of violence continues as many survivors are not able to access the necessary resources to receive justice, or at least judicial justice (Enaifoghe et al., 2021:119). Not only does the court system have a reputation for re-victimising survivors of GBV (McGlynn2011:829), but prosecutions also act as a way to punish individuals and thus ignore the structures and systems that fuel violent behaviour (Deer & Barefoot, 2019:513). This focus, on the individual, does not take into account the economic and social structures that require redress (Peacock, 2022:1986). When the criminal justice system does this, it encourages the state's punitive response and minimises structural causes (Deer & Barefoot, 2019:51). This shows reactive state response was seen during the lead-up to the NSP GBVF.

“President Ramaphosa spoke about repeatedly in the run-up to the passage of the GBV NSP were things that don't work. But that was politically easy for him to say, you know, life sentences for perpetrators; the ANC women's leagues, this whole let them rot in jails, throw

away the keys. There's no science behind that. There's no evidence behind those claims. It's punitive, it's Calvinist and it's counterproductive” (Dean, 2022).

Dianne Martin in McGlynn (2011:837), suggests that dominant attitudes that encourage “neoliberal punitive attitudes” towards crime prevention are to blame for this push for harsher sentences in the name of justice. Additionally, governments have adopted this rhetoric in an attempt to demonstrate that they have control of rising rates of violence. This criminal legal conceptualisation of GBV prevention requires a shift toward building norms and attitudes within communities that foster nonviolence (Enaifoghe et al., 2021:126). This is not to say that the criminal justice system should be done away with completely, however, there needs to be greater development of evidence-based programmes that focus on the structural and underlying causes of GBV. The 65th session of the UN Commission on the Status of Women found that these underlying causes would best be addressed through “enhanced prevention measures, research and strengthened coordination, monitoring and evaluation by, inter alia, encouraging awareness-raising activities, including through publicising the societal and economic costs of violence, and working with local communities” (Commission on the Status of Women Sixty-Fifth Session, 2021:14). While institutionalising a legal response to GBV is an important step for a country that is holistically trying to address GBV, it fails to tackle the underlying causes of GBV.

The criminal legal response has been criticised as it does not alter attitudes towards marginalised groups and cannot address underlying patterns that facilitate inequality (St. Germain & Dewey, 2013:39). These attitudes that perpetuate GBV also can influence assumptions about who can be considered a victim and what counts as rape. These assumptions often intersect with sexual, racial, and class-based stereotypes that determine respectability (Deer & Barefoot, 2019:514). The rape trial of Zuma clearly highlighted these assumptions within the country. The trial demonstrated the country’s hyper-patriarchal view of consent, and the justice system's tendency to victim shame. In the case of Khwezi, this was seen through the judge allowing Khwezi’s sexual history to be brought up in court as well as the questioning of the clothing she was wearing when she was raped (Hassim, 2009:67). According to Ludwig (2007:174) the justice system can be hostile to women and black women in particular. Today there is still the concern that survivors of violence who go to court are being treated badly leading to their secondary victimisation. The treatment of survivors during examination was brought up during the summit. “Our victims are savagely cross-examined during court; can we have proper court preparation to make our people strong to be able to respond to learned people

cross-examining and violating them?” (Delegate 4, Second Presidential GBVF Summit). This shows the concern of a delegate who is working on the ground and sees how the court system can re-violate victims. It is because of this secondary victimisation, that feminists are questioning whether criminal justice through the courts, is the best way to address GBV.

Adding to this, legal systems often discriminate against poor communities of colour and disproportionately prosecute members of those communities (Peacock, 2022:1893) and therefore prosecutions can perpetuate inequality and fail to address the systems of inequality that contribute to crime. South Africa is the most economically unequal society in the world (World Bank, 2022), which cannot be separated from the history of colonialism and apartheid. In this way, race and class are inextricably intertwined and perpetuate the inequality within South Africa. According to Enaifoghe et al. (2021:133) in order to reduce GBV a community-based multi-pronged approach is needed which looks at risk factors for violence and norms that facilitate gender inequality and violence. Dean similarly spoke about the necessity of interventions that tackle the causes of GBV:

“Structural interventions decrease the likelihood of violence because they increase social cohesion, they decrease the kind of atomisation and ennui that people feel that leads to violence. There are all sorts of levers that the state has at its disposal to do that. Different housing, recreational facilities, parks, and regulating alcohol properly. You know, food, we know hunger is a driver of men's violence, but very little violence prevention deals with hunger. Hunger is something that you can provide a basic income grant and you reduce hunger” (Dean, 2022).

