



## NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

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### REPORT ARISING FROM THE DIALOGUE ON GENDER-BASED VIOLENCE AND FEMICIDE AND ILO CONVENTION 190 HELD ON 02 DECEMBER 2021

#### 1. WELCOME AND APOLOGIES

1.1. The Chairperson, Ms Nobuntu Sibisi the Executive Manager at Nedlac opened the meeting and welcomed all present.

1.2. Apologies were recorded as follows:

<b>Community</b>	<b>Laura Kganyago, Herman Tsebe, Thembinkosi Josopu, and Lawrence Bale</b>
<b>Government</b>	<b>Thembinkosi Mkalipi, and Sipho Ndebele</b>

1.3. Attendance register for the dialogue session is attached as **Annexure 1** of the report.

#### 2. BACKGROUND

2.1. The Department of Women, Youth and Persons with Disabilities (DWYPD), gazetted the draft National Council on Gender-Based Violence and Femicide (NCGBVF) on 05 October 2021 for public comments. The NCGBVF Bill aims to establish a multi sectoral, independent and non-partisan advisory body, comprising of representatives from both the government and civil society organisations to ensure effective coordination and implementation of the National Strategic Plan on Gender Based Violence and Femicide.

2.2. The proposed National Council structure will be called a National Council on Gender Based Violence and Femicide and shall be accountable to a Board. The Secretariat unit will be led by a Chief Executive Officer, it will provide technical and administrative support to the Council.

- 2.3. The purpose of the dialogue session was for the Development and Labour Market Chambers to obtain presentation from DWYPD on the NCGBVF Bill, status update on the six pillars as provided for in the National Strategic Plan on Gender Based Violence and Femicide, and the status update on the developments of the International Labour Organisation (ILO) Convention 190 (C190) by the Department of Employment and Labour (DEL).
- 2.4. Due to unforeseen circumstances, the engagement on the implementation of ILO Convention 190 (C190) by the Department of Employment and Labour (DEL) was deferred to the fourth quarter of 2021/2022 financial year.

### **3. NATIONAL COUNCIL ON GENDER-BASED VIOLENCE AND FEMICIDE (NCGBVF)**

#### **3.1. Key focus of the NCGBVF Bill:**

##### 3.1.1. The objects of the Bill provide for:

- 3.1.1.1. Establishment of the Council as an independent advisory body, which acts through its Board and is responsible for providing strategic leadership on the elimination of Gender-Based Violence and Femicide in South Africa;
  - 3.1.1.2. A multi-sectoral and an inter-sectoral approach towards the implementation of the National Strategic Plan on GBVF; and
  - 3.1.1.3. Affirmation of a national commitment to building a society free from all forms of Gender-Based Violence and Femicide.
- 3.1.2. The establishment of the council as a juristic person which acts through its board. The board would be independent advisory board which would provide strategic leadership and elimination of GBVF in South Africa as outlined in terms of the National Strategic Plan (NSP). Amongst others, the Bill also sets out the facilitation role and the processes to coordinate the multi- sectoral approach between the state and civil society for the prevention of, and response to, GBVF.
- 3.1.3. The development of the action plan and sets out the timelines for the implementation of the National Strategic Plan, after the establishment of the council.
- 3.1.4. The configuration of the Board and its constitutionality matters as to provide for a maximum of 13 members from civil society, relevant Government departments; and the Executive Officer as an ex-officio member of the Board with no voting rights. The affairs of the council and administration of the council was also outlined in detail.
- 3.1.5. Responsibilities of the board *inter alia* to establish the Secretariat Unit of the Council, to provide technical and administrative support to the Council, and also to determine the conditions of employment, remuneration of the CEO and Secretariat in consultation with the Minister of Finance.

