Unravelling the contribution of women's movement activism to transforming gender-based violence policy in South Africa:

Combining stories and numbers

Weaving stories from the margins

weave

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Acknowledgements

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1. Introduction

Contemporary South Africa is one of the most unequal and violent societies in the world (Seedat et al., 2009). The rape and murder of women and children is considered an extreme form of gendered violence. Yet, it is not an unusual event in South Africa, with more than one woman raped and murdered a day (Abrahams et al., 2024). Media reports represent South Africa as the rape capital of the world, supported by extraordinarily high levels of sexual violence. However, South Africa has a strong history of resistance to overcome discrimination and oppression as witnessed during the anti-apartheid struggle. Over the past decade, the #FeesMustFall (#EndRapeCulture campaign emerging on campuses) and the explicit gender-based violence (GBV) #TotalShutdown movement at its core tackled GBV as a feminist concern that raised complex intersectional struggles, leading to the mass mobilisation of women from communities using explicit social media strategies (Falkof et al., 2022). However, it also raised divergences in feminist thinking around the intersections of gender, sexuality, class-caste and race, meaning that neither 'feminism' nor 'activism' are stable categories (Falkof et al., 2022). Colonial, imperial and apartheid legacies have influenced feminist and activist responses to GBV and gender inequalities, with rape as a lens for the construction of gender and sexuality (Gouws, 2021).

We can only understand South Africa's extreme levels of gendered violence in the context of the country's complex history of colonisation, imperialism and apartheid that has produced the social conditions that enable various forms of gendered violence to thrive (Morrel et al., 2012). In this context of racial discrimination, apartheid labour and residence laws created a system of migrant labour, with massive disruption of family life and men's roles vis-à-vis their partners and children (Morrell & Ouzgane, 2005; Morrell et al., 2012). The structural violence, restrictive laws and political oppression created social conditions in which racially-based hegemonic masculinities emerged, which reified strength and dominance over women (Morrell et al., 2012). Yet, women are murdered by men from all racial groups. Some are poor, others are middle class, as in the case of Reeva Steenkamp, whose case made global news when she was murdered by her Olympic runner boyfriend, Oscar Pretorius. However, who these women are in terms of race, class, and gender identity still matters. At the same time as the murder of Reeva Steenkamp, a poor young black woman, Anene Booysen, was gang raped and murdered but had

varying narratives and exposure in the media. Thus, the media response is partial to only "newsworthy" cases, with far more going unreported, possibly due to their class and racial identity, suggesting that poor black women's lives matter less than white women in South Africa (Brodie, 2022).

Amid the background of these exaggerated levels of gendered violence, this case study explores how social movements over three key periods in South Africa's history namely, apartheid, post-apartheid and the contemporary context, have influenced the GBV policy context. We document and analyse approaches used by feminist and women's organisations to bring about changes to the GBV policy landscape and highlight possible intersections with other movements such as children, LGBTIQA+ (lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and many other terms), and HIV and AIDS, among others. We also explore possible challenges that might have impeded progress in the GBV sector and locate the case study in particular political moments that provide the context to drive GBV in the South African context, such as our colonial history that underpins our current social context.

2. Background

The role of women's organising during apartheid and the early democratic period

Women's organising in Southern Africa has an impressive record of multiple achievements and success across decades, including mass social mobilisation such as the 1956 Women's March against the Pass Laws as well as powerful leaders such as Winnie Madikizela-Mandela, Albertina Sisulu, Charlotte Maxeke, and Mamphele Ramphele, among others. Yet, alongside the success and strength of women's leadership, patriarchies continue to impede women's meaningful participation, and women remain at the socio-political margins of society. In the post-apartheid period, Hassim and Gouws (1998) note that women are, in general, alienated from political processes. Issues that are important to women, such as women's reproductive rights, their right to control their bodies, and their concerns about children and childcare, have been regarded in South Africa as 'soft' political issues. They have been defined as primarily moral rather than political issues. This implies that while there are decades of empowered women and a list of African change-makers across multiple sectors of society such as politics

and governance, media and journalism, health, economics, etc., it has still not been enough to provide a sustained, feminist consciousness that enables a reinvention and re-imagination of social and political futures that are led by women.

Hassim (1991) makes an important distinction between women's organising and feminism in the following ways: A women's movement can be defined as women organising on the basis of their identities as women, in exclusively female organisations, taking up issues that they consider important. A women's movement can contain conservative elements that organise women from a particular social base but do not seek to question the power relations within that base, let alone within society more generally (we explore this in more detail in the section on backlash, see page 17). Feminism, on the other hand, has a direct political dimension, being not only aware of women's oppression but prepared actively to confront patriarchal power in all its manifestations. Hassim made this distinction in 1991, and in many ways, the contradictory nature of the women's movement/organisations and feminist organising remains a tension and challenge in the contemporary moment and is highlighted within the case study.

Considering the continued tensions between women's organisations and their relationship to the state, there are persistent calls for a distinction to be made between the women's movement and the feminist movement. Across feminist circles, political strategy based on a political consciousness is important and non-negotiable in feminist organising and movement building. Hassim and Gouws (1998) stated that the relationship

between the development of consciousness or identity is central to the emergence of a social movement (such as the women's movement) within civil society. In our view, such a feminist consciousness cannot – should not – be defined a priori according to the abstract definitions of universal theory but should be defined in the context of particular social formations and should have resonance in the historical experience and political culture of specific societies.

Women's organising in the build-up to a democratic South Africa ensured that women's and children's rights were enshrined in the Bill of Rights and Constitution of South Africa. This opened the space for women's movements to focus on legislative and policy reform to ensure women and children's rights remain central in policy reform. In this case study, we explore the impact of South African women's organising and feminist movements on the promotion of GBV policy formulation – through an exploration of how the political milieu determines processes of engagement and influences advocacy strategies used to promote policy change. Furthermore, we explore the key moments that act as enablers to strengthen responses to GBV or impede progress toward ending GBV. Through these reflections we examine the trajectory of women's organising specifically on GBV, to demonstrate the relationship and impact between social movements, activism and policy change. We reflect on the nature of women's organising as a signifier of a women's or feminist movement in South Africa, and the ability/capability of a women's and/or feminist movement to impact policy implementation and outcomes through a consideration of who benefits from GBV policy.

3. Theoretical Framework

A decolonial feminist understanding of GBV

It is widely understood that GBV is a consequence of profound and persistent gender inequality linked to the historical, social and economic legacies caused by the normalisation of varying periods of colonialism. During colonial rule and the apartheid era, rape was used as a weapon to ensure control, obedience and interracial conformity (Britton, 2006). Gender inequality is an intentional, direct outcome of coloniality and patriarchy. South African national policies and public discourse conceptualise GBV as deeply rooted in gender inequality and patriarchy. Patriarchy means "rule of the father" and historically, patriarchy refers to "systemic and institutionalized male domination embedded in and perpetuated by cultural, political, economic and social structures and ideologies." (Just Associates, 2013, p. 7) Patriarchy occurs in varying degrees and forms, which means that over time there have been historical shifts that have had a different critical effect on gendered relations. Feminist and women's movements, in the private and public spheres, have pushed the status quo of women and girls in different directions and disrupted patriarchy (Walby, 1989).

In as much as patriarchy has been identified as an important factor for driving the occurrence and impact of GBV, the contribution of coloniality as foundational to the emergence and continuation of GBV requires consideration (Lenser, 2019). Hamad (2020, p. 31) explains that: "The history of white society as shaped by the ventures of colonialism is a history of white men objectifying, exploiting and abusing colonised women while simultaneously denying it was happening and blaming it on colonised men when it did". Colonialism shaped South African patriarchy, resulting in established colonial patriarchies. Colonisation as a founding violence transforms into coloniality, present in contemporary South Africa (Ndlovu-Gatsheni, 2016). Coloniality is defined as a "long-standing pattern of power that is produced through colonisation, and present in labour, culture, intersubjective relations, institutions, etc. in modern, contemporary societies" (Mignolo & Walsh, 2018). Colonial patriarchies produced the gendered binary (as hierarchy) as a way of structuring socio-economic relations and institutionalising gender as difference. Lugones (2010) refers to 'the coloniality of gender' as a way of thinking about the way bodies were organised according to two genders during the colonisation process. This binary was also hierarchical, placing men in a position of authority and women as inferior, and criminalised gender/sexual diversity (Lugones, 2010; Maldonado-Torres, 2016). The coloniality of gender led to the erasure of indigenous ways of 'doing' gender and sexuality. Furthermore, colonial patriarchies also introduced 'the law' or legal system as a form of governance of socio-economic relations.

The practice of gender became embedded within and regulated through the legal system. Colonial (European) legislation was absorbed by the apartheid system. Legislation on sexual offences was transferred from 1957 to post-apartheid South Africa. Only in 2008, after a decade of advocating for legislative reform on sexual offences, was new sexual offences legislation enacted. Legislation that denotes domestic violence as a crime was instituted in the early 1990s (The Family Violence Act). A 'legal person' constituted through this legislation is framed through the human rights ideology, that everyone is equal before the law. Human rights ideology as an idea guarantees everyone equal status before the law, but human rights as a lived reality is shaped through spatialised race and class contexts. Historically, race and class have influenced the way victims are perceived in the law, which has become continuous in the post-apartheid and contemporary periods. Not all victims are afforded human rights in the same way because not all victims are considered human in the same way. The coloniality of gender is reliant on the coloniality of being and the coloniality of power. The coloniality of being identifies that 'the colonised' are presumed to be 'non-human' (as other) and exist in the zone of non-being. Gendered, racialised and classed 'others' are presumed to be non-human/other. This means that even though legislation and policy are presumed to accommodate all humans, in a settler colonial territory such as South Africa, black and poor women remain in the zone of non-being and the non-human 'other'. Recognition of black and poor women as victims in the 'eyes of the law' and within the criminal justice system remains a challenge, as we will see when we discuss the findings in this report. The coloniality of gender (and by implication, 'being') remains a discourse and practice that shapes South African patriarchies and

strongly influences the way some women are afforded the protection of policies and hence, the criminal justice system.

