

**Address by the Deputy Minister of Justice and Constitutional Development,  
the Hon JH Jeffery, MP  
at an International Women's Day celebration,  
hosted by the KwaZulu-Natal Provincial Government,  
8 March 2021**

Programme Director,  
Premier Zikalala,  
Various MECs,  
Distinguished guests, friends

The 8<sup>th</sup> of March has been celebrated as International Women's Day for more than a century. It has grown out of the labour movement to become an annual event recognised by the United Nations.

But where does it come from?

In 1908, some 15 000 women marched through New York demanding shorter working hours, better pay and the right to vote.

The idea to make the day an international one came from a German socialist called Clara Zetkin. She was a part of both the labour movement and the women's movement and was a fervent campaigner for women's rights and universal suffrage.

She suggested the idea of an international day in 1910 at an International Conference of Working Women in Copenhagen which was attended by 100 women from 17 countries.

Zetkin proposed that Women's Day be celebrated in every country on the 28<sup>th</sup> of February and as such Women's Day was observed for the first time in 1911.

However, two years later, in 1913, the date was changed to the 8<sup>th</sup> of March and it continues to be celebrated as such every year.

The date was made official in 1975 when the United Nations started celebrating the day.

As you know, the theme for this year's International Women's Day is #ChooseToChallenge; meaning that we can only change the world by challenging the very things which hold women back – things like inequality, poverty, the gender wage gap, toxic masculinity, patriarchy and gender-based violence.

It's gender-based violence that I want to focus on this morning.

“Gender-based violence” and “femicide” do not exist as stand-alone offences in South African law. GBV can take many different forms; it can take the form of murder, attempted murder, assault with the intent to do grievous bodily harm, common assault, various sexual offences, intimidation, stalking, harassment and so forth.

Even a crime like arson can be a form of GBV if, for example, a man burns his partner's house down because she ended a relationship.

KwaZulu-Natal had 9809 sexual offences cases in 2019/2020, of which 8017 were rape cases. These are the reported cases and we all know rape matters and sexual offences matters are generally under-reported – so the real number may be much higher.

When the SAPS released the very latest crime statistics, I had a look at the Top 30 SAPS stations with the highest number of reported sexual offences cases in the country.

It was a KZN station – Inanda – which topped the list with 351 cases and four more KZN stations were on the list – with Umlazi second (335 cases), Plessislaer fifth (273 cases), Empangeni at number 12 (216 cases) and Kwadukuza at number 24 (188 cases.)

So what are we doing, and what more can we do, from the side of government to prevent and combat GBV?

The laws and the policies we make are extremely important – and when we find that these don't work as well as they should, we review them and we change them.

The Domestic Violence Act was enacted in 1998 to address the high levels of domestic violence in South Africa.

At the time, it was seen as an extremely progressive piece of legislation that was crafted with a strong focus on the victim.

The Act incorporated a range of intimate and family relationships within its ambit - including heterosexual and same-sex relationships; marriage and co-habitation, as well as dating and customary relationships; relationships that have ended; parent-child relationships, as well as sibling relationships and those between members of an extended family.

It provides for physical and sexual abuse, economic abuse - unreasonably depriving family members of economic and financial resources to which they are legally entitled, including by unreasonably disposing of household effects or other property -, emotional, verbal and psychological abuse and any other controlling behaviour such as intimidation, harassment, stalking, damage to property, and entering the victim's home without permission, where such conduct harms or may cause imminent harm to the safety, health and wellbeing of the complainant.

It also makes provision for persons other than the complainant to be able to seek a protection order.

These include a parent, counsellor, a health service provider, a member of the police, a social worker, a teacher or someone who has a material interest in the well-being of the complainant.

However, it has become clear that its implementation has been fraught with systemic inefficiencies that have failed many abused women and the rising figures of intimate femicide are often linked to implementation problems with the Act.

In view hereof, the Domestic Violence Amendment Bill is one of three new Bills which are currently before Parliament and which are intended to contribute to the fight against the scourge of GBV and femicide.