In a country where race and class are linked, there needs to be caution around the criminal justice system and how it could further marginalise those who are already at the margins when attempting to address GBV. Criminal legal responses to GBV do not take into account the economic and social structures that require redress (Peacock, 2022:1986) Again, this demonstrates that there is a lack of understanding as to the root causes of violence and criminality within the country and rather than addressing those causes, criminal sentencing is the focus.

The structural drivers of GBV in South Africa are linked to the long history of violence that is the result of colonialism and apartheid. The history of violence due to colonialism and apartheid has led to multiple generations experiencing trauma that has often been disregarded due to the lack of psychosocial support available. A 2020 UNICEF report stated that less than 1% of

DSD's budget was earmarked for early GBV interventions and prevention (Peacock, 2022:1896). Costantini et al. (2017:30) analysed the approaches used by CSOs and found that not enough focus was on "deep societal structures, such as early education of girls and boys, family structures, 'traditions,' economic patterns, heritage patterns," and give little consideration to "economic and social dynamics, as territorial isolation and spatial segregation, as land rights, as unemployment and as migration, which impacts many women". As Gqola (2007:114), lays out, during apartheid, the state used both physical violence and structural violence through the economy to control black people. This everyday violence was woven into everyday life during this period. In post-apartheid South Africa, the lack of dismantling this 'ideology of militarism' normalises the everyday violence by not discussing how the acceptance of violence and, the silence on how this affects us as a society, is connected (Gqola, 2007:114). "Mental health... within like the whole gender-based violence sphere... We don't, looking at it; looking at gender-based violence as a silo issue is not really gonna help anyone, you know, but like helping solve problems surrounding mental health can solve problems of gender-based violence and understanding that like, anger is like a masking emotion" (Pabi, 2022). This is not by any means a way to excuse people for their actions nor to fall into the trap of solely blaming those who were affected by apartheid as rape occurs across race and class (Moffett, 2006:134), but rather to demonstrate the normalisation of violence within everyday life.

Moffett (2006:139) suggests that, in fact, apartheid has underwritten two problems. Firstly, it has obscured the conversations on gender inequality with the focus being on rape, and secondly, apartheid has pushed GBV into the domestic or private space (Moffett, 2006:139). A lack of victim aid is at the heart of cyclical violence, with victims of past or current violence often becoming perpetrators of retributive violence or displaced violence that is enacted in domestic or social spheres (Vetten, 2014:52). It should be noted that as South Africa transitioned into a democracy, the National Crime Prevention Strategy had highlighted that the aetiology of the high levels of violence was due to men's exposure to violence and lack of the psychosocial services to support them (Vetten, 2014:51-52). This acknowledgement was taken no further, and the focus shifted to women as the vulnerable group however, men were not viewed in this way because of the gendered way discourses on vulnerability are shaped (Vetten, 2014:51). This had consequences on how women were viewed and resulted in their othering (Gouws, 2005) in Vetten (2014:52). For decades 'the other' in South Africa has been seen as unstable and in need of being subjected to force to keep them in line. Under apartheid race determined

the subgroup however there has been a shift with gender becoming the predominant determining factor. For Moffett (2006:138) the justification that is often used for the use of sexual violence is that women require discipline or be taught a lesson when they are seen to step out of line, which is similar to the tactic used on black people during apartheid. The justification demonstrates the punitive violence used to keep a subgroup in check and is further demonstrated by the high levels of ‘corrective’ rape that exists in the country (Moffett, 2006:138). The trauma and learned violence that is endemic to South Africa need to be addressed to break this cycle of violence that is used as a form of control.

The examination of previous plans which were laid out in the previous chapter has shown that implementation has been hindered due to plans being introduced in a rush and at times resulting in overlapping mandates. “In South Africa, the bane of our existence is implementation. You know, we have wonderful plans, a great constitution. We have everything that we need it’s just, there seems to be a disconnect between us on the ground and those who make these policies” (Edward, 2022). Although this document reaches across departments, “this was a very good response to say from the national government we heard you, we are responding, here is a document that’s multiplied so that it pulls in the Justice Department, pulls in DSD, it pulls in health, and the NPA” (Colleen, 2022), it lacks a competent coordinating body, and this is a challenge to implementing the NSP GBVF successfully. While on paper all departments are included in the rollout plan for the NSP, everyday implementation does not reflect this which is a foreseeable outcome considering many departments have failed to implement the plan in their daily operations (Overview of National Strategic Plan on Gender-Based Violence and Femicide Roll-Out, 2021). Implementation cannot be expected to happen if all the departments are not coordinating with one another and with other stakeholders.