In contemporary South Africa, cultural and religious leaders have evolved to be the gatekeepers of patriarchal and colonial values. According to Nadar (2005), the construction of gender intersects with culture and religion, becoming the unholy trinity that sustains and fuels GBV. Religion and culture respectively have become important socialising agents to shape society's faith, sense of acceptance, and creation of meaning and therefore have played a central role in how it has come to understand and perform sexuality and gender. Judge (2020, p. 5) states that "culture and religion are… the 'terrible twins' of prejudice against LGBTIQA+ people", women and children. This is evident in cultural practices such as ukuThwala (abducting of underage girls to marry older men), which was initially practised by Zulu communities and expanded to Xhosa communities and has subsequently been criminalised as kidnapping but continues to be practised (Lock Swarr, 2012; Van der Watt & Ovens, 2012). Many cultural leaders have excused the perpetration of GBV based on culture. In the same way that culture has been misused to oppress, religion has been

identified as a social institution that upholds patriarchy and contributes to GBV. Judge (2020) posits that conventional religious beliefs originate from the colonial patriarchal understanding of gender and sexuality as strictly heterosexual and cisgender. This essentially means that these binary ideas of being are extended to the LGBTIQA+ community and limit access to rights and protection.

This case study examines African, decolonial feminist praxis, specifically linking activisms, policy and resistance. Applying African, decolonial feminist theory requires that we unpack the layers of the category of 'woman' and separate 'women' as a political category from woman as a material being. When we discuss women as both political and collective but also material and different, then we begin to uncover that some women's bodies are more susceptible and vulnerable to harm and violence than others. Intersecting structural systems, such as race, class, age, sexuality and geography, are interconnected, and hence women who live in under-resourced communities are most vulnerable to violence. GBV challenges us to wrestle with the materialisation of gendered, racialised and sexual differences.

4. Methods

In this case study we used a combination of qualitative and quantitative methods to weave an account of how social movements have (or have not) influenced the legislative and policy landscape in South Africa. We used quantitative data from national studies, namely the National Femicide Studies (1999, 2009 and 2017) and Rape Attrition Study (2017), as well as the South African Police Service (SAPS) data on sexual offences (reported cases) to highlight the various aspects of GBV in South Africa and integrate the data into the narrative to provide illustrations of how the problem of GBV is manifesting in the South African context.

We combined these data with primary data collection, namely qualitative interviews and focus group discussions (FGDs). These methods of data collection were used because they are appropriate for exploring people's experiences and perceptions with richness and depth. We used semi-structured interviews to ensure that questions were asked in similar ways, while some questions were adapted to permit the uncovering of new knowledge which might not have surfaced otherwise.

Fifteen in-depth interviews were conducted with key stakeholders to gain perspectives on the contribution on the women's movement over time. These interviews were conducted on a one-on-one basis, either in-person or online, based on the COVID-19 restrictions at the time of the interviews. Stakeholders had all participated in the women's movement during apartheid, in

the period immediately post-apartheid and in contemporary South Africa. In particular, we explored feminist activism over these periods, how it has changed and the successes and failures over each period. The selection process started with the initial identification of key informants through a brainstorming process among researchers. Additional interviewees were identified through a snowballing process, where initial participants were asked to identify further potential interviewees.

Furthermore, we undertook two FGDs with six participants each to facilitate an intergenerational discussion between individuals to generate a shared understanding of where we have come from and where we are now in terms of GBV policy and women's movements. We worked with the Cape Flats Women's Movement and the #Total Shutdown Movement to identify participants and attempted to ensure a diversity of participants based on age.

In addition to interviews, the project undertook a policy analysis to understand how feminist and women's organisations addressed GBV within legal and policy frameworks. We only present a summary of the policy review in this case study.

5. Women's organising during apartheid and beyond: working towards freedom from oppression

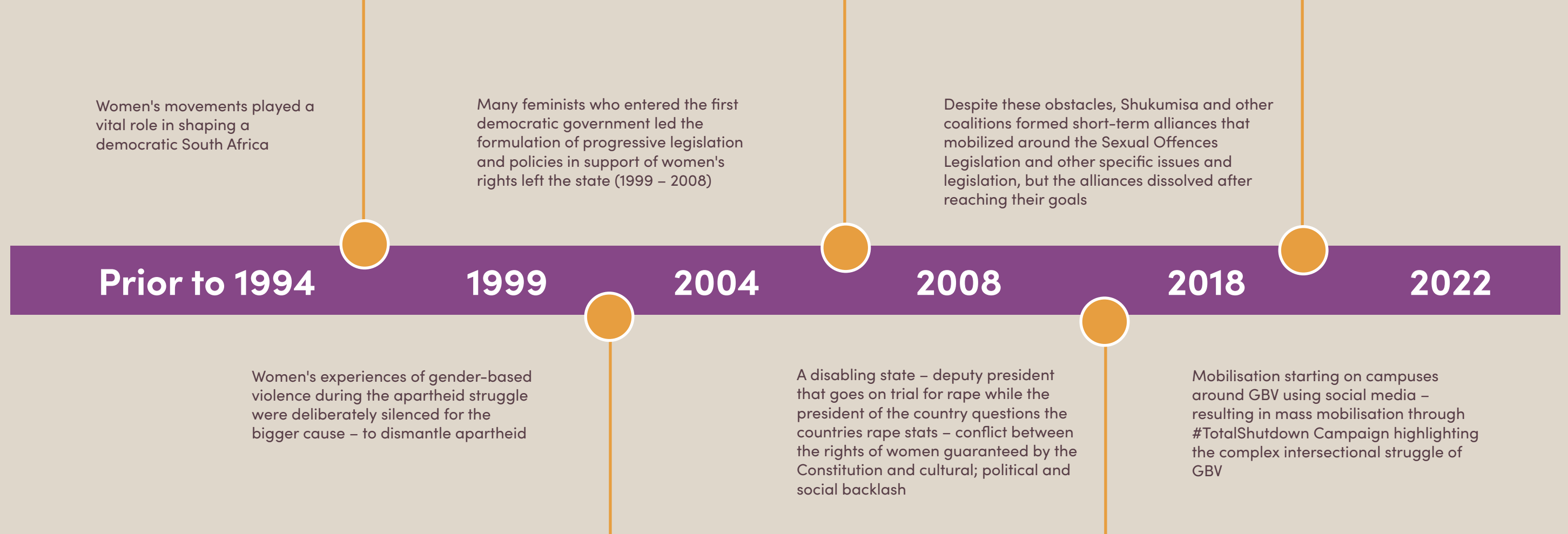Photo Credit: Nicky Newman Photography

Timeline

| Prior to 1994 | 1999 | 2004 | 2008 | 2018 | 2022 |

Women's movements played a vital role in shaping a democratic South Africa

Many feminists who entered the first democratic government led the formulation of progressive legislation and policies in support of women's rights left the state (1999 – 2008)

Despite these obstacles, Shukumisa and other coalitions formed short-term alliances that mobilized around the Sexual Offences Legislation and other specific issues and legislation, but the alliances dissolved after reaching their goals

Women's experiences of gender-based violence during the apartheid struggle were deliberately silenced for the bigger cause – to dismantle apartheid

A disabling state – deputy president that goes on trial for rape while the president of the country questions the countries rape stats – conflict between the rights of women guaranteed by the Constitution and cultural; political and social backlash

Mobilisation starting on campuses around GBV using social media – resulting in mass mobilisation through #TotalShutdown Campaign highlighting the complex intersectional struggle of GBV

Figure 1: Overview of women's organising and impacts on policy in South Africa during the democratic era

The early contributions of the women's movements (1950s – 1993)

Women's role in the liberation struggle completely overshadowed the struggle against patriarchy, gender inequality and gendered forms of violence. Women's organising in the 1950s, under the banner of the Federation of South African Women, led the development of the first Women's Charter and the historic march in 1956 to protest against the pass laws. More than 20 000 women were mobilised from across the country to converge on the Union Buildings to hand over their demands. However, during apartheid, the legitimacy of a feminist theoretical debate was regarded as liberal, "white and western", and therefore misplaced in a country devastated by racial and structural inequalities. The women's movement and the struggle for women's rights were regarded as subordinate to the *more important* struggle for national liberation and social reconstruction. Black women, regardless of whether they were civilian women or part of the guerrilla forces, were silent around experiences of GBV. During apartheid, women were at risk of rape not only by the police and security forces but they were also subjected to rape or sexual harassment by their comrades[1], even in the African National Congress (ANC) camps (Britton, 2006). The focus on fighting for liberation meant that

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1 Comrade - During the 1970s and 1980s, comrade emerged as a popular revolutionary form of address in South Africa among those involved in anti-apartheid political activities.

experiences of GBV were absent from the discourse, often at very personal costs of not disclosing experiences of GBV and living with the internalised trauma. The silence around women's experiences of violence was noted by both young and older activists.

> *"For a long time, even during the struggle, we spoke about how women who were part of the liberation movement when they were in exile, they were brutalised and that was not necessarily part of the conversation as well." (Younger activist)*

An older activist noted:

> *"How it became part of our Constitution (gender equality) was really the women's movement in the 60s. With the march to Pretoria ... we as young women, political activists, it was always about freedom of our country before our own freedoms, so it was there and even as activists, as women... we were sometimes violated both by our fellow comrades in whichever way, you know." (Older activist)*

During the mid-1970s, parallel to women organising against apartheid, white women in South Africa began to organise against sexual violence. In South Africa, like globally, the women's and feminist movements played a critical role in addressing GBV and sexual violence against women

In 1956 more than 20 000 women were mobilised from across the country to converge on the Union Buildings to protest against the pass laws
Photo Credit: Drum Social Histories, African Pictures

and girls in particular. The movement against sexual violence emerged in the 1970s and was commonly called the "rape crisis movement", spearheaded by women who were concerned with addressing sexual violence and the disruption of male-dominant systems (Collins & Whalen, 1989). In South Africa, the sexual violence movement was started by survivors of rape during the mid-1970s. Discussing the establishment of Rape Crisis in South Africa, an older activist noted its feminist origins.

