

## **Introduction**

This Parliamentary Committee (hereinafter called the Committee) was established as an Ad Hoc Committee in 1996 and at the end of 1998 became a Standing Committee. The specific role of this committee is to monitor and oversee Government's implementation of the United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action. One of the priorities set by the committee was to address itself to their oversight function regarding the monitoring of violence against women. In this regard, the Committee has undertaken several activities, which are discussed below.

## **Activities of the Committee**

### **1. Violence Against Women Hearings during 1997 and 1999**

The Portfolio Committee on Justice and the Ad Hoc Committee held hearings during 1997 and 1998 on Violence Against Women. A report<sup>1</sup> was tabled in this regard. Part of the 1998 hearings also focused on other aspects relating to gender and justice. These include Domestic Violence, the legal system, spousal killings, sexual offences and sexual offence pilot courts.

At the time of these hearings, the Committee made a call that the Justice Ministry and other role-players accelerate the introduction of the proposed legislation on Domestic Violence and comprehensive legislation on sexual offences against women. To date, the Domestic Violence Act (Act 116 of 1998) has been enacted but the Sexual Offences legislation has still not come before Parliament.

### **2. Violence Against Women Hearings - November 1999**

The Committee held hearings from the 8<sup>th</sup> to the 17<sup>th</sup> of November 1999. Written and oral submissions were made. The objective of the hearings were to:

- Identify what and where the blockages are which impede women who have been victims of all forms of violence, from having access to justice.
- Determine the varied ways in which such obstacles to justice can be addressed and eliminated.

The report emanating from the hearings thematically categorises the information under the following headings:

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<sup>1</sup> Violence Against Women Hearings. Report. June 1998.

- Criminal Justice.
- Law enforcement.
- Welfare services and shelter.
- Health care.
- Incarceration of offenders.
- Recent research on violence against women.
- Public awareness and education.
- Allocation of financial resources and the Budget.
- Inter-ministerial co-operation and co-operative governance.
- Co-operation between Government and civil society.
- The need for statistical databases.

Although the hearings were held before the Domestic Violence Act 116 of 1998 came into operation, it highlighted difficulties anticipated with the implementation of the legislation. Many of these difficulties also emerged later in a workshop held by the Committee after the implementation of the Act. The Committee furthermore makes very specific recommendations with regards to the different thematic areas.

In addition to the detailed report on the hearings, a summary report (July 2001) is also available.

### **3. Provincial visits**

Delegations from the Committee visited Nelspruit, Mpumalanga, Port -Elizabeth and Pietersburg from April to June 2000. They visited Magistrates, the South African Police Service (SAPS) Commissioners and Prosecutors. These meetings formed part of the Committee's investigation into the difficulties experienced by these officials in the implementation on the Domestic Violence Act and Maintenance Act 99 of 1998.

### **4. A Joint 2-day workshop between the Committee and the Public Participation Unit (PPU) of Parliament, 25 – 26 July 2001.**

The Parliamentary Public Participation Unit (PPU) and the Committee convened a National Conference on enhancing the participation of women in the law making process.

The objectives of the conference were to:

- Audit the experiences of civil society with respect to how women have experienced participation in the legislative processes.
- Audit the obstacles which impede the participation of women.
- Elicit information on how the participation of women can be improved.

- Gather and collate information on problems experienced with respect to the implementation of the Domestic Violence Act.
- Gather and collate information on problems experienced with respect to the implementation of the Maintenance Act.
- Reflect on methodologies for making gendered impact on how budgets are drawn up and how public sector resources are allocated (at national, provincial and local levels).
- Gather and collate information on women's legislative needs with respect to issues of inheritance and succession.

Some of the specific problems that emerged from the presentations on the implementation of the Domestic Violence Act included:

- Inadequate resources being allocated to the implementation of the Act.
- Sexual abuse often not seen as abuse.
- When SAPS are called, the onus is often placed on women to say what they want SAPS to do with the perpetrator.
- The forms are difficult to complete.

A detailed report entitled "Strengthening Women's Voices through Participation: Consultative Conference on engaging Women in Parliament" is available.

## **5. Rural workshops**

The PPU and the Committee hosted capacity building workshops for rural women in four provinces during 2001. The provinces were Mpumalanga, North-West, Limpopo and Kwa-Zulu Natal. These workshops constituted the pilot Rural Women's Project.

The objectives of the workshops were to:

- Create an understanding amongst rural women about Parliament and the law making process.
- Create an understanding of how to participate in the legislative process.
- Obtain submissions on the implementation of the Domestic Violence Act and the proposals for the proposed Inheritance and Succession legislation.

It was evident from the workshops that there is a need for public education around the Domestic Violence Act. Many of the women who attended the workshops thought that only physical violence constituted domestic violence. It was only after the Act was explained to them that they understood that there were different types of domestic violence.

Whilst the workshops were a success, there were incidents which nearly disrupted this process. The incidents were discussed in the National Assembly to make sure that this type of incident does not occur again, because it may hinder the performance of the public representatives to cascade the important message to rural women in South Africa.

## **6. Committee report commissioned from the Center for the Study of Violence and Reconciliation (CSV) on Budgets and Violence Against Women**

The Committee commissioned the Centre for the Study of Violence and Reconciliation to investigate the extent of government financial aid to non-profit organisations (NPOs) providing support services to women experiencing violence.

The aims of the study were to:

- Quantify government departments' financial aid and support to organisations providing some kind of support to girls and women aged fifteen years and older who have experienced gender-based violence.
- Identify factors enhancing and/or constraining organisations' ability to access government funds for this work.
- Describe the type of activities for which organisations receive government support.

The research findings will be used to assist members of the Parliamentary Committee to undertake a range of activities aimed at ensuring that future budgets allocate sufficient funds to address the needs of women who are experiencing gender violence.

## **Recommendations**

The Committee, in fulfilment of its oversight role, has undertaken several informative initiatives in respect to violence against women. The reports resulting from the various initiatives are rich with information and recommendations to various Government Departments. It is thus recommended that:

- Questions emanating from the various forums be posed to the different departments with regard to the implementation of the Act, resources available and budgetary requirements.
- The various reports should be disseminated to the various departments and they should be asked to formally respond to it.
- A huge public education initiative be undertaken by GCIS to ensure that the Domestic Violence Act becomes more accessible to women, especially rural women.

- We ensure that the criminal justice system is more gender sensitive, especially in terms of sentencing, sensitivity of court officials, and women's access to justice.
- More shelters be provided for women who experience domestic violence, because women often have to return home to perpetrators of violence, because there is not an adequate number of shelters.
- Customary law be revised, because rural women still suffer the effects of customary law.
- The rural workshops be continued in the provinces not covered in 2001 rural workshops and the 2000 provincial visits.
- A debate on Domestic Violence be held in the National Assembly and the National Council of Provinces.

**Attached to this report are the following appendixes:**

1. Report on Violence Against Women in South Africa based on the public hearings held in November 1999. Compiled in February 2001.
2. Addendum to the Violence Against Women report of February 2001.
3. Summary report on Violence Against Women. July 2001.
4. Summary report on Violence Against Women. October 2001.

**Acknowledgements**

The Committee wishes to thank the following people who helped to compile this report:

1. Melissa Fourie, who as a volunteer undertook the mammoth task of collating and compiling the report on the hearings on Violence Against Women that took place in November 1999.
2. Shereen Dawood, researcher for the ANC Study Group of the Committee, who assisted in compiling the July and October summary reports of the hearings.
3. Carmine Rustin, of the Parliamentary Research Unit, who assisted in compiling the final report on the work undertaken by the Committee on Violence against Women.

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