“I would say that there needs to be greater integration, we struggle with integration...Look at, you know, infrastructure development. And, you know, and schools, the Department of Basic Education is not speaking to, you know, to public works. I think it's generally the challenge of just general government planning and integration” (Katlego, 2022).

While policy is needed in a country, without the collaboration between the government, grassroots organisations, and local communities there will be a gap between the legislation and its practice. Hassim (2003) and Gouws (2004) both maintain that the legislative changes were necessary however are wary of its efficacy. One argument is that ‘policy activism’ is limited as the state is the authority and controls what policy is deemed most important (Lewis, 2021:110).

The summit demonstrated that there is a gap between what the government has said has been achieved and what the experience is on the ground. Resha and Mabindisa (2022) stated in their article that discussed the summit and the experience of activists at the summit, that vague metrics to demonstrate achievement are not enough. One example of the disconnect between what is said to be achieved and what has been implemented was regarding the GBV desks that were supposed to be set up at police stations. In 2020, Cele announced that GBV desks would be set up at 1,155 police stations across the country. This was part of what the NSP GBVF has named victim-centric criminal justice services and are desks that are run by police that have received GBV-related training. A spokesperson from Not in My Name (an activist movement) Themba Masango, rebuked this, saying that their organisation works with GBV cases and that there are very few GBV desks (Davis & Njilo, 2022). There are two problems with this, the first being that the state is misrepresenting progress which shows a lack of implementation for those people on the ground who need to access these services. Secondly, there is already mistrust between the public and the police. As noted, underreporting is very common and this is due to the survivors often facing discrimination and inefficiencies at the hands of the police (Moffett, 2006:132). A researcher from the South African Medical Research Council (SAMRC) further raised the point that policing has not proven to reduce GBV and yet continues to receive funding. They questioned:

“What will it take to fund gender-based violence prevention that works? What will it take to redirect the loads of funding going into policing, which we see from the stats, is not having the impact that is meant to have. Community organizations are demonstrating to you...because they are loads of responsibility that are not funded” (Delegate from the SAMRC, Second Presidential GBVF Summit).

Policing in South Africa has continued to be a focus with the number of police increasing by around 40% since 1994 (Peacock, 2022:1896). This increase in policing was a result of the continuing protests calling for increased action by the government, harsher criminal legal sanctions, quicker prosecutions and the reinstatement of capital punishment due to domestic and sexual violence homicides having increased (Peacock, 2022:1895). This is despite the research showing that structural causes of GBV need to be tackled to reduce instances of violence. With increased policing, gender sensitivity training should be a requirement minimum for police however institutions like the police often enforce harmful norms and deny that sexual harassment and violence exist or blame the victim (Glass et al., 2018:2). Felicity from IJR found that this was the case in the communities that they were working in:

“Then police re-traumatise victims by perpetuating sexual assaults on the victims of sexual assaults themselves. So... they are the very people who are either primary, perpetrators or, victimising victims. It's a very difficult thing to build up those trust relationships. It feels very artificial to go into a community and say, we need to work with the police and DSD. And they're going, but they're the problem” (Felicity 2022).

The re-victimisation of survivors demonstrates the need to address norms that perpetuate sexual violence. Local institutions, and providers of services like healthcare, police and legal systems reproduce destructive norms by minimising the existence of sexual harassment and violence in those communities (Glass et al., 2018:2). This is why factors that contribute to GBV like the acceptance of the use of violence, patriarchal values, and restrictive gender norms must be looked at across these sectors (Peacock, 2022:1896). Attitudes and norms at both the individual and structural levels must be addressed. Increased policing and gender desks at stations will not be as effective if the harmful norms that are held by those who work in these institutions are not changed.

