



Rise-Up Against Gender Based Violence

1837 Msimango Street

Orlando, Johannesburg

1804

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MEMORANDUM OF DEMANDS

1 August 2018

TO: His Excellency President Cyril Ramaphosa and The Government of the Republic of South Africa

Cc: Parliament of South Africa and Supreme Court of Appeals

Today, 1st of August 2018, we - womxn (both cisgender and transgender) and gender non-conforming people (GNC) are here to deliver this memorandum to the Government of South Africa.

We, the women of this country are aware that gender based violence against women, non-conforming persons and intersectional women has reached levels that are unacceptable and cause untold harm. We are also aware of the complex multi layered factors that have resulted in South Africa being counted amongst the highest ranking countries with unprecedented levels of gender based violence against womxn (GBVAW). We acknowledge that there have been numerous protests and activities undertaken by many Non-governmental organisations and other interest groups in our society fighting this scourge. It is evident to us that without a Total integrated action by all relevant segments of our society as well as political will, nothing will change to eliminate this scourge. That is why as women, we have been moved to rise, march and protest to demand an end to gender based violence against womxn today.

This document sets out our list of demands to the state. It's an initial set of twenty four demands that represent each year that the state has failed to ensure our constitutionally entrenched right to be free from all forms of violence since the establishment of our constitutional democracy. We believe that an integrated approach to fight against the GBVAW scourge, where different arms of government work together, has the ability to ensure better protection for women. We understand that different arms of government have different powers and functions, it is not the intention of our memorandum to comprehensively set out which entity must do what. Our aim is to demand that the state



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must do everything within its powers, to enable us to realise our right to be free from violence, whether it emanates from public or private sources.

We demand:

Our right to be free from violence and an end to impunity for GBVAW - NOW!

Number	Demand	Deadline
1.	A strong message from the office of the President that gender based violence against womxn, GBVAW, is pervasive and widespread and that it cannot be tolerated at any level of society. This includes a commitment never to appoint any individual who has been implicated or minimises the causes and consequences of GBVAW to cabinet or to lead a state institution. Further, a commitment to establish and drive a multi-stakeholder and comprehensive process to address and reduce GBVAW and a commitment to announce the dates of a national gender summit before 30 August 2018 .	09 August 2018
2.	A review of past national action plans to end GBVAW with a view to understanding why they failed. .The Ministry of Women in the Presidency be seized with the convening of a national process to lead the review. The terms of reference must include the participation of all relevant stakeholders including, relevant government departments and civil society formations. The process must also identify the individual and institutional causes of the failure and make recommendations.	30 September 2018
3.	The development of a criteria and screening for appointing individuals who are tasked with leading efforts to end and respond to GBVAW. This includes the development of a criteria that seeks individuals who understand that GBVAW is a form of discrimination, it is overwhelmingly gender specific and it happens to womxn because they are womxn. It must also recognise that efforts to end GBVAW must be led by womxn and communities disproportionately affected by gender discrimination which includes transgender and gender non-conforming persons and who have worked on GBVAW issues; and have an understanding of the role that the state has to play in preventing violence from occurring and responding to violence once it has occurred.	30 September 2018



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4.	<p>A development of a National Action Plan on Gender Based Violence (GBV) whose terms of reference will be determined by the review process envisaged under demand number two. The plan could be in the form of an update of the action plans that were not implemented. Furthermore, gender diversity as it relates to transgender and gender non-conforming persons must be integrated into the National Acton Plan on GBV to broadly combat and prevent GBV and hate crimes.</p>	30 October 2018
5.	<p>Resuscitation of the Joint Monitoring Committee on the Quality of Life and Status of Women. A prerequisite for committee membership is a proven track record on working on GBVAW and gender diversity issues. The committee must develop a legislative schedule to assess the implementation of current legislation aimed at combating GBVAW with a view to determining the role played by gaps in the law in the failure to implement the law. To the extent that there are gaps, undertake law reform process.</p>	30 October 2018
6.	<p>The establishment of accountability and oversight mechanisms to ensure that an adopted National Action Plan is implemented. This includes the establishment of an independent Ombud on GBVAW, a special parliamentary oversight committee, and a specific enquiry mandate for the South African Human Rights Committee, Commission for Gender Equality and Commission for the Protection of the Rights of Cultural, Religious and Linguistic Communities..</p>	25 November 2018
7.	<p>Focussing on the prevention of re-victimisation and re-traumatisation through the establishment of a national and properly resourced hotline that will enable survivors to request and receive information on support services. Parliament needs to pass the Combatting and Prevention of Hate Crimes Bill to recognise and afford greater legal protections to transgender and gender non-conforming people who are often survivors of hate crimes perpetrated against them based on their gender identity and/or gender expression.</p>	30 November 2018
8.	<p>Provision of prevention services and information on GBVAW with a view to raising awareness on the different forms of GBVAW, preventing violence and changing attitudes. This includes, among other things, updating the school curriculum to include content that informs learners about GBVAW and gender diversity.</p>	25 November 2018



