



Commission for Gender Equality
A society free from gender oppression and inequality

Submission to the UN Special Rapporteur on violence against women

**Increase of gender-based violence against women and domestic violence
in the context of the COVID-19 pandemic**



1. INTRODUCTION

The Commission for Gender Equality (CGE) is an institution established in terms of Section 181 of the Constitution of the Republic of South Africa, 108 of 1996. Chapter 9 institutions such as the Commission are vested with powers and functions necessary to support democracy.¹ CGE is an independent statutory body, and its mandate is to promote respect for, protect, develop and attain gender equality within all spheres of South Africa.²

The CGE aims to transform society by 'exposing gender discrimination in laws, policies, and practices. It also advocates for change in attitudes and gender stereotypes and instils respect for women's rights as human rights. About domestic violence, this mandate translates to:

- Monitoring the effectiveness of laws, policies, and programs that are geared towards combating domestic violence;
- Monitoring institutions that are constitutionally tasked with implementing the aforementioned;
- Protecting victims of domestic violence and assisting them in accessing justice;
- Investigating cases of domestic violence;
- Conducting research into the area to try and understanding domestic violence and some of its social, political and cultural drivers.

Violence against women (VAW) has been defined as any act of gender-based violence that results in or is likely to result in physical, sexual, or mental

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¹ Section 181 of the Constitution of the Republic of South Africa (1996, as amended), and the Commission for Gender Equality, CGE Act (39 of 1996, as amended).

² As above



harm or suffering to women.³ It includes threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public, or in private life.⁴ VAW affects several human rights of women including the right to equality, freedom and security of the person, right to liberty, right to health, right to dignity and others that have all been enshrined in several Human Rights instruments.

VAW be it physical, mental or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty is a form of discrimination against women.⁵ States are responsible for the elimination of all forms of discrimination against women by both state and non-state actors and may be held responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence.⁶

The CGE, in fulfilment of its mandate to promote respect for, protect, develop and attain gender equality within all spheres of South Africa, hereby makes this submission detailing how, as a result of of the COVID-19 pandemic, gender-based violence against women and domestic violence in South Africa has increased:

1. To what extent has there been an increase in violence against women, especially domestic violence in the context of the COVID-19 pandemic lockdowns? Please provide all available data on the increase of violence against women, including domestic violence and femicides, registered during the COVID-19 crisis.

³ United Nations Declaration on the Elimination of Violence Against Women (1993).

⁴ As above

⁵ UN Committee on the Elimination of Discrimination Against Women CEDAW General Recommendation No. 19: Violence against women (1992).

⁶ As above article 6.



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The CGE submits that the reporting of gender-based violence cases have been widely reported during the lockdown period in South Africa. Equally, the CGE noted that there are unreported cases of gender-based violence primarily in the rural areas where families tend to mediate such matters instead of reporting to the South African Police Services. Nonetheless, the Police Minister Bheki Cele on 5 April clarified to the media that the South African Police Service had received 2,320 complaints of gender-based violence during just the first week of the lockdown. This is 37% higher than the weekly average for the 87,290 domestic violence cases reported to police during 2019. The national Gender-Based Violence Command Centre said they had had triple the usual number of calls of citizens seeking assistance. Similarly, the CGE received 75 gender-based violence related cases since the lockdown period. These cases have been reported to the South African Police services and the CGE is monitoring these matters.

2. Are helplines run by Government and/or civil society available? Has there been an increase in the number of calls in the context of the COVID-19 pandemic?

Yes, there are helplines by both Government, National Human Rights Institutions and CSO's. The South African Gender Based Violence Command Council has reported that it received 33 353 calls during the lockdown of which 1315 related to gender-based violence. The CGE toll-free number has processed 396 of calls during the lockdown. These calls concerned various complaints of the 396 calls received, 23 related to GBV. Civil society has also reported an increase in calls.



3. Can women victims of domestic violence be exempted from restrictive measures to stay at home in isolation if they face domestic violence?

The health and social development service who need to respond to GBV are not restricted however lockdown regulations had an impact on the availability of public transportation. This made mobility and travel outside the home to seek help limited. Many CSO's which operate in the sector were not listed as essential services, meaning that those affected by GBV had to travel even further than they would normally.

4. Are shelters open and available? Are there any alternatives to shelters available if they are closed or without sufficient capacity?

Shelters run by CSOs were not given the same status as those run by the State. There are still insufficient shelters which will care for women and children, and many do not have storage facilities for personal belongings. LGBTIQ+ people face a higher risk on non-placement in most shelters and there is no plan articulated to ensure access and capacity.

The CGE observed that there were shelters that did not admit victims of gender-based violence if they were not in possession of test results of Covid 19. This led to victims being sent back to their respective homes. Equally, the CGE observed that several shelters ran out of beds for victims due to an influx of admitted persons.



5. Are protection orders available and accessible in the context of the COVID-19 pandemic?

Yes, courts were listed as essential services. The main area of concern is the inaccessibility of courts by women in the rural areas. Lack of immediate transportation to courts proved to be a barrier in accessing the court for rural women.

6. What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?

Yes, courts are open, however due to lockdown restrictions, the CGE observed that court officials were not able to grant protection orders on urgent basis or immediately. Victims would ordinarily be requested to return to court the following day as presiding officers would have left the court premises earlier.

7. What are the impacts of the current restrictive measures and lockdowns on women's access to health services? Please specify whether services are closed or suspended, particularly those focusing on reproductive health.

The CGE received several complaints during lockdown period where women were denied access to terminate pregnancies. This was informed by the understanding that medical facilities were reserved for Covid 19 patients. As such, most women were placed on long waiting lists for safe abortions, scans were not conducted, and some



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local clinics were closed and not rendering services. This indirectly encouraged women to terminate pregnancies illegally. To this end, sexual reproductive and health rights services has been a challenge and the following were common areas of concern:

- Hospital closures
- clinic staff re-deployment from Family planning to COVID-19 response
- stock outs of reproductive commodities

The CGE further observed that some supermarkets further deemed sanitary pads as non-essential goods and therefore denied women to purchase them. Furthermore , women were unable to buy baby clothes for their unborn babies. It is understood that shops were selling goods based on the government's disaster plan. Women's clothing needs were not part of the essential list of goods and as such were not covered in the government's plan. The CGE intervened in such matters and ensured access to termination services, the supermarkets declassified sanitary pads as non-essential goods and baby clothes were allowed for purchases.

8. Please provide examples of obstacles encountered to prevent and combat domestic violence during the COVID-19 lockdowns.

Most resources were focused on Covid 19. The availability of police officers and vehicles delayed some arrests of suspected perpetrator of gender-based violence.

Many GBV programs are implemented by CSOs which at level 4 of lockdown where not listed as essential services, leading to major gaps



in first response and survivor support. Public health information is still devoid of targeted messaging on GBV

9. Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by Governments.

- The emergency hotlines
- Rapid response initiatives
- Shelters
- Keeping the courts open
- SRHR services being included in the list of the essential services

10. Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by NGOs and NHRIs or equality bodies.

-NHRIs that are geared towards protecting women and girls are still working and delivering essential services like the CGE.

-CSO's and NGO's adopting to the lockdown situation and making use of social media and other platforms to monitor VAW against women, provide support et al.



11. Conclusion

It is concluded that whilst countries have implemented various lockdown measures to curb the spread of COVID 19, the lockdown has come with its fair share of challenges and gender-based violence has been on the rise as a result. It is submitted gender needs must be considered by Countries during lock down period to advance and protect women's rights against all forms of violence, oppression, and discrimination