As this is a national document, government buy-in is required to drive implementation at local levels. This becomes difficult when their patriarchy is pervasive within the state. Feminists have been wary of the state post-apartheid state in the past because of their association with patriarchal practices and the historical exclusions of women (Gouws, 2016:403). The government's past and present association and promotion of members who have been accused of sexual abuse or violence further alienated them and caused feminist activists to be cautious of their inclusion in anti-GBV spaces (Mbude, 2018). One of the most famous cases has been discussed previously. Many of the interviewees have questioned the values of those implementing the NSP GBVF, and the lack of accountability that has been discussed thus being unsurprising. “It's the attitude and the preconceived beliefs and notions of the people who are meant to be implementing the various types of legislations, meant to be protecting the people in the community that end up not giving effect to these pieces of legislation, in which case it's a piece of paper” (Sima, 2022). Sima speaks to the contestation around implementing a policy that aims to reduce GBV when those in power still hold beliefs that underscore gender inequality.

“My thing was that like that is probably because of who they are using to create the plans for solving gender-based violence. [Because] usually gender-based violence occurs on the ground, are they getting enough people on the ground to really define these things or

collaborating with the people that are already working on the ground to really understand these different aspects and trying to solve, the bigger problems?" (Pabi, 2022).

This mirrors Sima's sentiment on who is being used to create this document and points to the need to focus on those working on the ground, who should be leading how GBV is thought of and constructed. The meaning behind the term changes depending on the community and reiterates the need for working at a local level to educate individuals. As a high-level document, the NSP GBVF can only act as a guiding policy however, there needs to be systems in place as well as political to drive its implementation on the ground.

Due to GBV being prevalent in the country, the norms in communities that perpetuate GBV need to be tackled which is why communities need to be educated about the norms that the plan is trying to espouse. The organisations that were interviewed work with various communities to try and bridge this gap although the document is not reaching those individuals, "I think the engagement of the NSP with the community is a big gap" (Colleen, 2022). While the NSP GBVF was a result of a multi-stakeholder collaboration, and there was great effort put in to have an inclusive definition of GBV that is comprehensive (Graaff, 2021:3), this has not trickled down to the community level. "There is a disconnect between what people understand domestic violence to be and their actual experiences. So not only is domestic violence, under-reported in, in South Africa, what we've encountered in communities is that the perception of what domestic violence is different from, let's say, the legal definition" (Felicity, 2022). The document lays the foundation to address GBV however, if individuals, in the most vulnerable communities, are not being consulted there will be no change. "The localisation of the document on its own is still sitting at a high level, even at a provincial level. It is not featured down to those people who are the most victims of gender-based violence, let me say the vulnerable groups" (Leonard, 2022). This has worrying implications for the efficacy of NSP. As communities are a site by which to view individuals and how they relate power relations and how social inequalities structure themselves within a country, communities act as a backdrop to analyse political behaviour. Communities thus demonstrate the possibility of collective action (Hill-Collins, 2017:28), and can be change agents if rallied together. The top-down nature of a national document makes this a difficult task and there needs to be political will to bridge the gap between the national and local levels.

The gap can be difficult to close as many of the organisations that are working within the communities have limited reach because of their lack of funding. Storer et al. (2015:253)

suggest that there is a disparity between the way prevention is framed conceptually and the implementation that happens at a local and grassroots level. This appears to be the experience of organisations working at a grassroots level in South Africa. These organisations that are working on the ground, prove that the NSP GBVF is yet to trickle down to the local level. Women's NGOs have been crucial in helping in the fight against GBV in the country however the scarcity of financial support makes it difficult for them to reach their goals and objectives (Vermuë, 2021:247). At the summit, one delegate raised the issue of funding for these organisations and how limited their budgets are.

“I'm not sure if the people in this room are aware in particular the non-VIP delegates but we have been doing work on the NSP GBVF for over two years being funded by donations and voluntary labour I want them to know from you Mr President at one point are you going to take the work of fighting a fight against you in the face writing seriously enough for you to be able to fund it I think we've all reconciled ourselves at the back that that 1.6 billion never Association but what we do want to know is that because we've committed ourselves to be in this process is where is the money to fund the NSP GBVF? It is unacceptable that the Ford Foundation that is an American-based company is the one that is funding the consultants, and we have to work with a measly 1.2 million Rand on a yearly basis” (Delegate 5, Second Presidential GBVF Summit).

Vermuë (2021:243) noted in their study that many NGOs in the Western Cape are dependent on international donors for funding. The issue is that while money has been earmarked for the NSP GBVF, as discussed, this money has not been allocated or accounted for. This places more strain on the NGOs and is another factor that creates tension between the state and these organisations. It makes the work of these organisations more difficult as their limited budget means that they have limited reach which will affect how effectively they can implement the NSP GBVF.