The other two bills seek to amend the statutory provisions in the Criminal Procedure Act, 1977 and the Criminal Law Amendment Act, 1997, dealing with bail and sentencing, as well as the National Register for Sex Offenders established by the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.

The amendments proposed are, generally speaking, intended to ensure that offences which have a bearing on gender-based violence and femicide are regarded and treated as serious offences.

Victims of sexual offences are, understandably, often reluctant to participate in the criminal justice system because of fear of the unknown, the fear of not being believed and the fear of secondary trauma.

For this reason we have to ensure that we have victim-support services in place when victims report sexual offences and when these matters get to court. That's why we have Sexual Offences Courts which offer support services such as court preparation services, psychological pre- and post-trial support services and we make use of intermediaries to convey questions and statements received from the court to the victim in a sensitive and age-appropriate manner.

In camera testifying services are provided to children, persons with mental disability, and all traumatised victims, irrespective of age. These witnesses testify at the private testifying room and out of the physical presence of the accused and other people via a dual-view CCTV system.

Private waiting areas at these courts allow victims to use a separate and secured entrance into court building and are kept separately from the rest of court users. It is also in the private waiting rooms that victims are empowered with information accessible in different formats (such as braille, large print and audio-visual).

Our Thuthuzela Care Centres also offer a range of medical and psychological support services to victims of sexual offences. We currently have 55 Thuthuzelas and are in the process of establishing more.

But the law can never, on its own, completely prevent or eradicate GBV. At most, it can create an enabling legal framework to bring perpetrators to book and to ensure justice for victims.

Ideally one should try and prevent GBV before it happens. It is therefore equally important that we also change attitudes. If we say that men are the problem then men have to be part of the solution.

For this reason, government is partnering with civil society partners and we have a dialogue programme called “Under the Tree” dialogues. The aim is for dialogues to vigorously engage with men and boys to change the toxic attitudes and beliefs around masculinity and patriarchy that lead to violence against women and children.

The dialogues create a non-intimidating space for male participants to introspect and face up to the harmful realities and effects of GBV.

They are also encouraged to come up with solutions and to work closely with government and civil society organisations protecting the rights of women and children.

Programme Director,

In celebrating International Women’s Day 2021, UN Women Executive Director, Phumzile Mlambo-Ngcuka, recently highlighted the extraordinary hardship that Covid-19 has brought to millions of women and girls and their communities.

She said:

*“During the pandemic, we have seen increased violence against women and girls and lost learning for girls as school drop-out rates, care responsibilities and child marriages rise.*

*We are seeing tens of millions more women plunge into extreme poverty, as they lose their jobs at a higher rate than men, and pay the price for a lack of digital access and skills. These and many other problems cannot be left to men alone to solve.”*

In a similar vein, Amnesty International in its report called “*Treated like furniture: Gender-based violence and COVID-19 response in Southern Africa*” finds that the Covid-19 pandemic has prompted an escalation in gender-based violence against women and girls in Southern Africa. The report looks at five countries – Madagascar, Mozambique, South Africa, Zambia and Zimbabwe – and says that Covid-19 has also magnified existing structural problems such as poverty, inequality, crime, high unemployment and systematic criminal justice failures.

It mentions that lockdown measures meant that women could not escape abusive partners or leave their homes to seek protection.

From the side of government, that is why it was important for us to have shelters remain open throughout the lockdown and also to have our courts operational to be able to hear domestic violence protection order applications.

Covid-19 has also forced us to make better use of IT and online services and one of the measures we are currently proposing is the use of online applications for domestic violence protection orders.

These are but some of the interventions that are underway to try and prevent and combat GBV. I also know that in November last year, Premier Zikalala and the Provincial Government launched an integrated government campaign to re-enforce efforts to fight GBV.

You can be assured that national government will assist you in whichever way we can to fight the scourge of GBV.

Violence against women affects us all - together we hold the key to unlock the chains which hold so many women captive.

I thank you.