- 3.1.6. The funds of the Council shall be appropriated by Parliament for this purpose; donations or contributions received from any source; trust funds vested in it; interest derived from investments; and money received from any other source. It also provides for the functions of the CEO in terms of the financial management of the council.
- 3.1.7. Empowers the DWYPD Minister in consultation with the relevant organs of state in the provincial and local spheres of government, to prescribe norms and standards for the establishment of the Provincial and Local GBVF Working Groups. Enables the Minister to delegate some duties to the board. After receiving recommendations from the Board make regulations on matters relating to the implementation of this Act.
- 3.1.8. Processes followed by Government thus far on the development of the NCGBVF Bill was as follows:
  - 3.1.8.1. Subsequent to the finalisation of all the Government internal processes, the Bill was gazetted for public comment on 05 October 2021;
  - 3.1.8.2. The department was finalized the public consultation process with provinces;
  - 3.1.8.3. Introducing the Bill before Nedlac to obtain preliminary views from the social partners;
  - 3.1.8.4. Envisaged incorporating all comments obtained from public consultation process by end December 2021 and formally table revised Bill to Nedlac for detailed engagement; and
  - 3.1.8.5. Submit to the State Law Advisor for final certification and for submission to Cabinet for approval and thereafter for introduction to Parliament.

### **3.2. Input from Labour Constituency:**

- 3.2.1. Supported the objectives of the Bill. However, it sought clarity on the fundamental difference in the mandate in relation to gender affairs being addressed by the DWYPD, the function of the proposed NCGBVF, including the mandate of the Commission of Gender Equality (CGE).
- 3.2.2. It stated that Government should indicate the envisaged budget allocation for the proposed national council, including the composition of the proposed secretariat, size of its foot print etc.

### **3.3. Input from Community Constituency:**

- 3.3.1. Welcomed the presentation and stated that the issues of gender balance must be clearly outlined in the Bill.
- 3.3.2. Supports the establishment of the NCGBVF and acknowledged the importance of coinciding with the 16 Days of activism for “No violence against Women and Children Campaign”. Its views were that it would have been more beneficial for the council to launch the NSP. This was informed by the urgent need for the action and implementation of the NSP to respond to issues of high level of GBVF in the country. therefore, the establishment of the NCGBVF was cosmetic at the present moment.
- 3.3.3. The board and the working committee – it requested Government to elaborate on the structure and the composition of the working committee and to consider establishing or locating the working committee/ group at district forums. Such committees/ working groups must work together with the SAPS and these should not only be located at national level.
- 3.3.4. Clause 22 provides for the establishment of the provincial and local GBV working groups. It was important for these to be established at the local level as much as possible. The focus in terms of mandates of municipalities sometimes vary. It was also important to enhance the function of the existing structures and empower the ward councillors on the provision of the Bill.

### **3.4. Input from Business Constituency:**

- 3.4.1. It agreed with Labour’s input regarding the duplication of processes by different structures dealing with similar issues and functions which must be avoided at all cost.
- 3.4.2. Sought clarity if the allocated budget for the Council was sufficient to implement necessary change on the ground.
- 3.4.3. What plans have been put in place to ensure that the establishment of the modern oversight board provides effective change on the ground.

**3.5. Government responded and stated:**

- 3.5.1. The fundamental difference in mandates for the proposed NCGBVF, CGE and DWYPD are; the council's mandate ensures the coordination, implementation, and monitoring of the National Strategic Plan for the GBVF; while CGE promote aspect for gender equality in terms of the Commission on Gender Equality Act 39 of 1996.
- 3.5.2. Funding allocated to NCGBVF is 5 million over the Medium-Term Expenditure Framework (MTEF) to cater for the remuneration of the CEO, secretariat including the day to day running of the Council in terms of its administrative costs.
- 3.5.3. It noted the submission relating to the structure of the council and that the Rapid Response Task Teams (RRTs) at district levels. The RRTs constituted of officials from relevant Government departments, civil society and the unions members at these local levels.
- 3.5.4. Issues relating to duplication of processes in different structures was noted and that it will ensure that this was avoided. Mechanisms to address challenges in this regard will be addressed in the RRTs that have been established.
- 3.5.5. Empowerment of councillors – It welcomed the recommendation and stated that a programme was developed to train the councillors on gender issues, gender responsive monitoring and budgeting. In addition, training was also important on the provision of the NSP, and all GBVF framework. It would continue with this initiative until all councillors were adequately trained in this regard.
- 3.5.6. Establishment of the board, working groups at district level – the establishment of the NCGBVF emanated from the Presidential Summit Gender-based Violence and Femicide held in 2018. The proposed structure was flat in nature and the intension was to ensure that allocated resources went directly to the intended beneficiaries.
- 3.5.7. The aim was to utilize the existing structures in provinces and not to establish new structures, however, provinces were at the liberty to establish additional structures should they be required. For example, in KZN, war rooms were established and that the same structure will ensure that provisions of the NSP were addressed accordingly within the existing war rooms structures.
- 3.5.8. Priority was first to develop the NSP as recommended in the 2018 national summit followed by the establishment of the National Council on Gender Based Violence and Femicide to give effect to the NSP.