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9.	<p>Training for legislators to provide them with information on key features of drafting legislation on developing laws aimed at combating GBVAW and promoting gender diversity and equality. The training programmes must include international human rights standards and model laws on legislating on GBVAW and gender diversity.</p>	30 November 2018
10.	<p>Consistent sentencing and enforcement of existing laws in particular, the minimum sentencing legislation in sexual and domestic violence cases. The judiciary stops using harmful and negative gender stereotypes that reinforces secondary victimisation and legitimises practices like victim-blaming and slut-shaming. Furthermore we demand that sentencing guidelines be developed for both magistrates and High Courts including sexual offences courts.</p>	30 November 2018
11.	<p>The prioritisation of the provision of legal aid to victims of GBVAW including those who want to hold the state accountable for its failure to protect them from violence and those who have been subjected to lawsuits for publicly naming perpetrators.</p>	16 December 2018
12.	<p>Sensitisation and adequate training provided and sensitisation of resource providers regarding diverse gender identities and LGBTQIA_ minorities on discrimination broadly and the causes and consequences of GBVAW in particular, for members of the judiciary and the programme, on appointment, and should be offered on a continuous basis. The programme must include emerging progressive human rights standards and jurisprudence on GBVAW and gender diversity, various manifestations and also highlight decisions that have failed to uphold women's rights to be free from violence.</p>	31 January 2019
13.	<p>The provision of psycho-social support to victims and survivors of GBVAW including a publication of a referral list of the places where the service will be provided. If the state is not able to provide the service, competent NGOs and CBOs should be provided financial support to offer the service.</p>	14 February 2019
14.	<p>A commitment to beginning a process to develop a comprehensive law on addressing GBVAW. This includes engaging the South African Law Reform Commission to begin a consultation process. The law must include the provision of services, a clear legal and policy framework for protection and support services for victims and survivors of violence.</p>	27 February 2019



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15.	<p>Recognition that intersecting forms of oppression heightens women's vulnerability to GBVAW and that these factors are taken into account during investigation, prosecution and sentencing. These includes race, sexual orientation, gender identity, socio-economic status and nationality.</p>	01 February 2019
16.	<p>The existing Thuthuzela Care Centres' resources developed and vacant posts filled. The TCC's established as places of safety and care for all gender identities being it cisgender womxn, transgender womxn and/or gender non-conforming persons who are survivors of GBV.</p>	21 March 2019
17.	<p>Introduction of an automated national registry for protection orders.</p>	31 March 2019
18.	<p>Provision of shelters and interim housing to enable womxn to escape abusive relationships. A list of shelters to be developed and confidentially shared with relevant service providers. Shelters are often places for discrimination and GBV especially as it relates to transgender womxn and GNC people who do not fit the gender binary model due to their legal gender identity. Government should review its current laws and policies to secure gender inclusivity that seeks to protect transgender and GNC people from GBV and hate crimes.</p>	27 April 2019
19.	<p>Registration of GBVAW cases in hospitals and the provision of information on support services available to survivors of GBVAW and ensuring that an effective referral mechanism between various service providers is in place. The support services includes but is not limited to legal, psycho-social and housing.</p>	01 May 2019
20.	<p>Publication of a monthly list of police stations and police officers who have been reported to the Independent Police Investigative Directorate for failing to provide services to survivors of GBVAW.</p>	16 June 2019
21.	<p>Adoption of a policy to make prosecutor led investigations of GBVAW cases compulsory in order to provide guidance and assist in the gathering of evidence in order to ensure that cases are taken to court.</p>	30 July 2019



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22.	Publication of a national training schedule on GBVAW and gender diversity for all relevant government departments including home affairs, social development, justice, safety and security and health.	30 August 2018
23.	A sustained media campaign for 365 days by all departments led by Government Communication and Information System providing information including awareness.	NOW!
24.	Transgender and GNC people also have different safety and security needs than that of cisgender womxn based on how laws, policies, practices and systems are conceptualised based on gender binaries for cisgender womxn and men as well as boys and girls. Eg. Transgender womxn and GNC people are raped in correctional facilities and detention centres in the criminal justice system by virtue of their legal gender marker. In combating GBV comprehensively, government should ensure that laws, policies, practices and systems are sensitive to gender diversity to protect the bodily and physical as well as the psychological and emotional integrity of transgender and GNC people from GBV. To secure this object, government should focus on reviewing and amending gender recognition laws, pass the Combating and Prevention of Hate Crimes Bill, pass the Draft Social Inclusion Policy for Higher Education Institutions and finalise the Comprehensive Sexuality Education Plan which all recognises transgender and gender non-conforming people and the challenges these demographics face aligned to combating and preventing GBV.	NOW!