



Saartjie Baartman Centre
FOR WOMEN & CHILDREN

29 June 2020

FROM: Saartjie Baartman Centre for Women and Children
Adv. Bernadine Bachar
Email: director@womenscentre.co.za
CC: bacharbernadine@gmail.com

TO: United Nations Special Rapporteur on violence against women
Ms. Dubravka Šimonović
Email: vaw@ohchr.org

Dear Ms. Dubravka Šimonović,

RE: SAARTJIE BAARTMAN CENTRE FOR WOMEN AND CHILDREN'S SUBMISSION TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON COVID-19 AND THE INCREASE OF DOMESTIC VIOLENCE AGAINST WOMEN IN SOUTH AFRICA

1. The Saartjie Baartman Centre for Women and Children (SBCWC)¹ established in 1999 based in Cape Town (South Africa), as the first multi-disciplinary service (one-stop) centre, is a shelter for abused women and children. SBCWC is situated in Manenberg, a township on the Cape Flats in Cape Town, South Africa. The location of the SBCWC is an area with extremely high rates of crime, gangsterism, child abuse, unemployment, substance abuse and gender-based violence (GBV). Moreover, SBCWC is the oldest and the largest women's shelter in the Western Cape province of South Africa. SBCWC provides essential, cost-free services 365 days a year to abused women and children employing a comprehensive range of services for the effective treatment and prevention of violence against women and children.
2. Our primary mission is to provide holistic, integrated services to survivors of violence which include a 24-hour crisis response; a residential shelter for abused women and their children; a residential wing that provides specialized alcohol and substance abuse treatment interventions for abused women; legal advice and legal assistance on-site that assist women with protection orders, maintenance and divorce issues and court preparation; and job skills training and job placement projects such as life skills, chef assistant skills, office administration skills and office cleaning skills. The other services provided by other organisations working in partnership at SBCWC include an after-hours crisis response for children; specialised counselling services in rape/sexual assault; trauma and domestic violence; primary health care and HIV/AIDS programmes; community outreach; advocacy and lobbying; training; and research.

¹ The Saartjie Baartman Centre for Women and Children (SBCWC). Website: <http://www.saartjiebaartmancentre.org.za/>

3. SBCWC has pioneered the one-stop partnership approach for tackling violence against women and believes that this is proving to be a good practice model in the sector. In this way, a one-stop centre can help a woman and her children tackle the effects of violence on their lives without their being retraumatised by having to go to several different agencies for help and having to start over with their story each time. Though primarily a response-support initiative, the SBCWC serves a preventive function in that women are empowered to leave their abusive relationships. SBCWC also plays an important awareness raising function against GBV. Over the years, SBCWC has evolved to be the prime learning site nationally for providing holistic, integrated services to survivors of violence.
4. SBCWC works with the International Organisation for Migration (IOM), whose mission includes the promotion of international migration law, policy debate and guidance, protection of migrants' rights, migration health and the gender dimension of migration. Some of the survivors of national and international human trafficking that have been housed at SBCWC. Referrals in these cases come from special investigative units such as the Hawks.²
5. SBCWC has been internationally and nationally recognised in its 21 years for functioning as a successful intervention strategy and a one-stop centre for women and children who experience gender-based violence. Approximately 3855 women and children have come in and out of the shelter between January 2015 and December 2019. SBCWC is linked to the Western Cape Women's Shelter Movement, a network of women shelters in the Western Cape Province of South Africa.
6. It is against the shared background that we make this submission based on the information that is available in research documents, the national legislative framework on shelters, violence against women and children, especially data on domestic violence and experiential data provided by the SBCWC.
7. In May 2020, the United Nations Special Rapporteur on violence against women, its causes and consequences, (UN Special Rapporteur) announced her intention to devote her upcoming report to the General Assembly (October 2020) to the address the topic of COVID-19 and the increase of violence against women, with a focus on domestic violence. In particular, the special rapporteur is concerned that the restrictive measures adopted worldwide to fight COVID-19 have intensified the risk of domestic violence which is further aggravated by fewer police interventions; the closure of courts and limited access to justice; the closure of shelters and services for victims and reduced access to reproductive health services.
8. In this regard, UN Special Rapporteur published an invitation for stakeholders to furnish her with information on the increase of gender-based violence against women and domestic violence in the context of the COVID-19 pandemic in their countries.
9. The Saartjie Baartman Centre for Women and Children (SBCWC) has read the UN Special Rapporteur's request for information in relation to country-specific responses on the increase of gender-based violence in the context of the COVID-19 pandemic, and hereby makes this submission in accordance with the invitation to submit written comments.