> *"Now Rape Crisis was started specifically as a feminist organisation. And back in the 70s, when these organisations were starting up all over the world; and, by the way, Rape Crisis is now the oldest of those. The oldest surviving of those Rape Crisis' that were started under the banner of feminism." (Older activist)*

In the early 1990s, multiparty negotiations for a democratic South African dispensation excluded women from the negotiation process. The non-partisan mobilisation of women led to the Women's National Coalition (WNC) that brought together a wide range of women's organizations (more than 90) from political, advocacy and welfare organisations, trade unions, and professional and religious bodies in South Africa. The WNC had two objectives: to strategically position women in the multiparty negotiations by foregrounding women's needs and aspirations; and to unify women in formulating and adopting a Women's Charter. This provided the space for women's issues and gender relations to be placed high on the agendas – with the development of the Women's Charter completed just before the first democratic elections in 1994. In organising spaces and deliberations within structures, feminists and activists strategically promoted feminist issues in a way that was not visible in the past. The mobilisation of women through the WNC was critical as their activism and a feminist agenda ensured that gender equality was enshrined in the South African constitution and as a mechanism to advance in political office (Britton, 2006).

> *"In my university years, in the 80s. When I then joined the ANC Women's League in 1991/1992, I think, to develop a first gender perspective and ready to critique the ANC policies from a gender perspective, right. That is where it starts. We needed to bring to the fore women's issues and gender equality and equity issues in the ANC at that time, when it was launching its first policy conference." (Older activist)*

Importantly, WNC laid the foundation for a "national gender machinery" with a Commission on Gender Equality (CGE) that aimed to monitor gender transformation in South Africa (Seidman, 1999) and an Office on the Status of Women (OSW), established to mainstream a gender perspective in government policies and planning. The foundational work of the WNC also ensured that women gained impressive numbers in parliament and helped secure a series of legislative victories, including the 1996 Choice of Termination of Pregnancy Act and the Domestic Violence Act of 1998.

> *"I was involved in student politics and the kind of work on, on issues around gender inequality. … In 1994, I joined the Reproductive Rights Alliance, an*

alliance that advocated for the choice and Termination of Pregnancy Act. I became the national coordinator. The law was passed on 31st of October 1996, but I was the person who helped to kind of pull together pre, the act being implemented." (Older activist)

The Madiba era (1994-2004): A new dispensation

In the mid-90s, during the first democratic dispensation, there was a movement from more grassroots and community activist work, which was visible during the liberation struggle and leveraged to support policy and legislation reform work (Frye et al., 2020). However, this also meant that numerous women's and feminist activists who were leaders in the liberation struggle were now absorbed into government as policymakers (Britton, 2006). Organisations therefore lost highly skilled activists with little to no focus on the next generation of leadership, which caused a lot of discussions about the intergenerational gap. As a result, many civil society organisations at the time were still headed by white men, and they had the trust of long-standing connections with funders. However, democracy opened the space for a rise of strengthened, women-led organisations and initiatives, but they were under-resourced. This called for greater professionalisation of organisations to meet the requirements of funding agencies.

At the dawn of democracy, we also saw that the women's movement splintered in response to different socio-economic concerns facing women. Specific networks and coalitions were emerging such as the LGBTIQA+ sector, women on farms and land rights sector, rural women's sector, violence against women sector, and the children's sector, among others. With democracy, several legal reform processes were established to reform apartheid legislation and provide the infrastructure for the upholding and protection of women's rights, while child rights were tackled through the lens of socio-economic rights: social protection, access to health care and education with safety from violence were addressed as child protection issues. In the context of early legal reform, violence against women emerged as a central issue through which women's activism and organising continued.

The extraordinarily high levels of gendered violence reported through community structures markedly affecting women's daily lived experiences resulted in community organisations, non-governmental organisations and the government joining forces to campaign to end violence against women through the formation of a national and regional network on violence against women (NNVAW). The national network brought together a coalition of over 600 members from grassroots activist and service organisations with an urban and rural footprint (Usdin et al., 2000). As described by this activist, building a strong coalition and national coordination to advocate for a Domestic Violence Act (DVA) was developed through active participation from women across the country.

"The Domestic Violence Act and the advocacy and at that time, a national network was established. This was in 1998. Right. That's when the law was

passed,1997/ 98. And so, there was a huge advocacy campaign, and that's the time when the word advocacy started to be used in this country. I think before that, we were talking a lot more just about activism. So, it was kind of more US language. But the national network was established, there were kind of provincial chapters, etcetera." (Older activist)

A few older activists reflected on the importance of these networks and noted that they served as a vehicle to ensure that grassroots women's voices were brought into the policymaking space and provided the space for activists, service organisations and academics to engage. Below, an activist reflects on this process of engagement and how women from communities engaged directly in the policy process as well as in the shadow reporting to the United Nations and other treaty bodies.

"We had a team at that time. Everybody went into different parts of the country and held these meetings and went into communities and worked. I was also part of the whole movement building piece that we did…. That was important for us because it influenced policy at that time at a national level. We also participated very often, every year, in the Commission on the Status of Women in New York. We took community women with us to talk about their experiences. Sometimes it was their experience of HIV, sometimes it was the experience of rural women and it depended on the theme for that year. We would just take one or two women, and they would tell their experience. It was very, very powerful because we didn't speak on behalf of women. We were like, come and tell your story, what is actually happening in the community." (Older activist)

Female liberation struggle leaders celebrate the formation of the National Women's Coalition at the University of the Witwatersrand, Johannesburg, 1991. Photo Credit: Alf Khumalo, African Pictures

This participant also reflected on how women's organising (in the violence against women's sector) and the establishment of a formal structure, such as the network, related to a legislative gain, the DVA of 1998. Many of the interviewed activists cited the importance of establishing networks in relation to policy change. Building a national network that established several provincial networks was effective in coalescing around one goal: legislative change. The networks established relations and connections between 'women on the ground' and women who were advocating for legislative change on the level of parliamentary submissions, etc. It can be argued that the strength of these collaborative and strategic linkages resulted in a powerful position from which to bring about legislative and policy change. In fact, at the time, the DVA was lauded as one of the most progressive legislations to protect women from violence in the home.

The Mbeki and Zuma eras (2005 – 2018): The emergence of a disabling patriarchal state

The responsive and listening state, noted by many as the strength of the first democratic dispensation, had shifted by mid-2000. During the Mbeki era, South Africa experienced an exodus of feminists leaving the state and feminist efforts were diluted as female career politicians remained with no interest in advancing a feminist agenda. In addition, Mbeki's AIDS denialism further damaged the gains of the feminist movement, as HIV had a far-reaching impact on women's lives. Feminist consciousness slowly disappeared within government, as did the feminist agenda and foundational work of the WNC to ensure gender rights were central priorities in South Africa's policymaking.

> *"Then you move on to the Mbeki era where it's all BEE (Black Economic Empowerment); women's empowerment that women coming into the economy but the women coming into the economy under men. The men go and negotiate these BEE deals and they decide what is the percentage that must be given to women. In fact, as women, because you are disadvantaged… That's the nature*
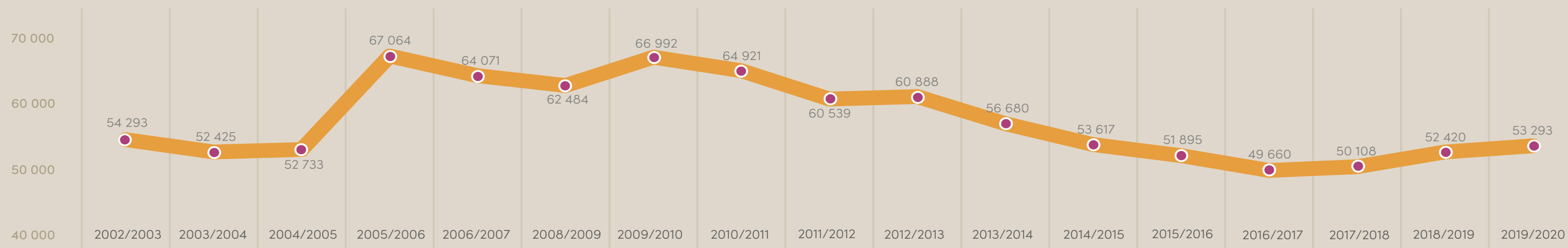
of the Mbeki era, where what he did is also then elevated a certain class of women into and put them into the economy and these are women then who became defenders of patriarchy." (Older activist)

President Mbeki publicly questioned the agenda of a "white" activist when she highlighted the consistently high levels of rape and challenged the state on the issue. When the 2003/4 police statistics were released, the media reported that "rape has become part of life in South Africa" (Britton, 2006). President Mbeki publicly refuted the statistics, suggesting they were serving an anti-state agenda. Yet, when we explore the police data on sexual offences, it clearly illustrates (see Figure 1) that South Africa has a significant problem with high rates of sexual offences. The change in the definition of reported categories of rape and sexual offences accounts for the jump in numbers 2005-2006 onwards as the new crime categories include rape, sexual assault, attempted sexual offences and contact sexual offences were introduced as a result of the Sexual Offences Act of 2007. Tracking reported sexual offences using SAPS data, we show that reported sexual offences have not significantly declined over the past two decades, with a slow increase from 2016. The numbers suggest that South Africa has a serious problem that requires leadership at the highest level to both understand the nature of the problem and tackle it decisively.

But, as an older activist noted, patriarchy is deeply entrenched in the ruling party and addressing GBV is seen as a "soft" issue.

> *"So, you get complicit yourself in fighting for that instead of standing on a principle, why these power structures must be dismantled so that you have gender equality in the true sense of the word. It was soft at the time. It was not threatening to their existence. It is things that make them comfortable, and they stayed in that comfortable position for the longest of time. When other formations came in and other individuals started to articulate a certain position and perspective, that is strongly seeped in feminist principles, they struggled. Then their fallback position was organisation first, instead of issue first."*

Figure 2 – Sexual offences reported to SAPS over a 20-year period

*Note: Reported statistics on sexual offences by the SAPS (South African Police Services) used a reported category that only included rape and attempted rape until 2004/2005.

