

A step closer to establishing the National Council on gender-based violence and femicide

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After the President assented to the National Council on Gender-Based Violence and Femicide Act No. 9 of 2024 ("Act") in May 2024, the operation of the Act commenced on 15 November 2024, just days before the commencement of the 16 Days of Activism for No Violence against Women and Children Campaign (on 25 November 2024; which is also the International Day of No Violence against Women).

The National Council was conceptualised as a national multi-sectoral structure mandated by the declaration made at the First Presidential Summit on Gender-based Violence and Femicide (in 2018) – which in turn was intended to, amongst other things, identify key interventions to address gender-based violence and femicide ("GBVF"), as well as wider challenges negatively affecting the rights and freedoms of women and children.

In its preamble, the Act recognises that eliminating GBVF is only possible through the implementation of a *"multi-sectoral, co-ordinated government and whole of society approach"* to fighting the scourge. The preamble further provides that to achieve this it is necessary to *"harness the roles, responsibilities, resources and commitments across government, labour, civil society, movements, youth structures, faith-based structures, traditional structures, the media, development agencies, the private sector, academic institutions and all other stakeholders"*. This multi-sectoral approach is crucial to the effective implementation of any strategies aimed at addressing GBVF.

The Act provides a legislative framework for the National Council, establishing it as a statutory body that is responsible for providing strategic leadership on the elimination of GBVF in South Africa. In terms of the Act, one of the National Council's first official tasks is to develop an action plan for the implementation of the national strategy on GBVF, which must, amongst other things set out timeline to be complied with by all stakeholders. According to the Act, the action plan is required to be developed within six months from the date on which the National Council is established.

The National Council is empowered to act through its board, which must be constituted of not more than fifteen members. Structurally, the board must be comprised of a chief executive officer, seven representatives from civil society and the private sector, and one representative from each of the following organs of state:

- Department of Department of Women, Youth and Persons with Disabilities;
- Department of Justice and Constitutional Development;
- Department of Social Development;
- Department of Health;
- Department of Co-operative Governance and Traditional Affairs;
- Department of Basic Education;
- South African Police Service; and
- National Prosecuting Authority.

The Act provides that the civil society and the private sector representatives must be appointed by the President. Based on the National Strategic Plan on GBVF (first published in 2020) the Presidency envisages appointing the civil society (and possibly private sector) representatives based on a public participation process. In October 2020, the Department of Women, Youth and Persons with Disabilities published an invitation for nominations of candidates to be considered for appointment to positions on a *“Board of Trustees that will establish”* the National Council. However, it is unclear what the outcome of that process was and whether any appointments were ultimately made.

It is hoped that by establishing and operationalising the National Council, South Africa’s efforts to combat GBVF will proceed in a more coordinated fashion, with input from people who are well-placed to advise on ways in which the scourge can be fought. While the implementation of the Act is an important step, there is still a long way to go to reduce and ultimately eliminate GBVF.



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