² HAWKS is the South Africa Directorate for Priority Crime Investigation which was established as an independent directorate within the South African Police Service. See > <https://www.saps.gov.za/dpci/index.php><.

10. The report has been compiled with input from the members of staff at the Saartjie Baartman Centre for Women and Children in collaboration with SBCWC board members namely, Karabo Rajuili, Nadira Omarjee, Pamela Masiko-Kambala, Gillian Kerchhoff, Zaitun Rosenberg and Gladys Mirugi-Mukundi.

Yours faithfully,

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VIOLENCE ENDS HERE ● ONE STOP



Saartjie Baartman Centre FOR WOMEN & CHILDREN

SUBMISSION TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN ON COVID-19 AND THE INCREASE OF DOMESTIC VIOLENCE AGAINST WOMEN IN SOUTH AFRICA BY SAARTJIE BAARTMAN CENTRE FOR WOMEN AND CHILDREN

29 June 2020

INTRODUCTION

1. The Saartjie Baartman Centre for Women and Children³ (SBCWC) has read the UN Special Rapporteur's request for information on relation to States' responses on the increase of gender-based violence against women and domestic violence in the context of the COVID-19 pandemic and hereby makes the following written submission.
2. Our submission details the measures taken by the South African Government in response to the COVID-19 outbreak, the failed implementation of these measures on the increase of gender-based violence against women and domestic violence in the context of the COVID-19 pandemic.
3. Since our work is largely focused in the Western Cape province of South Africa (second largest of the nine provinces in South Africa), our responses will offer a provincial perspective. According to the directory database of the National Shelter Movement, the Western Cape province has about 23 women shelters, the second largest number of women shelters after Gauteng province that houses 24 women shelters in South Africa.⁴
4. This submission is structured as follows:
 - a. A contextual background of gender-based violence against women and domestic violence in South Africa
 - b. A brief description of the specific measures adopted by the South African government to protect women and children from domestic violence during COVID-19.

³ The Saartjie Baartman Centre for Women and Children (SBCWC). Website: <http://www.saartjiebaartmancentre.org.za/>. "Saartjie was a local Khoisan woman who in 1810 was persuaded by an English doctor to travel to England to exhibit her body, supposedly for financial gain. A mere 20 years old, she was dubbed the Hottentot Venus and became renowned (and ridiculed) for her uniquely African anatomy. Taken to Paris in 1814, she was subjected to scientific and medical research in which European ideas about black female sexuality were based. When she died at the age of 25 in 1816, the Museum of Man in Paris made a plaster cast of her body, removed her skeleton and pickled her brain and genitals in jars. There were displayed in the museum until 1985. After much negotiation, Saartjie's remains were returned to Cape Town in 2002, and she was buried in her homeland of the Eastern Cape. By naming our Centre after Saartjie Baartman, we are honouring a woman who is an icon to the Khoisan people, as well as to all women who experience abuse, discrimination and oppression" (SBCWC Brochure).

⁴ National Shelter Movement. Available at > <https://www.nsmsa.org.za/shelter-directory/><.

- c. Additional information not covered by the questionnaire: Challenges that women shelters encounter in response domestic violence against women and gender-based violence in South Africa.

CONTEXTUAL BACKGROUND: SOUTH AFRICA, DOMESTIC VIOLENCE AND COVID-19 LOCKDOWN

5. South Africa has been on national lockdown since midnight of 26 March 2020. This is the government's response to reduce the spread of the coronavirus. The sale of alcohol was banned for several weeks and that of tobacco products remains prohibited 90 days into the lockdown. Equally, the movement of people was restricted, and people were only allowed to leave their houses for essential reasons, such as grocery shopping and obtaining medical help. The government instituted five national COVID-19 alert levels from Level 5 to Level 1. Each level is controlled by a set of regulations.⁵
6. In the first week of the lockdown 2,320 complaints of gender-based violence were received by the South African Police Service (SAPS), which was thirty seven percent (37%) higher than the weekly average of domestic violence cases reported to police during 2019.⁶ According to police statistics the number of reported cases of family and domestic violence had decreased by sixty-nine point four percent (69.4%) between March and April 2020⁷ attributing this to amongst other factors, the prohibition of movement and the sale of liquor since the COVID-19 nationwide lockdown.
7. However researchers have warned that "police statistics, call numbers to hotlines and counts of women and children accessing services during lockdown" are not a reliable source of informed data nor is it reflective of the actual number of women and children experiencing violence at the hands of their perpetrators.⁸ The fear is that during the lockdown, women in abusive relationships are trapped inside with their abusers, unable to leave, escape or reach out for help.
8. Before the lockdown, South Africa was already battling high levels of family and domestic violence. The unacceptable high levels of violence committed against women has been said to give a semblance of "a country at war against its women." South Africa has been

⁵ Regulations and Guidelines - Coronavirus COVID-19. Government of South Africa. Available at <https://www.gov.za/coronavirus/guidelines>.