It is important to emphasise that the challenges and victories of the women's and feminist movement work, particularly its work on gendered violence, are shaped by key political moments and leadership. A key moment that severely threatened the gains made by the women's movement was the rape trial of Jacob Zuma in 2006, who was then deputy president of the ANC and later elected president of the ANC in December 2007. The Zuma rape trial surfaced the social norms and depths of belief that women are at the behest of men, particularly in relation to sex (Moffett, 2006). Furthermore, the Zuma rape trail demonstrated the conflict between the rights women are guaranteed under the Constitution, and the *cultural, political, judicial and social backlash* women risk should they challenge the patriarchal order and lay claim to these rights. The ANC Women's League supported Jacob Zuma outside the courtroom, vilifying the rape victim (Khwezi) and threatening her life, resulting in her going into hiding. For feminist activists, it became alarmingly clear that the previous twelve years of democracy had not shifted societal gendered beliefs (Britton, 2006). For feminists, the discourse about gender equality and the objectives of activism needed to confront deeply held cultural beliefs about 'good' women and 'bad' women (Moffet, 2006). These views are pervasive in society, across the divides of race, ethnicity and gender. Growing conservativism and reaction to gender discourses and gender equality meant that the feminist agenda to tackle GBV was losing ground and faced serious backlash. This was poignantly expressed by an activist who raised this in her writings at immense personal cost:

Zuma supporters at his rape trial
Photo Credit: Kim Ludbrook, European Press Agency

> *"Well, it came at a major, major personal cost. Firstly, at a material level, I lost everything. I lost a home. I lost a car. For many years I didn't have a source of income. I was shunned by even feminists at the time. People were saying, what did you think when you wrote that book. So, I suffered quite a lot. I was in isolation for years. My children suffered because of that. Then I was not in a position to take care of their needs, their educational needs. Sometimes I was not able to provide a home for them because I didn't have income. I was evicted multiple times because I couldn't pay rent. Up to this day, I don't have an asset in my name. I don't have a home. Even though my kids say, look mom, home for us is where you are. So, I have like poked the bear. I have kind of swallowed the bullet if you like and I walk around with that bullet in my stomach." (Older activist)*

Feminist activists who stood up at the time of the Zuma rape trial, as the above activist described, did so at great personal cost. But holding the state accountable became imperative to the movement to prevent further erosion, but also to repair, some of the damage caused. The rape charge of Jacob Zuma in 2005, "who was about to become the next ANC President and the State President of South Africa" accused of raping, HIV activist Fezekile Ntsukela Kuzwayo, "Khwezi" can be construed as an accountability mechanism. (Frye et al., 2020, p27) Although he was acquitted, the case demonstrated the deep connections of the colonial logic to our judicial system (Ndlovu-Gatsheni, 2016), demonstrated by the mistreatment of Kwezi by the courts, media, public and politics, and how her existence as a woman was brought into question. This continuation and transfer of dominance produced the prevailing binary notion of gender as hierarchical, placing men in a position of authority and women as inferior, and criminalising and

demonising their sexuality (Lugones, 2010; Maldonado-Torres, 2016). During and after the Zuma trial, it was evident that the coloniality of gender remained a discourse and practice that shaped South African patriarchy and sexual and gender-based violence. As pointed out by one of the FGD participants:

> *"...if we look at the realities, a lot of them [women] have been silenced by violence and if we take away the violence and create and turn the crisis into opportunities, where they realize that they have... You know, they are people in their own rights, that they actually have rights..." (Younger activist)*

Therefore, the oppressive binary gender discourse takes away women's agency and autonomy to the point where they no longer believe in their own autonomy. When a platform is given *"to articulate, to express or had that right to express, they [women] saw it as the norm, where they had to just conform and adhere to what was prescribed to them,"* shared one of the participants who work with survivors of GBV. She further shared that, *"...gender-just transformation is, therefore, urgently needed and that is something that I feel we are in the process, but we haven't transformed yet."* She acknowledged that great strides have been made in this regard, but these efforts are not sufficient for any significant changes to occur.

This public versus state conflict deepened over time as more actions of the political leadership were called into question and challenged. Civil society called out corruption and there was a

stronger focus on decolonisation. As it is noted in the Social Justice Sector Review, at the time "Business begins to recognise the potential ally in a strong and critical civil society, and anti-corruption campaigns lead to overt calls of #ZumaMustFall on social media." (Frye et al., 2020, p. 27). This led to Zuma's resignation in 2018 as the public pushed against the corrupt ANC-led government.

Patriarchal dominance is not only about a state that is disabling; it is also one that is disinterested or lacks political will. Patriarchal dominance functions at many levels of the state, including the criminal justice system. One participant made an insightful comment that the criminal justice system can only work if the personnel tasked with implementation are committed to implementing new policies or correctly implementing existing policy:

> *"That's exactly because they've been shifted towards becoming increasingly punitive. I think it's what I would see as the conservativism. Are that people often talk about - they use this language of impunity. There's an assumption that the only reason men keep on being violent is because we just don't punish them hard enough. I am not convinced that's true. I think there's very poor policing and prosecution work and that there should be better convictions. It doesn't follow that everybody must go to prison for the rest of their lives.*
>
> *I think the fact that we keep on, if you look at, legislation keeps on focusing on how we fight enough bail. How do we make sentences harsher. It's just, okay, let's make bail harder for them. Let's make sentences harsher. I mean I think some research I've done, that's not where the problems are. And neither is the quality of police investigation. They are allowing the failure to arrest; that's where the problems are. It's the fact that we don't look at the evidence that is there." (Younger activist)*

This participant linked the political will, and the lack of interest of professionals within the criminal justice system to learn from the past and address the challenges while executing their duties. Political will, or lack thereof, is also visible through a direct threat to government employees who do show commitment to engage with civil society organisations:

> *"The post-Polokwane ANC government was less and less inclined to, to listen to civil society. You know there's a lot of political...narrative maybe around why civil society are anti...not to be listened to. So, I think there's definitely a link there, but there wasn't an immediate link because the relationships with department officials and with MPs weren't establish[ed]. There was a period of time, a transition period of time where people started learning it's dangerous... there were some specific people in parliament, parliamentary researchers and so on, who were reporting from around 2011 that they were being threatened not to speak to civil society. That they were being threatened with lie detector*

tests and being released from their positions. So, there was a lot more of a clamp down from government to civil society from that period in general." (Older activist)

Structural barriers are mediated by funding and political will, which, in turn, are also about political commitment. However, the lack of political commitment can also be interpreted as resistance (direct and indirect) or the undermining of gender equality and, therefore, a form of patriarchal resistance.

The Ramaphosa Era (2018 – 2023): Holding the state to account

The GBV movement coalesced around specific policy goals during different periods. The most recent period drew from university-based gender violence protests and culminated in the #Total Shutdown Movement and the submission of 24 Demands to the sitting South African President. The reflections from participants demonstrate how multiple strands and layers of activism and protest are necessary to effect change. This contemporary moment is of great interest as it highlights the importance of mass mobilisation and large-scale protest action and holding the state accountable through the culmination of this action in the #Total Shutdown Movement. In South Africa, young feminists drew attention to the lack of policy implementation that left women vulnerable to rape and murder as the most serious forms of GBV.

Younger women starting at universities began to mobilise and campaign against GBV, using campaigns such as Rape@Azania at the University of Cape Town and RUReference List at Rhodes University. At the same time, #Feesmustfall gained momentum on campuses across the country. Embedded in this was the #EndRapeCulture emerging from movements on specific campuses. These campaigns emerged out of an urgency among youth on campuses to hold the government to account and pressure the state to keep to its promise to make higher education free, accessible and safe, as well as to decolonise the education system. Thus, the understanding ubiquitous nature of GBV at grassroots level and women in their diversity identified with these moments.

> *"There were different movements happening of where you had the "fees must fall" and how women, also young women who were in universities, how they were dealing with harassment from their professors, but also from like their peers and how they had to navigate that being body shamed." (Younger activist)*

Another shared how even women outside the academy felt a strong sense of camaraderie with the students, in that:

> *"...one almost needed a violent... response, like you know the young student who was murdered at the Claremont post office...and fees must fall movement...Once*

National Presidential GBV Summit, 2018
Photo Credit: Katty van den Berghe

that momentum is over women in the community and be it the elderly women or young women and often not necessarily linked to any form of academia, are continuing to experience high rates of violence, all forms of violence and not having access to resources…" (Younger activist)

This was a solidarity moment in the country that connected women from various spheres and showcased their power and ability to combine their efforts. In many respects, it was a galvanising moment for women across the country and was reminiscent of the moments leading up to democracy. These campaigns and movements led with a strong focus on intersectionality. There was a greater call for a feminist "personal is political" focus, which in August 2018 pulled together women across the country to take part in the #Totalshutdown campaign, where women responded to the social justice call to shut down economic activities. This forced the state – and in particular the president – to listen to the plight of women across the country and to take action. Interestingly, the campaign drew on feminist research, using slogans such as, *"…a woman is killed every six hours"*. The #TotalShutdown Movement had produced a more notable intersectional approach to issues such as violence against women, gender, race, class and more, which became prominent in the women's and feminist movement and replicated itself in other movements such as the LGBTIQA+ sector as well, where violence – particularly against black lesbians – has been ongoing despite the legislative gains. Feminist and queer politics were central to the agenda that drove these movements. The #TotalShutdown movement also fostered a decolonial, feminist educational approach to violence against women and girls.

Violence against black lesbians

Intersectionality has been part of the LGBTIQA+ community for decades, as shown in the work of activist Simon Nkoli, who highlighted how multiple social struggles are closely linked through interrelated systems of oppression (Ncube, 2022). Several pieces of legislation were instituted to promote and protect the constitutional rights of the LGBTIQA+ community, including the Civil Union Act of 2006, the Children's Act of 2005, the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000, and the Prevention and Combatting of Hate Crimes and Hate Speech Bill, among others. Yet, many black lesbians continue to experience dehumanisation, violence, and death due to hate and discrimination. Homophobia, transphobia and intersex phobia continues to be rife in the communities with many alarming cases of violence, particularly against black lesbians. As one of the FGD participants noted:

> *"Women being killed, you still have lesbians being raped, because of so many things are still happening, yet … they're supposed to be protected."*

The phenomenon of rape, particularly against non-conforming masculine women, has historically been referred to as "corrective rape" where targeted women are raped in an effort to "correct" their sexual orientation and gender identities (Boeshart, 2014; Brown, 2012; Koraan, 2015; Martin et al., 2009). Terms such as "corrective" or "curative" rape maintains homophobia, instead of calling it what it is: homophobic rape which pathologises black lesbians, supposing that there is something to correct to justify this type of violence (Hames, 2011). Hames (2011, p. 89) asks a critical question: *"Are the homosexual people, and especially the lesbians, not responsible for changing our laws into the most inclusive in the world?"* However, she notes that even though groundbreaking work has been led by black lesbians, women's movements continue to use these heteronormative terms and become complicit in our dehumanisation. She continued to report that the Civil Society Task Team, appointed by the Department of Justice, proposed to dismiss these terms from use (Civil Society Update, 2011). The rape of transpersons is based on a similar ideology, namely that the gender binary must be upheld and therefore the rape of transpersons is to punish the person for not upholding the heteronormative gendered binary.

