

National Council on Gender-Based Violence and Femicide Bill gazetted

Minister in the Presidency for Women, Youth and Persons with Disabilities, Maite Nkoana-Mashabane, has published the gazetted National Council on Gender-Based Violence and Femicide (NCGBVF) Bill, 2022.



Image source: canjoena – [123RF.com](https://www.123RF.com)

The Minister intends to introduce the Bill in Parliament, in terms of section 73 of the Constitution.

Nkoana-Mashabane said the gazetting of the Bill is a major step forward in driving a multi-sectoral, coherent strategic policy and programming framework to ensure a coordinated national response to the crisis of GBVF by the government of South Africa and the country as a whole.

She said the National Council on Gender-Based Violence and Femicide, once established, will be the custodian of the National Strategic Plan on GBVF (GBVF-NSP) and will be responsible for driving its implementation.

“Currently, the implementation of the NSP on GBVF is being driven by the End GBVF Collective – a volunteerism-based

collective of government, civil society, development partners, business individuals, who have banded together under the pillars of the National Strategic Plan on GBVF to respond to a stubborn pandemic that continues to impact the lives of women and girls daily,” Nkoana-Mashabane said.

She said the process of developing this legislation is in line with the declaration of the Presidential Summit Against GBVF, held on 1 and 2 November 2018 and the GBVF-NSP.

Nkoana-Mashabane, in her capacity as the chairperson of the Inter-Ministerial Committee on Gender-Based Violence and Femicide, welcomed this step, saying that the National Strategic Plan envisages a National Council on Gender-Based Violence and Femicide that is based on a multi-sectoral approach.

“Once established and operational, the council will work with key government departments, civil society organisations and the private sector. This will contribute to building ongoing national, provincial and local accountability for urgent, comprehensive and all-inclusive response to Gender-Based Violence and Femicide.

Director-General of the Department of Women, Youth and Persons with Disabilities, Advocate Mikateko Joyce Maluleke, commended the gazetting of the Bill as critical step in realising the goals set out in the NSP on GBVF.

Maluleke said as far back as 1998, the South African government promulgated the Domestic Violence Act, which covered a wide range of abuses, from physical and sexual, to economic, psychological, stalking, and damage to property, amongst others.

“More recently... the Department of Justice and Constitutional Development [made] amendments to the Criminal Law (Sexual Offences and Related Matters) Amendment Bill (NRSO), Domestic Violence Bill, and the Criminal Matters Amendment Bill.

“The Department of Social Development also opened up the Victim Support Services Bill for public comment.

“Amongst its scope, this Bill also proposes to make it a legal requirement that all service providers deal with victims of abuse in a professional manner, ensuring the dignity of the victim is preserved at all times during the process. These Bills strengthen the legal environment that provides justice for survivors of GBVF,” said Maluleke.



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Drafting of the Bill

Government drafted the Bill in consultation with multiple stakeholders, in line with the Development of Public Policy and Subordinate Legislation guidelines.

Between June and September 2020, the department held public consultation webinars to share the status quo with regards to establishing the NCGBVF, and government’s thinking on the NCGBVF’s Terms of Reference (TOR).

During the webinars, the department also shared the legislative framework and government’s representation on the NCGBVF. This was also an opportunity for civil society to share its thinking on the NCGBVF’s TORs, the legislative framework and all other matters related to the NCGBVF.

In September 2020, Nkoana-Mashabane met with business associations to deliberate on the process of establishing the National Council on Gender-Based Violence and Femicide.

The webinar solicited inputs on the draft Terms of Reference and the selection criteria for members to form part of the National Council on Gender-Based Violence and Femicide, as well as other measures to speed up the implementation of the National Strategic Plan.

In October 2020, the department held a roundtable discussion to engage on realising the outcomes of the NSP on GBVF.

The roundtable centred on the Terms of Reference for establishment of the NCGBVF.

In October 2021, the department published the Bill in the government gazette to solicit public inputs and comments. In addition, in November and December 2021, provincial consultations were held to solicit inputs into the Bill.

The Bill has been supported by the National Economic Development and Labour Council.

The Bill was certified as constitutionally sound by the Office of the Chief State Law Adviser and having met all legal drafting requirements.

Nkoana-Mashabane has thanked the stakeholders who worked on drafting the Bill, made contributions, and worked with the department in reaching this milestone.

The National Strategic Plan on Gender-Based Violence and Femicide and the NCGBVF Bill can be found at: <https://www.dwydpd.gov.za/index.php/resource-centre/gender-based-violence-femicide>.

You can also learn more about how a Bill becomes a Law at: <https://pmg.org.za/page/legislativeprocess>.

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