⁶ Media Statement by the Ministry of Police 5 April 2020. Available at <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=25461>.

⁷ Speech by Police Minister Bheki Cele 22 April 2020 where he reaffirmed his assertion that the alcohol ban during the national lockdown is the reason for the decrease in crime rates. Adding that he was pleased that gender-based violence cases had also decreased, compared with the time when alcohol was permitted, he indicated that "the national picture reflects a decrease of -69.4%, from 9 990 cases between March 29 and April 22 last year to 3 061 since the lockdown until April 20 2020, meaning a difference of 6 929." See Mandisa Nyathi "Bheki Cele: Crime stats vindicate alcohol ban" City Press 22 April 2020. Available at <https://www.news24.com/citypress/news/crime-stats-vindicate-alcohol-ban-20200422>.

⁸ Elizabeth Dartnall, Anik Gevers, Chandré Gould and Angelica Pino "Domestic violence during Covid-19: are we asking the right questions?" (26 Jun 2020) Institute for Security Studies and Sonke Gender Justice. Available at https://issafrica.org/iss-today/domestic-violence-during-covid-19-are-we-asking-the-right-questions?utm_source=BenchmarkEmail&utm_campaign=ISS_Today&utm_medium=email. Also see Peterman, Potts, O'Donnell, Thompson, Shah, Oertelt-Prigione, and van Gelder, 2020. "Pandemics and Violence Against Women and Children." CGD Working Paper 528. Washington, DC: Center for Global Development. Available at <https://www.cgdev.org/publication/pandemics-and-violence-against-women-and-children>

flagged to have one of the highest femicide rates anywhere in the world, ranked 4th in the world.⁹ A report on crimes against women in South Africa, published by Statistics South Africa (StatsSA) shows that femicide is five times higher than the global average. Annual crime statistics released by the South Africa Police (SAPS) reveal the depth of the crisis. According to police statistics about two thousand seven hundred (2,700) women and one thousand (1,000) children were reportedly killed in South Africa in 2019.¹⁰ In 2019, the South African government declared gender-based violence a national crisis.

9. In response to mounting calls to address the high levels of gender-based violence and femicide by women's organisations and women victims / survivors who marched as the #TotalShutdown in August 2018, the Presidency organised a landmark Summit on Gender-Based Violence and Femicide (1 - 2 November 2018 in Pretoria). The national summit was "instrumental in identifying key interventions to address, not just gender-based violence and femicide, but the wider challenges women and children face with regards to safety and security, poverty and access to economic opportunities, and the contestation of their rights in a climate where patriarchy and chauvinism is widely prevalent and all-pervasive." One of the outcomes of this summit was the March 2020 publication of the National Strategic Plan on Gender-Based Violence and Femicide 2020 – 2030.¹¹
10. The ease of the COVID-19 lockdown to Level 3 on 1 June 2020 led to what is now termed by the media as 'a dark and shameful week' where several grave femicides were reported.¹² The easing of the COVID-19 lockdown to Level 3, opened large parts of the economy and educational facilities and most notably, the unbanning of alcohol sales. This relaxation of lockdown regulations was linked to the spikes in cases of family and domestic violence.
11. In response, President Cyril Ramaphosa addressed the nation on 17 June 2020, "as a man, as a husband, and as a father, . . . appalled at what is no less than a war being waged against the women and the children of our country." He gravely acknowledged that "at a time when the pandemic has left us all feeling vulnerable and uncertain, violence is being unleashed on women and children with a brutality that defies comprehension." The President further highlighted that "over the past few weeks no fewer than twenty-one (21) women and children have been murdered" and emphasised that "they are not just statistics. They have names and they had families and friends . . .our thoughts and prayers are with them"¹³

⁹ See <https://africacheck.org/reports/minister-zulu-wrong-south-africa-ranks-high-but-not-number-one-in-the-killing-of-women/>.

¹⁰ Address by President Cyril Ramaphosa at the Joint Sitting of Parliament on the crisis of violence in South Africa, National Assembly, Cape Town - 18 Sep 2019. Government of South Africa. Available at <http://www.gov.za/speeches/>.

¹¹ The National Strategic Plan on Gender-Based Violence and Femicide 2020 – 2030 is an outcome of a collaboration of civil society and government under the auspices of the Interim Steering Committee on Gender-Based Violence and Femicide (GBVF). The National Strategic Plan on Gender-Based Violence and Femicide 2020 – 2030 is available at <http://www.women.gov.za/>.