The history and impact of the colonial gender binary has seen an incredible increase in activism and advocacy in South Africa with some negative impacts, particularly on individuals with diverse sexual orientation, gender identity and expression and sex characteristics (SOGIESC). Those who identity as non-conforming, genderqueer, genderfluid or transgender, among others, may feel marginalised or invisible within a system that only acknowledges two genders, and those who challenge or do not conform to the gender binary often face discrimination, stigmatisation, and social exclusion. Legal and social systems that are built around this gender binary often fail to accommodate or recognise the identities of non-binary or transgender individuals. This can result in difficulties with legal documentation, access to healthcare, and social recognition. The gender binary often oversimplifies the complexities of gender and fails to acknowledge intersections with race, culture, sexuality, and other aspects of identity. This can lead to the erasure of diverse experiences and challenges faced by individuals at various intersections. Therefore, deliberate and appropriate education, advocacy, and policy changes that recognise and accommodate diverse gender identities have become central and crucial in promoting a more inclusive and affirming environments for all individuals. Explicit activism and policy work has gone into addressing these perceptions, beliefs and values in communities, media, academic spaces, and legislation by collectives such as the National Gay and Lesbian Coalition, Triangle Project[2], Free Gender[3], and Gender Dynamix[4], among others. Continued efforts need to be put in place to promote anti-colonial thinking about black subjectivity and agency (Rutherford, 2018).

However, real transformation has been lagging when it comes to the realities and experiences of black lesbians. As one participant noted, *"Technically they're [lesbians] supposed to be protected, because there's legislation, so legislation alone is not enough. Education alone is not enough. So, I think we need to figure out other tools, but also the gap, the classes gap that exists."* This suggests that what has been done so far has not been sufficient, and greater connection to the broader women's and feminist movement, with a stronger primary focus on intersectionality (class, in particular), is needed, hence the solidarity with the #TotalShutdown movement. Despite ongoing efforts by advocacy groups to address violence against marginalised communities within the LGBTIQA+ spectrum, there has been a concerning trend of these issues being overshadowed or marginalised within the broader social and political discourse. Issues such as poverty, economic disparities, political conflicts, gender identity politics and other pressing societal challenges have come to overshadow the specific concerns of certain marginalised groups, including black lesbians facing violence. These competing agendas has contributed to the silence surrounding the persistent violence against black lesbians in South Africa.

Thus, the challenges faced by specific segments of the LGBTIQA+ community do not receive adequate dignified visibility or representation in mainstream media, political

debates, or social movements. This lack of visibility can contribute to black lesbians' concerns being overlooked or marginalised. Further, understanding the intersectionality of multiple forms of discrimination, including race, gender, and sexual orientation, can be complex. This complexity might lead to challenges in effectively addressing these multifaceted issues within broader advocacy movements, leading to the silence around specific forms of violence. Ongoing stigma and discrimination against LGBTIQA+ individuals might contribute to a reluctance to address their specific issues openly, and fear of backlash or further discrimination can lead to the silencing of these concerns.

The absence of widespread media attention or public discussion does not mean the issue has disappeared or is less urgent. The persistent violence against black lesbians and other groups within the LGBTIQA+ community remains a significant concern that requires ongoing attention, advocacy, and support. It is crucial to break the silence and reinvigorate efforts to address these forms of violence. Amplifying their voices, promoting inclusivity in advocacy efforts, and pushing for intersectional approaches in policy and social movements are essential steps to ensure that these issues are not overshadowed or dismissed when faced with competing agendas. Collaborative efforts between different advocacy groups, mainstream media, policymakers, and society at large are necessary to ensure the comprehensive inclusion of these marginalised voices in discussions on GBV and discrimination.

Protesters defending gay rights at UCT before the lecture of keynote lecturer by Patrick Lumumba who is a supporter of anti-gay rights in Uganda
Photo Credit: Ashraf Hendricks/GroundUp

2   https://triangle.org.za/
3   https://www.facebook.com/p/Free-Gender-100076263094283/
4   https://www.genderdynamix.org.za/

6. Strategies used to influence policy change

Multiple forms of activism

The South African experience demonstrates that multiple forms of activism are necessary to ensure policy change. Activists refer to various tools that are required to create change, including listening to women on the ground, translating the issues into campaigns (including social media campaigns as shown by the #TotalShutdown campaign), engaging with different stakeholders (particularly those in positions of power) and employing litigation to effect policy change. Participants reflected on the necessity of a multi-pronged approach to policy and social change.

> *"The big battles were not won by sitting and making submissions alone, like that photograph. They were won with much broader media communications, related campaigns as well as strategies with departments." (Older activist)*

Another said:

> *"We feel and we know that the women's movement has played a key role, excuse me, in asserting that towards policy change. But I think that as the policies change you need different tools, so you need a set of tools... And some of them are what are called strategic kind of advocacy, strategic softer advocacy. You know, so it's in who gets to write the document, how you influence processes, how you talk to people. And those are very important processes that facilitate the kind of changes that you want... And so, it's always important to keep your feet on the ground within the women's movement and to understand the changes, the struggles, etcetera. And the same time, to find ways to translate that into policy and into policy speak so that people can hear what you're saying and interpret it in ways that it finds resonance, in policies and in practice." (Older activist)*

This participant reflected on the different processes and layers of activism that include "keeping your feet on the ground" and trying "to find ways to translate struggles into policy". Across the past three decades, legislative and policy change has been central to women's activism and organising. In the early-democratic period, a strong feminist agenda shaped the discourse on power and gender relations.

> *"On the Sexual Offenses Act, I believe we had the most submissions in the history of parliament on that act from all and sundry. Every sector of society gave an opinion about how the Sexual Offenses Act needed to change in relation to adolescent sexuality. So, I think we have a very robust society around policy discourse, around service discourse, around law discourse." (Older activist)*

Different forms of activism brought about successes and gains in various ways. For example, parliamentary submissions by different sectors of society were important for the women's movement to recognise multiple voices of women, located in different provinces, urban and rural villages, townships and informal settlements, suburbs, etc. Similarly, the participant below reflected on the relationships between women in communities and those in non-governmental organisations (NGOs) who had access to an understanding of international treaties/conventions:

> *"With the Traditional Court's Bill, we taught the women here in the Eastern Cape and in Limpopo and North West. We taught them the CEDAW Convention. We taught them about the dangers of succumbing to the Traditional Court's Bill because it was so retrogressive, and it was going to have a negative impact on women.....*
>
> *"They went to the public hearings, and they said they stood up and said, "No. Here's the first thing is, this is what the CEDAW Convention [says]." Of course, no one there knew what the CEDAW Convention was, but they did.*

They stopped the conversation because they said this is what we've signed for in South Africa and this is what you are going to do now. And then the Bill got thrown out. I believe it's passed now. It is probably a watered-down version because they wouldn't dare. They wouldn't dare try to put that through now because the women will not have it. Women will absolutely stop whatever is going on." (Older activist)

Women's movements over time have recognised the importance of facilitating processes for women in local, poor communities to contribute to the policymaking process. In the early years of democracy in South Africa, there was an emphasis on educating "grassroots" women so that they could participate in the government's call for public participation and public submissions

towards legislative change. Care was also taken to listen to survivors and ensure that these women's voices could impact policy change:

> *"If I think of the rape [sexual offences] law reform, it started with deep listening through counselling to South African women, you know, in that very specific socio-economic political context. So that is, you can see that through, it's not just something kind of academic, euro-centric, American-oriented feminist jurisprudence that was formed, there was more to it as well." (Older activist)*

This participant highlighted the integrated approach to policy change, and poignantly reminds us that survivors' voices were, and remain, central to legislative and policy change.

Different forms of activism were also necessary depending on the short- and long-term goals of the violence against women's movement. Immediate action, such as disrupting parliament and 'getting things done.' was specific to the urgency for new legislation such as the Sexual Offences Act. Women's activism was not always met with support; it was also met with resistance through stalling of the law-making process. Women responded to this resistance with various strategies, ranging from litigation to disrupting parliament. The participant below described the way the activists would disrupt policy conversations within government:

> *"We disrupted, so we disrupted parliament, you know, the standing committees, the justice standing committees where they [were] busy with policies...we used to go and sit on the floor in their rooms. And I know that now it's not like that anymore, but when we wanted this legislation passed, we used to go and sit on the carpet. I remember being chucked out of committee room, nuh, and we all go burst in, we disrupt meetings, ja. So that was activism. We, for instance, cases... and that time we didn't have social media, it was on faxes, on telephone calls, quickly, get on the line. There's a femicide case, all of us show up. Uhm, so ja, activism is a lot different, but I believe in that activism. That we got things done." (Older activist)*

Reflecting on the lessons from the process to pass the sexual offences legislation, participants noted that a sustained campaign to counter political resistance was critical. The politics of both the Mbeki and Zuma presidencies heavily influenced the state's willingness to enact progressive sexual violence legislation, especially when the deputy president of the country was being prosecuted for rape. The case below reflects the importance of coalition building to mobilise for policy change.

Sexual Violence – from legislation development to advocating for implementation

Women's organising around GBV during the early phase of democracy was focussed on an engagement with the state through legislation and policymaking to ensure that women in communities were better protected. The sexual violence law–making process saw women's organisations and NGOs become experts in making parliamentary submissions on legislation, with legal NGOs supporting community–based women's organisations to make their own submissions through the National Working Group on Sexual Offences (NWGSO) in 2004. The process of passing the Sexual Offences Act was long and daunting, taking more than eight years. Reflecting on the sexual offences legislative development process an older activist noted:

> *"If you look at the Sexual Offences Act, there is no question that civil society, the working group on sexual offences that became Shukumisa, affected it... this kind of sustained, long-term networked approach, deep research, lots of coalition-related spaces ... those were the areas that the government and politicians found easy to take on board in principle but then would water down their language." (Older activist)*

But key provisions were removed such as clauses legislating medical treatment and counselling, protecting adult and child victims from the adversarial nature of the rape trial processes, reinserting consent as an element of the definition of rape, and the removal of the notion of coercive circumstances.