The process of developing a comprehensive monitoring and evaluation framework in this regard was underway.

#### **4. PRESENTATION ON THE ONE-YEAR IMPLEMENTATION REPORT SUBSEQUENT TO THE LAUNCH OF THE NATIONAL STRATEGIC PLAN (NSP)**

4.1. Government made a detailed presentation on the above, and the full copy of the presentation is attached as **annexure 2** of the report. The one-year NSP implementation report aims to:

4.1.1. Provide detailed achievements and reflections for each pillar as contained in the NSP and it focuses on localizing the implementation plan as most work in terms of the plan has been centralized at the national level. Government has put in place the institutional mechanisms both at the provincial and local level to support implementation of the plan.

4.1.2. The NSP one-year report empowers municipalities to incorporate issues relating to GBVF in their Annual Performance Plan. The process to build capacity within Government in this regard was currently underway.

4.2. Input by Business Constituency:

4.2.1. Business committed to participate on all the structures that will be established to address issues of gender-based violence, and to ensure that the target as set out in the Government road map were achieved.

4.2.2. Additionally, business committed to ensure that the provision of the Code of Good Practice on Harassment in the work place was implemented successfully.

4.3. Input from Community Constituency:

4.3.1. It sought clarity on the role of South African Police Service (SAPS), Department of Correction Services, and the Department of Social Development in the implementation of the NSP to eliminate issues of GBVF and that of substance abuse etc.

4.3.2. The reporting and the handling of gender-based violence cases in the police stations are not entirely benefiting the communities due to mishandling of GBVF cases by the SAPS. Specific consultation on this process was required to capacitate all relevant role players.

4.4. Input from Labour Constituency:

4.4.1. Labour welcomed and supported the comprehensive presentation and its provisions.

## **5. PROCESSES AND WAY FORWARD**

- 5.1. It was agreed that Government will submit the revised NCGBVF Bill which would incorporate the public comment by 31 December 2021. The Secretariat would commence with the development of the terms of reference for this process.
- 5.2. It was agreed that a task team will be established to consider the NCGBVF Bill. The Chamber Convenors for both Chambers will further engage and agree on the number of participants to serve on the task team.
- 5.3. Government would formally table the NCGBVF Bill to Nedlac for engagement in the last quarter of the financial year (2021/2022).
- 5.4. Dialogue session on implementation of ILO Convention 190 (C190) by the Department of Employment and Labour (DEL) will be convened in the fourth quarter of 2021/2022 financial year.

**Annexure 2**

**Attendance Register for the Joint Dialogue Session on the National Council on Gender Based Violence and Femicide (NCGBVF) and the implementation of the National Strategic Plan (NSP) on GBVF, held 02 December 2021 from 14h00 – 16h00**

<b>Business</b>	<b>Community</b>	<b>Labour</b>	<b>Government</b>	<b>Secretariat</b>
Jonathan Goldberg Innocent Dywai Jahni de Villiers Kgauhelo Qwabe Tumi Nkomo Sanelisiwe Jantjies	Lucas Qakaza Donovan Williams Tumi Zwane Matthew Mponzo Madambi Monyahi	Matthew Parks Boitumelo Molete Lebogang Mulaisi Martle Keyter Tengo Tengela Thandeka Phiri Zanoxolo Mpendu Sipho Ndhlovu Gertrude Mtsweni Amogelang Diale	Masilo Lefika Mbhezima Shiviti Nondumiso Ngqalunga Ntsoaki Mamashela Unathi Ramabulana Esther Maluleke Shoki Shabalala Ntombi Mnyikiso	Nobuntu Sibisi Priscilla Mashabane Tsholo Lelaka Prudence Zwane