¹² Media reports covered the Tshogofatso Pule was eight months pregnant at the time of her death. She was stabbed to death and found hanging from a tree in Johannesburg last week. 25-years-old Naledi Phangindawo was stabbed to death in Mossel Bay last Saturday. The suspect, who is believed to have been her partner, is now in police custody and is expected to be denied bail. 45-year-old Nompumelelo Tshaka was murdered and her body was found on 5 June 2020, dumped at an open field in Mthatha in the country's east. Ms Tshaka's alleged murderer has been arrested.

¹³ Address by President Cyril Ramaphosa on South Africa's response to the Coronavirus Pandemic, 17 June 2020. Government of South Africa. Available at <http://www.gov.za/speeches/>.

RESPONSE TO QUESTIONNAIRE: DOMESTIC VIOLENCE IN SOUTH AFRICA DURING COVID-19 PANDEMIC AND NATIONAL LOCKDOWN

I. To what extent has there been an increase of 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.

12. At the beginning of the lockdown period, the admission of abused women to shelters was slower than anticipated considering reports of global surges in GBV during lockdown periods. It has been suggested that a misapprehension that women could leave home under Level 5 lockdown to access shelter services may have contributed to the decline in numbers. Furthermore, during this period women were confined with their abusers and may have found it difficult to access assistance and they were also without their traditional support structures like family and friends who ordinarily may have encouraged them to approach a shelter or the police.
13. During Level 3 lockdown when regulations on movement of people were eased, and the sale of alcohol was unbanned, shelters began to see a real increase in numbers of women seeking assistance and national reports of violence against women started increasing considerably. The Western Cape Women's Shelter Movement noted that it took just over a week for some shelters to fill up across the province. Generally, shelters have reported an increase in the number of women seeking assistance and support while fleeing from situations of domestic violence during the lockdown.
14. In conjunction with Women Shelters in the Western Cape province, the Western Cape Provincial Department of Social Development made contingency plans anticipating an influx in shelters.
15. The Gender and Health Research Unit of the South African Medical Research Council (SAMRC -GHRU) is currently investigating “the ‘shadow pandemic’ of gender-based violence”, a study on femicide and child homicide during the COVID-19 pandemic in South Africa, the link and impact of COVID-19 to gender-based violence, mental health and livelihoods amongst selected population groups.

II. 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?

16. The national Department of Social Development established a 24/7 free emergency hotline number (0800 428 428)¹⁴ for survivors of gender-based violence operated by qualified social worker responsible for taking and making call referrals. Those unable to

¹⁴Established in November 2013, the GBV Command Centre effectively started operations in December 2013 when it provided counselling and information services during the death of President Nelson Mandela. During this period, it provided counselling services to grieving members of the public and also provided necessary information regarding the mourning period. Available at <http://gbv.org.za/command-centre/>.

The GBVCC uses mobile technology to estimate the location of a victim, assign the closest social worker in the field to the case, and record and receive continuous feedback on the case.

make a call had to dial *120*7867# to contact the Gender-Based Violence Command Centre via a USSD, "Please Call Me" service or send an SMS with the word 'Help' to 31531. The Centre could also be reached via a Skype line by adding 'Helpme GBV' to your Skype contacts. This was particularly useful for members of the deaf community.

17. There has been an increase in numbers of callers utilising this service during the lockdown period. "The national government's Gender-Based Violence Command Centre recorded that more than 120 000 victims rang the national helpline for abused women and children in the first three weeks after the lockdown started - double the usual volume of calls." ¹⁵

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

18. Shelters were categorised as essential services and therefore they remained fully operational during the lockdown. According to the national lockdown regulations, all shelters could issue travel permits for their staff.
19. Victims of domestic abuse could leave home to seek help at places of safety. However, due to the fact that soldiers and police were deployed in exit points of some townships to restrict people's movements out of their communities,¹⁶ it was difficult for people to move freely if they needed assistance. In situations where women and children could not leave their houses and requested assistance telephonically, the response unit in the women shelters, through the police, went in to release them.
20. In conjunction with Western Cape Women's Shelter Movement, the Provincial Department of Social Development developed the Western Cape Shelters Covid-19 Protocol¹⁷ which established a two-tiered referral system for admission to shelters during lockdown. For the purposes of health support and health monitoring, the Department designated four (4) shelters frontline Covid-19 shelters as Stage 1 shelters to admit at-risk victims of crime and gender-based violence. Only referrals from a social worker with a safety risk assessment and the police were accepted. After 14 days, the clients were transferred from Stage 1 shelter to a Stage 2 shelter for the usual 4-month shelter stay period. The necessary hygiene measures are in place for staff and residents at the shelters.¹⁸ It was reported that Western Cape Shelters were Covid-19 free for 93 days of the South African lockdown period.