Lessons from the sexual offences legislation process have shown that women from communities can be mobilised to support issues that affect their lives. Through this process, we learnt that it is important that there is support in parliament for key issues women are pushing for. But civil society also needs the technical knowledge and skills to engage and intervene in the appropriate state processes and to identify allies who supported women and children's issues in the legislature and executive branch. However, legislation is not sufficient to reduce and prevent GBV; the strategy of alliance formation is critical. Alliances are constructed across a range of different women's/ feminists groups (often individual feminist activists who work inside and outside the state). Combining strategic insider work (oversight over legislation) with outsider tactics has the potential to disrupt. The Shukumisa Coalition is aimed to stir and shake up public and political will to develop and implement policies related to sexual offences.

Another participant reflected on the importance of mass participation by women, as she noted the 2019 case of the rape and murder of a university student:

> *"We saw that what happened. We see now with the Uyinene, you know what happened with the Uyinene trial, within eight months he was sentenced, he was gone, done and dusted, nuh. We have seen when the masses come to court, we have seen the cases where there were no supports versus...we have seen it now with [the] Theo Bell matter with the Cape Flats Women's movement that I co-ordinated, he did not make bail." (Younger activist)*

Research to inform action

Many highlighted the receptive policymaking space during the 1990s and early 2000s. As one researcher activist noted:

> *"I think during the 90s and during the first part of like the 2000s, we had very receptive government institutions to a violence against women and human rights agenda."*

Engagement in these spaces shaped research questions that were being asked to advance policy implementation. For instance, research by academic institutions and feminist research organisations into Budget Allocation for the implementation of the DVA and evaluation research on the implementation of the DVA aimed at strengthening women's ability to access protection and safety from violent relationships by using the law. Understanding the nature of intimate partner violence and the risk factors were issues studied by feminist researchers. This process of using research to shape policy was reflected on by an activist researcher, but she was less optimistic about the impact.

> *"I think we have come up with some... because we've actually spent the time in doing consultations and doing research, I think we've come up with reasonable diagnosis and some useful recommendations. Hopefully the people we work with are the ones who are going to be able to oversee this and we will be able to make some difference there." (Older activist)*

Through these networks, the murder of women by an intimate partner was identified as a growing problem and has shaped the intimate partner femicide research agenda in South Africa (see the case below).

CASE STUDY 3

Femicide as a proxy measure of GBV in South Africa

In South Africa, the murder of a female (or femicide) has been tracked through three successive surveys using the same methodology. It is one of the only data sources in the global south that has been able to research femicide and determine the proportion of intimate partner femicides (when a woman is killed by an intimate partner) as the most extreme form and consequence of intimate partner violence as well as GBV. In the absence of a dedicated national study on the prevalence of GBV, the three waves of the femicide studies are viewed as a proxy measure for the state of GBV in South Africa (Abrahams et al., 2009; Abrahams et al., 2013; Abrahams et al., 2024).

The third wave of the National Femicide Study found a statistically significant decrease in all forms of femicide among women 14 years and older. The overall femicide age-standardised rate decreased from 24.2/100 000 in 1999 to 11.1/100 000 population in 2017. A similar decrease in intimate partner femicide was found from 8.9/100 000 in 1999 to 4.6/100 000 population in 2017, reflecting an incidence rate of 0.73 (95% CI 0.65,0.82) for 2009 to 2017.

Table 1: Femicide rates over three decades

Year	Femicide rate per 100 000 population	Intimate partner femicide rate per 100 000 population
1999	24.2	8.9
2009	12.6	6.3
2017	11.1	4.6

Data from the National Femicide Studies (1999, 2009 and 2017)

All forms of firearm-related femicide decreased between 1999 and 2009, but this did not continue between 2009 and 2017 for intimate partner femicide or overall femicide.

Homicide data shows an overall decrease in gun-related murders among both men and women between 1994 and 2006, which has been widely attributed to the effective implementation of the Firearms Control Act. However, after 2009, under the Zuma administration, there was a general increase in corruption and lawlessness, which resulted in a relaxation of gun control and fast-tracking of the allocation of gun licenses. This led to greater circulation of unlicensed firearms and coincided with increased firearm-related deaths and injuries. This shows the correlation between the implementation of strict gun control and a general reduction in intimate partner femicide as a policy measure.

Figure 2: Firearm related femicides: 1999-2017

Data from the National Femicide Studies (1999, 2009 and 2017)

The case above highlights that although South Africa still has a problem with femicide, we are seeing a reduction in overall femicide and intimate partner femicide rates in the country. This is very encouraging as we are seeing a greater reduction among women killed by intimate partners than by non-intimate partners. This might mean that for the first time, we are reaping the rewards of the activism of women and community-based organisations and the policy and practice measures aimed at reducing GBV.

Understanding the pattern of sexual violence in South Africa

Similarly, research was used as a tool to determine the prevalence and incidence of rape and sexual violence in the country. This research was in response to President Mbeki's questioning of the accuracy of the reported rape statistics in the country. The South African Medical Research Council (SAMRC) conducted research to unravel the reporting of sexual offenses in South Africa (Jewkes & Abrahams, 2002). This study revealed that rape reported to the police represents the tip of the iceberg of sexual coercion and generated an estimate that 1 in 9 rape cases are reported to the police (Jewkes & Abrahams, 2002). Excessively high levels of sexual violence have consistently been shown through community-based prevalence studies. A Gauteng community-based prevalence showed that the past year prevalence of non-partner rape (12.2 %) and intimate partner rape (18.8%) (Machisa, 2010). These high levels of sexual violence were confirmed by perpetration rates: 15% – 20% of men report perpetrating sexual violence against an intimate partner (Abrahams & Jewkes, 2005; Jewkes at al., 2010) and 31% of men report sexual violence against a non-intimate partner (Machisa, 2010).

However, very few rape and sexual assault cases result in a successful conviction, suggesting that most perpetrators are not held accountable for crimes against mainly women and girls. A study conducted by the SAMRC on the attrition of sexual offences cases through the national criminal justice system shows that prosecutors declined to prosecute 47.7% of cases and that they were more likely to decline cases of children 12 years and younger and those of victims with disabilities (Machisa et al., 2018). In addition, only 18.5% of reported sexual assault cases went to trial, and in only 8.6% of these cases was there a conviction of rape (Machisa et al., 2017).

Figure 3: Attrition of cases by victim-perpetrator relationship
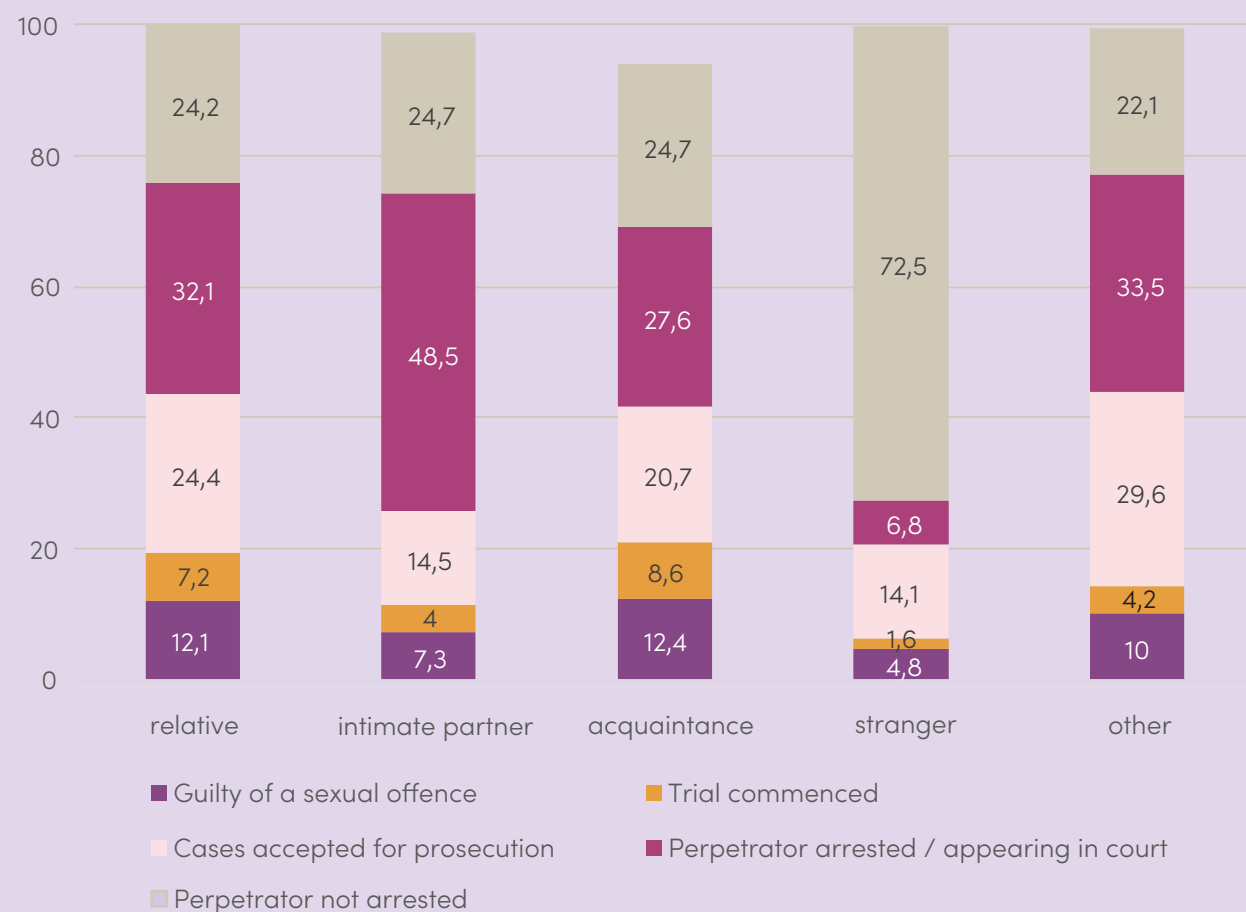
Adapted from: : Machisa M et al, (2017). Rape Justice In South Africa: A Retrospective Study of The Investigation, Prosecution And Adjudication Of Reported Rape Cases From 2012. Pretoria, South Africa. Gender and Health Research Unit, South African Medical Research Council.