As levels of violence have risen in the country, there has been an attempt to address this through legislation and policing. Policy is an important step in demonstrating what is considered to be acceptable behaviour or not however there are limitations. Progressive legislation will not be effective if it is not implemented. Furthermore, victims need to have access to resources that will help them so that they can receive justice. There are high levels of underreporting due to the victim feeling re-victimised by both police and the justice system (McGlynn2011:829). Attitudes around who are considered to be victims need to be addressed as people within the

judiciary and the police can perpetuate harmful norms that minimise the extent of violence and sexual harassment in their communities (Glass et al., 2018:2). Structural norms that underpin GBV need to be addressed to reduce GBV and this requires all levels of society to be engaged.

Chapter 5: Conclusion

There have been several challenges that hinder the successful implementation of NSP GBVF. Firstly, the complex nature of GBV should not be downplayed. GBV requires all sectors of society to participate in its reduction and this is further dependent on resourcing. On paper, the NSP GBVF appeared to address this by drawing up a plan that included all sectors and had multiple stakeholders from across the country. However, there has been debate around the resourcing of this plan as activists have questioned what happened to the R6 billion that was pledged in 2019. Furthermore, NGOs receive limited funding making their work in communities and at a grassroots level difficult. Adding to this there seems to be a lack of accountability within the government which makes it difficult to pinpoint which sectors are underperforming and how to incentivise or penalise those who are not meeting their targets. Getting the government to continue to push for the implementation of the NSP GBVF without the lobbying of civil society would go a long way towards addressing GBV. Currently, the government only seems to be responsive when they are placed under pressure.

Another challenge is addressing the norms that facilitate GBV and that are embedded in all levels of South African society. Changing norms and attitudes that have been held for decades, possibly centuries and that are a result of the sustained levels of violence in the country is not an easy task and will take years to transform. This requires a shift from thinking about immediate results to looking at the long term and what incremental changes can be made to address this. The government and civil society need to work together so that the many difficult contexts and life experiences of people in the country are understood.

The NSP GBVF is a revolutionary document that brings together all sectors of society to address GBV. This would not have been possible if not for the lobbying of feminist and women's organisations which have played a crucial role throughout the country's history in making gender issues part of the political agenda. There is a long history of women's and feminist organisations fighting to make gender issues part of the political agenda. These organisations lobbying the government, both on social media as well by direct action was crucial in engaging the government. The rise of social media brought attention to this issue and was able to raise awareness across civil society. This along with the political pressure that the ANC were under worked towards the plan's creation. Autonomous women's and feminist groups have been vital as women within the government have not always appeared to be strong advocates for feminist issues. The ANCWL has come under scrutiny for seemingly siding with their party over gender issues. The central example in this essay was their support of Jacob

Zuma after he was accused of rape. That case exposed the patriarchal norms that existed in all aspects of South African society including legal, political and social. The ANCWL's lack of condemnation of Zuma is one of the reasons that they appear to place party loyalty over all else. Another criticism laid against them was their rejection of being called a feminist organisation. Given the history of ANCWLs which gained traction in the 1950s and feminism's lack of inclusivity of black women's experiences, this is unsurprising. It should be noted that their continued conservative approach to gender issues, is more of a palliative approach to addressing gender issues which creates saying one thing and doing another. This has caused a rift between women within the state and civil society organisations who are critical of the government's lack of action despite continuing to make promises to fight GBV.

South Africa has some of the highest levels of violence in the world and this has often been attributed to the history of violence that was prevalent during colonialism and apartheid. Violence has become ingrained into everyday life and is used as a tool to subordinate certain groups. Violence is used by men to both maintain control and police behaviour that is deemed to fall outside of prescribed gender roles. These deeply entrenched values and norms need to be addressed and changed if rates of GBV are going to drop. Research on prevention suggests that while the law is needed in the case of the South African government, it appears to be used as a form of 'virtue signalling', rather than being used to address the structural, underlying norms and causes of violence that must be addressed if prevention is going to take place. Without resources and implementation, legislation is undermined due to the legal system, or the police do not have the resources to assist those who need it most. This lack of implementation is the source of civil society activists' frustration. This demonstrates clearly how policy activism is limited as the government has control over both, which laws are created but also ensuring their implementation. In these cases, activists outside of the state have limited power, and this is where it is important to have government representatives who are committed to passing and implementing gender legalisation. The lack of implementation of the NSP GBVF indicates that there are not many members of government who are committed to this cause.