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

21. The Saartjie Baartman Centre for Women and Children (SBCWC) remained open and available to clients during the lockdown period. However, due to a devastating fire in one

¹⁵ News24.com "Lockdown: Gender-based violence call centre receives 120 000 calls in 3 weeks" 11 May 2020. Available at <https://www.news24.com/news24/southafrica/news/lockdown-gender-based-violence-call-centre-receives-120-000-calls-in-3-weeks-20200511>

¹⁶ The Defense Post "South Africa to deploy 73,000 more troops to enforce COVID-19 lockdown." 22 April 2020. Available at <https://www.thedefensepost.com/2020/04/22/south-africa-deploy-73000-troops-covid-19-lockdown/>.

¹⁷ Western Cape Department of Social Development Frontline (COVID-19) Shelter Protocols.

¹⁸ Western Cape Department of Social Development Frontline (COVID-19) Shelter Protocols.

of its residences in May 2020, the capacity to house clients was reduced. Although the cause of the fire is still unknown, the SBCWC had been receiving threats since Level 5 lockdown was instituted which were reported to the police.

22. In the Western Cape province, women shelters were open and available and victim support services continue during lockdown. Capacity remains a concern especially in view of the recent increases in rates of gender-based-violence. Alternatives such as bed and breakfast facilities and other guest accommodation have been considered should this become necessary. These facilities are now allowed to operate under Level 3 lockdown.

V. Are protection orders available and accessible in the context of the COVID-19 pandemic? What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?

23. Although the legal support structures for domestic violence and protection orders and protection from harassment orders are said to be accessible during the lockdown, many survivors are reporting that they are being turned away by staff at domestic violence courts which are running on diminished capacity.
24. Such is the case of a client that SBCWC had housed in the shelter since 2019 and had on 19 June 2020 been turned away by the Cape Town Domestic Violence Court. This was further complicated by the fact that there was no after-hours telephone number accessible for the Cape Town Domestic Violence Court. After filing an urgent application at the High Court, it took five days to issue a protection order for the woman who had already been a victim of two domestic violence incidents.¹⁹
25. The SBCWC is experiencing a significant surge in the number of women seeking assistance at shelters, and access to Domestic Violence Courts continued to be a barrier to access to justice for many survivors of gender-based violence. Many women had experienced these systemic failures, often with dire consequences.²⁰ These failures require urgent and comprehensive action on the part of the Department of Justice. Survivors, essentially, are being denied justice.
26. At the inception of Level 3 lockdown, the President announced that prison inmates would be released on parole in order to ease overcrowding in prisons. There is fear that this will lead to an escalation of crime and domestic violence. With the easing to Level 3 lockdown and the sudden spike in crimes and violence against women, the police and provincial safety and security authorities have become reactive rather than preventative.
27. Although at the onset of the lockdown the Police Minister Bheki Cele had urged the management of the South African Police Service (SAPS) to reinforce the FCS Units (Family Violence, Child Protection and Sexual Offences) at police stations to ensure the SAPS readiness and capacity to respond to related complaints,²¹ often the police will turn away

¹⁹ Steve Kretzmann "Women in danger let down by courts" 26 June 2020 GroundUp Community Newspaper.

²⁰ Murray Williams "Murdered mom wanted to get restraining order before her death, say family, activists" 15 June 2020. Available at <https://www.news24.com/news24/southafrica/news/murdered-mom-wanted-to-get-restraining-order-before-her-death-say-family-activists-20200615>.

²¹ Media Statement by the Ministry of Police 5 April 2020. Available at <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=25461>.

complainants indicating that the 'act' must first happen before the police can respond, and they fail to take any preventative measures. One such incident is where the Western Cape Community Safety MEC, Mr. Albert Fritz welcomed the police's decision to institute disciplinary action against an officer who allegedly turned away a suspected rape victim in Khayelitsha.²²

VI. 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.

28. All health services have been impacted as government institutions have been focussing on the pandemic. Services are however restricted rather than closed or suspended and access to local community day hospitals and clinics is very stringent in this period as these are usually the first point of call for those seeking medical assistance, even for those with COVID-19 symptoms.
29. As a result, the SBCWC has been using private medical practitioners since the implementation of the lockdown. With this approach, the risk of infection with a GBV survivor waiting in a queue the whole day at a local community day hospital and consequent spread of Covid-19 infection within the shelter is reduced. Engaging the services of private medical practitioners to attend to the women and children at the shelter during the lockdown, has had cost implication, one that have been borne by the shelter.
30. To avoid risk of exposure to Covid-19, while going to the shops outside of the shelter during the lockdown, SBCWC supplied its clients with sanitary pads and other feminine menstrual products for free. This is partly facilitated by the Department of Social Development as part of social relief interventions for vulnerable women and girls amid the Covid-19 outbreak.