In the above figure, we see that an intimate partner was less likely to be convicted of a sexual offence than relatives and acquaintances. Similarly, intimate partner sexual offence cases were less likely to be accepted for prosecution.

Research has become integral to feminist activism. Evidence-based policy and practice have increasingly become the buzzwords to define policy development and implementation and, more importantly, to access funding.

Organising through social media – coming full circle

The organising behind #Totalshutdown campaign once again relied on the formation of multiple networks. These networks were perhaps looser and more fluid, and not as formally structured and bureaucratic as the formation of networks during the second period of activism on violence against women, as reflected on by one of the participants:

> *"Remember when we...so I was part of the #TotalShutdown teams. You know formed teams, we formed groups, there was a Cape Town team, there was this and that. And if we did not make a noise – and remember, they in Gauteng sat outside, they were not going to move until he came out.." (Younger activist)*

The #Totalshutdown campaign acted urgently and disrupted government business in similar ways to earlier years of disruption (during the second period of legislative change). Protest through disruption seemed more organic than during the second period, yet it was similarly effective. Activists who participated in the #Totalshutdown campaign reflected on the importance of linkages and partnerships between women on the ground and civil society partnerships that were in a position to engage the government.

> *"So, I think what happened between the summit and even just after the total shutdown movement, during or after the summit through the interim structure*

Photo Credit : Ashraf Hendricks/GroundUp

until the president launched the NSP on the 30th of April 2020, there was a structure that consisted of civil society structures across the country. We met regularly. We were part of designing things, looking at the NSP, etc. But what was it up to something called an implementation collaborative. And that's a useful space because it's a space where civil society continues to engage and understand, but it's not everybody in civil society. And so, the positioning, I think you need to position yourself sometimes in a way that maximizes the opportunity." (Younger activist)

This activist cited the "implementation collaborative" as a useful network from which to advocate for change. These activists began to build on previous years of activism to create policy change as a pathway to establish structures and systems to implement changes towards the eradication of GBV. However, change is not always even or linear; some activists reflected on how changes happen, indicating that they are multi-pronged. Some changes are ideological, radical, and involve mobilisation, disruption and outrage, and protests that have critical mass, but also include "rationality" and "reason".

"I mean it's ideological, it's practice or input, that change happens when there's a rational element, a polite element if you will and there's a radical element, the kind of change we want to see. I think if there's just this kind of pure radicalism, I think things go too beyond and you see the human rights violation. But I think this mixture, I would provide this kind of inside, outside approach very simply, within the framework of the Constitution. So, not destructive, violent kind of radicalism, uhm, but the kind of radicalism that makes power uncomfortable. And then I think that the other layer, and I'm thinking of things like the traditional courts now." (Younger activist)

The strong focus on legislative, feminist advocacy, particularly during the post-apartheid period, brought many policy gains. Across different periods, activists drew on similar strategies, ranging from building networks, disruptive protest and legislative/policy advocacy. Activism in the violence against women sector has been and still is shaped by a feminist consciousness. Several feminist principles shaped the social movement building and collaborations, for example, such as the importance of many women's voices, the building of solidarities across difference (even though it was not always successful) and a confrontation of the patriarchal state. The violence against women sector differs from a South African Women's Movement because it is continuously shaped through feminist activism.

The rise of the next generation of feminist activists

As discussed above, protests on decolonising education in the universities during 2016/2017 saw the emergence of strong women activists who coordinated and laid the foundation for the emergence of new activism against violence against women, specifically targeting femicide and rape. These student activists called for decolonisation to be addressed through an intersectional lens and drew attention to the multiple types of violence against women. In addition, the rape and murder of Uyinene Mrwetyana and Jessie Hess, and then the intimate partner murder of Tshegofatso Pule[5], triggered the opening of social media spaces such as Facebook for women to speak out and find support and solidarity, but also to access real-time help on what to do or where to go if they needed help. The Facebook group grew rapidly, gaining 40 000 members in two weeks. In 2018, a national call emerged from these social media spaces for a national protest against the lack of urgency from the state in dealing with violence against women. The purpose of the call was to shut down economic activities for one day. In Pretoria, the march culminated in presenting 24 demands to the President. The 24 Demands included the development of a National Action Plan to address and eradicate GBV, several demands around the need for sensitivity training of criminal justice personnel, a focus on a prevention strategy, the provision of gender inclusive shelters and the provision of psycho-social support services for survivors of violence. In 2019, there was a National Summit to address GBV and femicide and consolidate a National Action Plan on GBV. The National Action Plan was adopted in February 2020, new legislation was adopted, and finances were committed to the fight against GBV. In 2022, a second National Gender Summit was held. This period of activism has resulted in renewed interest from the state, and a strategy (National Action Plan) to guide implementation. Service delivery in the violence against women sector has now become a marriage between younger activists and the older activists and practitioners. NGOs are central to the delivery of services and the implementation of both policy and the National Action Plan.

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5   These are all women who were murdered in the months leading to the #TotalShutdown March in August 2018

Picture Credit: Nicky Newman Photography

7. Resistance to change: Changing social norms as reflective of changing values

Different factors enable and/or constrain policy and social change. The finalisation and implementation of policy does not necessarily mean that social beliefs, attitudes and behaviours have changed. The participant below described change as "sometimes moving backwards", as she articulated resistance to policy change:

> "Change is slow. Change sometimes moves backwards. Sometimes you get negative change. You get a backlash when, for example, parents are told they can't physically chastise their children in their homes. You get a backlash of parents screaming from the top of their lungs; nobody will tell me what to do in my house with my children. You get a backlash." (Older activist)

Resistance to policy change is also resistance to new and different social norms. Patriarchy draws on religion and culture to institutionalise social norms. Patriarchal social norms are often encouraged through religion and culture and are strongly positioned in opposition to a rights–based approach.

> "I'm really concerned that there's not …that we don't have a holistic programme against violence against women and again to have all sectors of society being part of it. You've got to, you cannot …in fact, what the liturgy calls rights-based approach. So, you have the rights-based approach and I'm saying that the rights-based approach is limited if you do not challenge the context of culture and religion and other social issues." (Older activist)

The above quote articulates the competing social discourses within which policies must be implemented. The participant below draws attention to the link between the adoption of human rights within policy, and the importance of different sectors, such as schools and the education sector, accepting human rights as a set of social values in practice. This participant acknowledged the layers of social change that are necessary to change mindsets.

> "So, you can't just say, it's women's right to not be beaten. Women's right to have human rights unless you're going to change the mindset of people. What books are they using in schools? What are the teachers teaching the children? Are teachers actually really promoting gender equality, do they understand gender equality."

> "We also need to look at what does it mean to teach in a non-gendered, democratic way. What does it mean? What does it mean for us as teachers? And nobody ever wanted to take up those issues…" (Younger activist)

This participant linked changing mindsets to changing values and noted that shifting social norms and values is not a linear process. This participant makes an interesting observation about changing social norms, changing mindsets and the resultant change that is required from social sectors and the trained professionals within that sector. The participant goes further to explain that we must examine educational and recreational material as well, to determine if the desired social norms and values are included in this material:

> "It's not a unitary thing or straight line that say, no gender equality. You've got to look at the films children are looking at. You've got to look at their games and their phones etcetera and the violence that is perpetuated by some of these games, these video games or whatever they're called. It's all about killing. So, the values for me, it's really quite shocking." (Older actvist)

Changing values is more complicated because it means that all sectors of society must want to live by and practice the new value of gender equality. Gender equality has to be argued and advocated for before there is a societal realisation of its importance, particularly to reduce and end GBV. Gender equality is, therefore, contested as different social sectors argue

from their specific set of values, as previously indicated, within religious and cultural sectors. Gender inequality is perpetuated through patriarchal structures, institutions and practices. The participant below refers to structural barriers as impediments to policy implementation:

> *"I don't think that that's a difficult question to answer. I think we know that at a structural level, there are impediments. One is that South Africa has not politically given its support to advancing gender equality. The rhetoric is there but there isn't a full analysis of what that actually means. What do you mean when you say you are actually going to advance gender equality? If you hear what the ministers say, they don't have that either....You have to address the structural drivers. We are not there yet. We are not anywhere near that yet. We've got an opportunity through the National Strategic Plan to make better changes that can ensure that happens, but like I say we are way off yet." (Younger activist)*

Literature supports this view that structural drivers are persistent and are harder to change than policies. Structural drivers need political will and support from government to implement large scale change, thereby demonstrating support for the adoption of new social norms.

> *"There is an opportunity now through the National Strategic Plan which does say it; what needs to happen. [Name] will always talk about changing norms and behaviour. The attitudes and behaviours in our society but there has to be political will to do that first. Individual organisations doing it, you are going to touch and miss all the time. You maybe reach 10 people or 20 people or a 100 people but you are not reaching the country. For the country, there has to be political will to actually see that change happen on a large scale and that's not happening." (Younger activist)*

Regulation of 'Gender' Industry

The post-apartheid period saw the rise and consolidation of an organised women's sector and women's rights organisations. As indicated in the section on activism, a national network to address violence against women were supported through provincial networks, that was made up of several organisations that addressed and responded to violence against women, and perhaps gender more broadly. The participant below made an interesting observation in relation to the growth of the gender industry, and questioned whether a consolidated gender sector is perhaps a barrier to implementation:

> *"I am accountable to women, and I go back to women, and I consult with women. So, the first thing is that the gender industry has just become that, an industry. It's really sad to see how the budgets were used for gender issues,*

were just conference after conference for the civil servants and not actually reaching people."

The post-apartheid period saw a rise in gendered organisations and gender professionals. The expansion of the violence against women sector saw more and more women employed in the sector. This also meant competition for resources, and perhaps this has led to more fragmentation and isolation within a women's movement.