The NSP GBVF has a long way to go in terms of implementation and will continue to not meet its target if there is not a greater accountability system that holds the state responsible. There needs to be more transparency and better communication both within the state and between the state and civil society. The lack of transparency has created frustration among NGOs and

grassroots organisations who are working within local contexts with limited resources. The lack of reporting on the budget has led to mistrust between these groups and brings into question how the relationship between the government and civil society groups will develop. Finally, accountability needs to happen within the government as civil society organisations cannot be the only group that is holding them accountable. The plan needs to create a coordinating body and set aside a clear budget otherwise it could face a similar fate to the plans that came before it. Once again this cannot happen if the state does not have full buy-in and is not leading the charge for implementation.

During the transition to democracy, the creation of policy that solidified gender equity within the law was an important step in gender rights being furthered. However, the high level of GBV that persists indicates that there is a disconnect between legislation and its implementation. There have been committees and plans to tackle GBV in the country, but these have not been successful. In the case of NCGBV, there was no plan on how this committee was going to achieve its goals and it was not given a clear mandate or budget. While this is not the same as the NSP GBVF, there have been questions about the NSP GBVF's budget and the tensions around the department that is holding and coordinating its implementation. From the interviews conducted and the GBVF summit, it is clear that there is distrust in the government's ability to implement a policy like this one successfully and unfortunately the history of GBV intervention in the country indicates implementation is not a strength of the government. The norms and values of the NSP GBVF appear, from the outside, to not be integrated into government departments which is worrisome because if it is not seen as an important issue to address by members of the government, the plan will not be successful. This is why not only is representation important but also feminist norms need to be integrated into government as well.

On paper South Africa has great policies however this will not translate in everyday life if those in power are not invested in implementing these policies and still hold beliefs and norms that perpetuate gender inequality and GBV. This is why addressing the structural causes and norms of GBV is important in reducing the instances of GBV. South Africa's history of violence coupled with its hyper-patriarchal norms are ingrained at structural, community and individual levels. The normalisation of violence needs to be examined and challenged in order to see change. This ingrained patriarchy within the state has created a rift between feminist activists and the government. The summit demonstrated that despite the NSP GBVF bringing these groups together on paper, there is a tension that exists between these groups. This tension has been created due to the government rhetoric of being committed to reducing GBV which

contradicts their actions. The lack of goals met, along with vague answers about strategy moving forward has made activists question the state while simultaneously increasing the pressure on these organisations who are working with limited resources. Government and civil society will need to work together to make this plan successful. The government needs to provide resources to these organisations so that they can have a greater reach within these communities. NGOs are crucial sites of knowledge and have insight into the unique struggles within different communities and therefore should be consulted and better equipped to make the most impact.

There was a hope that this document would be the beginning of a comprehensive national strategy to address GBV. However, the first few years of the NSP GBVFs roll-out have seen poor implementation. The inclusion and consultation of civil society organisations in the creation of the NSP GBVF looked to be an important step in creating a successful plan that was comprehensive in its approach to addressing GBV. This relationship seems to be becoming more strained as civil society organisations are not privy to all the information. This line of communication must be improved if the NSP GBVF is to be implemented as intended as these organisations are working on the ground and understand the challenges that survivors face daily. The challenge is that interventions like the summit on GBV which was created after growing calls for greater accountability come across as a ploy to silence complaints by these organisations but do not result in any substantive changes. It was more of a tick-box exercise to demonstrate that the government was taking criticisms into account in the hopes that civil society organisations would be satisfied. The disconnect between the government promises and the actions will create further friction with these organisations and could cause a breakdown in that relationship. This has worrying implications for the NSP GBVF's implementation in the years to come. Going forward a clearer budget needs to be laid out and a strong coordinating committee that has clear roles for them to be held accountable to needs to be put in place so that this plan does not fall victim to the same fate as others before it.

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Appendix

Interview questions

Questions around the NSP

1. Has your organisation been involved in the implementation of the NSP thus far?
2. Do you think there are downfalls of the NSP, if so, what are they?
3. Do you think are the benefits of the NSP? If so, what are they?
4. What do you feel are the greatest challenges in implementing the NSP?
5. Can these challenges be overcome, if so, how?

Questions around GBV prevention

1. What key elements do you think should be addressed in a prevention programme?
2. How important to you think prevention interventions are?
3. What do you think are the key elements to have in a GBVF prevention programme?
4. Who do think are the key groups that should be targeted with these prevention interventions?
5. What are the challenges in implementing prevention interventions nationally?