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

31. Some of the obstacle encountered in preventing and combating domestic violence during the COVID-19 lockdowns include:
 - a. Poverty and increasing levels of unemployment leading to inability to access services due to:
 - i. Lack of data/airtime to call the national Gender Based Violence Command Centre (GBVCC);
 - ii. Restricted of movement which made it difficult to get help;
 - iii. Lack of transport to get to Police Stations and shelters for safety;
 - iv. Absence of traditional support structures like friends and families;

²² Western Cape Community Safety welcomes Western Cape Police Ombudsman investigation. 3 July 2020. Available at <https://www.gov.za/speeches/western-cape-community-safety-welcomes-western-cape-police-ombudsman-investigation-3-jul>. In September 2019, the same police station was said to be involved in a reported misconduct where a mother made five attempts over four days to report the rape of her three-year-old daughter. The police only responded when there was a social media outcry.

- v. Substance abuse after easing of the lockdown regulations, notably under Level 3 lockdown;
- vi. Lack of public awareness in respect of the right to access safety and security services such as police and shelters during lockdown;
- vii. Lack of support for those seeking assistance from the police and the Courts such as access to protection orders.

VIII. 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.

- 32. Good practices by government to prevent and combat violence against women, domestic violence, and gendered impacts of the COVID-19 pandemic include among others;
 - a. The establishment and operationalisation of the national Gender-Based Violence Command Centre helpline which is widely publicised
 - b. The National Strategic Plan on Gender Based Violence report published in April 2020.

IX. 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.

- 33. Examples of good practices include:
 - a. The National Shelter Movement South Africa undertook a campaign to make safety plans available to women confined with their abusers during the lockdown.
 - b. Women shelters as one stop centres that provide holistic services.
 - c. Opening of additional shelters during the lockdown.
 - d. Awareness campaigns as to resources available to survivors by NGOs.
 - e. Food package distribution by NGOs and shelters.
 - f. Provision of PPE as well as the sanitisation of shelters.
 - g. Strict adherence to hygiene protocols in shelters.
 - h. Donations by private companies specifically earmarked for easing conditions in shelters during lockdown.

X. Please send any additional information on the impacts of the COVID-19 crisis on domestic violence against women not covered by the questions above.

1. Strengthening the state's approach to domestic violence and sexual violence

- 34. Sexual violence against women and girls and gender-based violence remain endemic despite human rights– focused laws, policy and programmes in South Africa. Violence against women and femicide has continuously dominated national public debates and galvanized community-based activism and NGO intervention in South Africa. According to a 2016 World Health Organization (WHO) report, South Africa is ranked 4th highest in the world for female interpersonal violence death rate.²³ Although frequent media reports and string of protests amplify the issue of domestic violence and femicide in South Africa,

²³ Ahead of South Africa is Honduras, Jamaica and Lesotho. See Kate Wilkinson 'Five facts: Femicide in South Africa.' 3 September 2019. Africa Check. Available at > <https://africacheck.org/><.

these only cursory represent of a graver national issue. Many incidents go unreported in the media.

35. In September 2019, President Ramaphosa was meant to celebrate 100 days in office but instead he was met by a wave of hostility from numerous national-wide protests of gender-based violence. In the wake of a spate of high-profile murders leading to nationwide protests in September 2019 under the banner of the #NotInMyName #AmINext and #SAShutdown hashtags,²⁴ President Ramaphosa acknowledged that, the statistics for gender-based violence amounts to a national crisis declaring 'enough is enough.'
36. Various researchers have suggested that the endemic sexual violence against women and girls and gender-based violence signals "a society is out of sync with its constitutional values and aspirations for a society free of violence."²⁵ Reports on the pervasive gender-based violence has prompted some South African citizens, civil rights groups and political representatives to call for the reinstate the death penalty.²⁶
37. President Ramaphosa's response "implied an understanding of activists' demands that men, as the perpetrators of the vast majority of such crimes, need to be called on to solve the problem, rather than the focus remaining on women as victims." Further, the President promised to introduce a legislative amendment to ensure there is no bail for perpetrators of gender-based violence, and the sentences are tightened.²⁷ Many current cases go uninvestigated or have been unsuccessfully attempted before. Unfortunately to this day, no amendments have been introduced. In addition, the President vowed to review laws on domestic violence and sexual offences to prioritise the needs and interests of survivors.
38. In some provinces, police stations with access to a rape kit' are less than 10% while only one-quarter of all police stations have access to this equipment.²⁸ While the President

²⁴ Protests were ignited by a series of high-profile abductions and murders of women right after the month of August which is Women's Month in South Africa in honour of the 20,000 women who marched on government buildings in 1956 to protest the extension of the country's 'Pass Laws' (requiring black citizens to carry an internal passport). Protesters gathered outside the Africa World Economic Forum sessions in Cape Town, and after these were forcibly dispersed, activists organized a massive march to Parliament following media reports of gruesome killing of a rising champion boxer Leighandre Jegels by her partner who was a police officer, and the murder of a University of Cape Town student Uyinene Mrwetyana at a post office around the corner from a police station. Despite South Africa presiding over the UN Security Council at the time, President Cyril Ramaphosa could not participate nor could he attend the annual UN General Assembly as he had to deal with twin crises that embroiled South Africa and had international repercussions ; 1. Violence against women and girls, and 2. collective violence against foreign residents in major urban centers of Pretoria, Johannesburg, Durban and Cape Town in South Africa which led to the destruction of foreign-run shops. Many foreigners were displaced and dispossessed and the death of about 12 lives.

²⁵ Paul Graham "Bridging the Gap between South Africa's Lofty Ideals and Violent Reality" October 10, 2019. See ><https://freedomhouse.org/article/bridging-gap-between-south-africas-lofty-ideals-and-violent-reality><.

²⁶ An online petition to the reinstate the death penalty was led by **Change.org** , with 300,000 as target number of signatures. Rejecting the call, the Minister of Justice issues a statement (04 September 2019) based on the South African Constitution section 11 which states that "Everyone has the right to life"; and on the landmark constitutional case *State v. Makwanyane and Another (CCT3/94) 1995 (3) SA 391*. In this landmark judgement the Constitutional Court banned the death penalty on June 6 1995, on grounds that the Criminal Procedure Act was in conflict with the country's 1994 constitution. Available at ><https://www.justice.gov.za/><.

²⁷ President Cyril Ramaphosa: Address to the nation on public and gender-based violence. 5 September 2019. Government of South Africa. Available at >www.gov.za/speeches/<.

²⁸ While accusing the South African Police Service (SAPS) of 'failure to investigate rape' Andrew Whitfield, the Democratic Alliance Shadow Minister of Police, requested information National Police Commissioner on the

vowed to ensure every police station has the necessary equipment to investigate sexual assault cases, he has been criticised for his lack of action to date.

39. The scourge of gender-based violence has repeatedly been an issue of discussion by members in Parliament.²⁹ In a recent parliamentary debate Maite Nkoane-Mashabane, the Minister of Women, Youth and Persons with disabilities, called on the government to intervene by “supplying more police stations with evidence collection kits; gender-based violence (GBV) and femicide training targeting law enforcement officials, and prosecutors; and hiring more social workers to be placed in communities to provide support.”³⁰
40. Government’s glaring failure to halt the sustained and rising tide of domestic and sexual violence against women is even more amplified during the COVID-19 pandemic and has again prompted silent protest in front of parliament in June 2020.³¹ Although the first ten years post the democratic transition in 1994, there was an increased state intervention on violence against women by setting up specialist sexual offence courts and Thuthuzela centres, the pervasiveness of violence against women and children is an indication that urgent and innovative state response is essential.

2. Budget allocation for women shelters and gender-based violence (GBV)

41. Women shelter services fall under the broader ambit of South Africa’s national government’s Victim Empowerment Programme (VEP), a key component of South Africa’s crime prevention strategy. The Department of Social Development (DSD) is the lead department in VEP and is responsible, among others, for coordination of the services. South Africa’s Domestic Violence Act (1998) places an obligation on members of the South African Police Service (SAPS) to provide specified services to victims of domestic violence. These services include referring and transferring women to shelters. However, the Act is silent on whose statutory duty it is to provide and fund those shelters.
42. In 2001 the Department of Social Development identified 39 shelters providing services to abused women in South Africa. According to the 2020 database of the South Africa National Shelter Movement of South Africa, there are now about 86 shelters registered under the Department of Social Development as providing services to abused women in South Africa.³² The location of most of these shelters is kept private for safety reasons, so as not to expose the women in its protection.

viability of the rape kits of police stations across the country. In official response received on 1 August it was revealed that 76% of police stations do not have rape kits in their possession. See Parliament proceedings on 04 Sep 2019 Available at ><https://pmg.org.za/hansard/28885/><. Also see Tom Head ‘Here’s how many SA police stations are “unequipped” to deal with rape cases’ The South African Newspaper 11 August 2019. Available at ><https://www.thesouthafrican.com/news/rape-kits-shortages-in-south-africa-why-stats/><. (Democratic Alliance (DA) is the official opposition political party in Parliament).

²⁹ See parliamentary debates available here > <https://pmg.org.za/><. Also see Jan Gerber “Gender-based violence: MPs question Parliament’s role” 30 Jun Available at ><https://www.news24.com/><.

³⁰ See parliamentary debates available at > <https://pmg.org.za/><.

³¹ “‘We’re tired of mourning sisters’: young people gather at parly in GBV protest.” Available at > <https://ewn.co.za/2020/06/30/i-m-tired-of-mourning-sisters-young-people-gather-at-parly-in-gbv-protest><.

³² National Shelter Movement. Available at > <https://www.nsmsa.org.za/shelter-directory/><.

43. Although the number of women shelters have increased, funding the capital cost and operational costs of these shelters has been inadequate and has necessitated shelters taking extraordinary measures to ensure operations continue.
44. In the 2009 public hearings on the Domestic Violence Act,³³ civil society organisations appealed for a review of the Department of Social Development's policy and practice towards women shelters, in particular, the funding criteria for non-governmental organisations that provide social welfare services for women and children nationally, the situation remains unchanged. In the public hearing, the SBCWC made a submission stating unequivocally that the Domestic Violence Act had failed to protect women, as evidenced by a 114% increase in the number of cases over 2008. Survivors of domestic abuse need secure accommodation, legal advice, counselling, specialised rape and HIV/AIDS counselling, as well as economic empowerment programmes that provide immediate income and job-skills training to assist them with building new lives and these services receive very little budgetary allocation and other support from Government.
45. Department of Social Development's 2011 policy on financial awards to service providers such as women shelters, implies that the Department is not the sole funder of social welfare services. Instead, the Department expects NGOs that deliver social welfare services for women and children to meet the shortfall by securing funds from either donor organisations, corporate social responsibility programmes or sources such as the National Lottery Distribution Trust Fund (NLDTF).
46. A 2011-2012 national research study by the National Shelter Movement of South Africa and the Heinrich Boell Foundation (HBF) on the funding for shelters housing women who have experienced abused³⁴ found that although 60% of social welfare services for women and children nationally are provided by NGOs, these organisations struggle to meet the operational costs and capital cost for maintenance of the facilities as the Department of Social Development only covers minimal part of the costs. As such funding constraints limit the ability of shelters to provide comprehensive services to women.
47. Even though the Department acknowledges that women shelters are critical in the intervention of domestic violence, it admits that they have insufficient budget to implement all the components of the Victim Empowerment Programme.

3. Medium-term to long-term accommodation for survivors of domestic violence

48. Although the South African government provides minimal funding to women shelters, the lack of government funded housing programme as an option for women exiting shelters has been cited as perpetuating the cycle of domestic violence and gender-based violence.
49. Victims of gender-based violence are in an extremely precarious situation, requiring a place to stay when they are under threat, often with their children. The SBCWC provides a short-term (4 months) residence for women and their children who are looking for an immediate place of safety. The shelter also provides long term housing programme as second-stage housing in form of cottages for survivors of domestic violence who have

³³ Available at > <https://pmg.org.za/committee-meeting/11090/><.

³⁴ Bhana, K, Vetten, L, Makhunga, L, and Massawe, D (2012). Shelters housing women who have experienced abuse: policy, funding and practice. Johannesburg: Tshwaranang Legal Advocacy Centre.

gone through its specialised counselling services and job-skills programmes and are seeking employment. The second-stage housing offers survivors of gender-based violence accommodation for a period of six months (6 months).

50. The second-stage housing accommodates the whole family women with their children regardless of older boys. The rent is affordable for the women that have low-income. The women pay a nominal rental fee for the duration of their stay that contributes to security and maintenance of the cottages. This form of housing depends on availability. SBCWC is one of the very few women shelters that offers such second-stage housing accommodation facility.
51. Apart from offering temporary accommodation and time-limited services to women fleeing situations of domestic violence, shelters also assist survivors of gender-based violence to make a transition to a safer life back in the community. Four to six months in a shelter, at maximum, is a short period of time to establish a new and safe residence in the community if one chooses to leave an abusive situation. After exiting the women shelters, survivors of domestic violence often struggle to find affordable, secure, permanent housing. Often survivors of gender-based violence cite the lack of money and lack of adequate housing could cause them to either become homeless or return to live with their abusive partner and abusive family.

THE END