> *"What has happened now is that we have very specific movements like, women and the law, women and the rural issues, women and economy, but there's no overarching situations where we all talk to one another. We're all compartmentalised. And also, I think it's important that we take our egos out of this, it's all about xxx and her organisation, just to use my own name. .... So, there may just be the danger of becoming patriarchal and territorial about struggles. So, I'm concerned about something like that. I'm not saying generally it happens. I'm just saying, it's a concern of mine that the actual issue around the poverty, exploitation and the marginalisation of women, that's not always prioritised." (Older activist)*

Competition and territoriality are usually associated with patriarchal and capitalist values, and competition for resources has become a distraction from women's issues in communities. The professionalisation of organisations working on violence against women comes at the cost of a sustained focus on providing funding directly to women who need the resources and support.

Resources and funding as a mediator of change (barrier)

The success of the policy gains is only as strong as the implementation of the policy. The implementation of policy is constrained by several barriers, such as resources (and funding in particular) well as social norms and a regulated, fragmented gender sector. While these are the barriers that emerged in the data, structural inequalities persist, and the barriers to implementation must be read alongside structural inequalities and the patriarchal stronghold of the capitalist state.

Participants raised the issue of resources as severely limiting the implementation and impact of policy:

> *"Money that could have been spent to, like, fund organisations. You know, we've got the best laws; we've got the best legislation, the DVA, the sexual offences bill, but it is not resourced. It is not resourced; those are the biggest problems to me. I mean if I think what worked many years ago, you know, if I think what*

worked many years ago....And then, I think the other thing also is the point of implementation. Where are the budgets? You cannot make wonderful laws and not have a budget, I'm sorry." (Older activist)

The participant below also identified the necessity of finance and budgeting for the implementation of policy. Government funding has been sparse and is usually embedded within departmental budgets (for example, training or salaries, transport, etc.), hence the request for a gendered budgeting process and product, so that government is intentional about resourcing the implementation of violence against women policy:

"I'm not quite sure whether at any stage the gender budgeting is still being practised. I did hear once that in a Provincial Government in Gauteng, it was done. But otherwise, it seems like a word belonging to the past. So no, as far as I'm concerned, there are lots of empty promises at all levels. Some impressive legislation but what about implementation?"

Policy implementation has also become reliant on technology and the use of mobile phones. The participant below was concerned that government departments assume that everyone has access to mobile phones and data. She highlighted that in under-resourced communities, hunger and food security is the primary priority.

"How must people be made aware? Not everybody, and I wanna tell you not everybody is on social media and there's also that assumption of government – not everybody has smart phones, I know a lot of people have smart phones and all that. But when we speak about challenges that communities have, so what's the difference between free data and a loaf of bread for a mother? So, then we must make data free, so ja, you can hear my annoyance with this." (Younger activist)

Often policy implementation assumes that everyone has equal resources which results in under-resourced communities being impacted negatively and policies not benefitting the most marginalised and under-resourced communities.

8. Legislative and policy gains since democracy

Since the advent of democracy in 1994, South Africa has introduced a statutory framework aimed at upholding and protecting the rights of women and children. However, the lack of provisioning legislation for services remains a critical gap. The Constitution ensures substantive equality – that is, prioritising the rights of those who are marginalised, in particular women and children (RSA, 1996). Section 12 of the Constitution states that everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources. This means everyone has the right to be free from violence inflicted by organs of the state, such as the police, as well as that perpetrated by individuals, such as intimate partner violence and other forms of GBV. This inclusion in the Constitution was substantially influenced by pressure from the Women's National Coalition to secure the rights of women and children (Barkley, 2020). Section 28 (1)(d) affords additional protection for children by providing that every child has the right to be protected from maltreatment, neglect, abuse or degradation (Proudlock et al., 2014). The active phrasing (to be protected from) in this section makes it clear that the state bears a duty to take proactive steps to prevent violence from happening to children and to act swiftly to prevent further harm when a child

has experienced violence (Proudlock et al., 2014). In addition, South Africa has adopted and incorporated various international legal instruments aimed at protecting women's and children rights. For example, South Africa ratified, among others, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) in 1995, and the United Nations Convention on the Rights of the Child (UNCRC) in 1989. Article 19 of the UNCRC obliges the state to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse … including sexual abuse" (Committee on the Rights of the Child, 2011). The ratification of these and other instruments represents an important development in realising women's and children's rights with respect to the principles of gender equality and non-discrimination, while for children the issues of protection are highlighted. This has also meant that legislations and policies had to be aligned to both the Constitution and the international rights frameworks. South Africa is also taking a lead as a pathfinder country.

Five laws and policies provide the primary legal framework for realising women and children's right to be protected from violence:

The Children's Act 38 of 2005 provides the foundational layer of prevention and early intervention programmes to prevent violence as well as a system to identify, refer, support, care for and rehabilitate children who have suffered violence. The Domestic Violence Act 116 of 1998 provides a mechanism for victims of domestic violence to obtain a protection order; for the arrest of the perpetrator; and for police protection to prevent further domestic violence. The Act also requires the police to refer women and children to shelters. The Criminal Procedure Act 51 of 1977 and the Sexual Offences Act 32 of 2007 establish and regulate the criminal justice system responsible for arresting, prosecuting, convicting and sentencing perpetrators of violence against women and children. These acts also provide some protective measures for child victims and witnesses. Although there is a progressive set of legislation to combat violence against women and children, there is limited improvement in the response to and implementation of this

legislation (UNHRC, 2016). For example, only one in every three rape cases is reported, with only a third of reported cases getting onto the court roll and fewer than 10% of cases resulting in a conviction. These figures are far lower for children (Machisa et al., 2017). See further discussion on the rate of attrition of cases through the legal system (page 29).

Women's rights activists and children's sector organisations have campaigned successfully for legal reform over the past three decades. But women's and children's experiences suggest that legislation is not enough to protect them from violence. In 2016, a government review of the effectiveness of programmes and institutions to address violence against women and children revealed systemic failings and a lack of political will to stop the growing tide of violence (DPME 7 DSD, 2016). Successive waves of campaigning by women's rights activists have shone a spotlight on the issue. For example, as already discussed, on 1 August 2018, thousands of women protested across all provinces in an outcry against the alarming rate of rape and murder of women and children under the banner #Totalshutdown (Barkley, 2020). A memorandum of 24 demands was handed over to President Ramaphosa. This culminated in a landmark Presidential Summit on Gender-based Violence and Femicide (GBV-F) in November 2018 and the establishment of an interim steering committee that led to the development of a National Strategic Plan (NSP) to address GBV-F, which was drafted in consultation with civil society. Cabinet adopted the NSP on GBV-F on 11 March 2020, with the recommendation of the establishment of an Inter-Ministerial Committee (IMC) on GBV-F to be chaired by the Minister in the Presidency for Women, Youth and Persons with Disabilities. Yet, levels of violence have remained high with social movements lacking a consistent presence in large part due to the lack of resources and funding. Similarly, although subsidies for shelters are available, they are grossly inadequate and vary from province to province. For example, shelters in one province received as little as R9 (USD $0.50) per person per day to meet the needs of women residing at shelters, while in another province shelters received up to R71 (USD $4.00) (Vetten & Grobelaar, 2020).

In February 2021, President Ramaphosa launched a private sector-led, multi-sectoral GBV-F Response Fund of approximately R128 million (just short of $7million) to support the implementation of the NSP. But this is a fraction of the money required. Large scale investment is needed to ensure access to services across the country. In 2014, KPMG estimated the cost of gender-based violence to South Africa at between R28.4 billion and R42.4 billion per year – or between 0.9% and 1.3% of GDP annually. Investment needs to be on a similar scale. In 2023, the national Department of Social Development (DSD) issued a new Sector Funding Policy that outlines the priorities for funding and transfers to NGOs by provincial DSDs. The policy states that 5% of the total provincial budget should be allocated to prevention programmes: parenting programmes, with a particular emphasis on promoting the positive role of men; intimate partner violence; substance abuse; and social crime prevention among young people.

There is still a critical gap in South Africa's legislative framework as there is no law that places an obligation on the government to provide psychosocial and other support services for victims of GBV. The Victim Support Services Bill aims to address this gap. In her first budget speech to the new Parliament, the incoming Minister of Social Development promised to revive the Bill as a priority (Parliament of RSA, 2024). However, the women's sector has been extremely critical of

the Bill as it proposes that organisations and practitioners who provide services register with the government, where the cost of registration will be borne by the individual or organisation and failure to do so could result in imprisonment of the service provider. Currently, the victim support sector comprises community groups and NGOs that provide the care that the government does not. Often these service providers are survivors who offer a room in their own home as a temporary place of safety because there are no NGOs or government shelters nearby. Introducing strict registration requirements would force many of these providers to close their doors.

The Traditional Courts Act 9 of 2022 regulates the structure and functioning of traditional courts that have jurisdiction over cases involving marriage and assault. The act is based on the principles of restorative justice and reconciliation and claims to align with the values of the Constitution. However, it has been the subject of much controversy due, on the one hand, to discrimination against women and, on the other, it was deemed to perpetuate colonial distortions of customary law and entrench apartheid spatial geography. As a result, the Bill was revised several times, with the women's sector opposing each draft.

The final version identifies patriarchy as systemic unfair discrimination, institutionalises measures to promote the participation of women as members of the court, and specifies that women and men as parties should be afforded full and equal participation in proceedings. However, the act does not contain a formal "opt-out" clause, and the process for getting matters transferred to a Magistrate's Court is vague. So, whilst in theory both parties must voluntarily participate in traditional court processes, women in rural communities may not have the same access to the criminal justice system as their urban sisters.

9. Conclusion

Women's struggle for equality in South Africa is embedded in resistance, and the fight against apartheid has shaped women's organising and engagement with policymaking – even in the current moment. The policy landscape is shaped by the political moments and leadership at the time, and this influences the challenges and victories of the women's and feminist movement work, particularly its work on gendered violence and shaping policy.

In our analysis, we show patriarchal resistance to addressing GBV at the highest level of leadership (the Presidency) that creates not only a disabling state but also the disinterest and lack of political will that creates an adversarial environment where gender transformation is merely words in policy documents without affecting the lives of women. Phrases such as *gender equality, women's empowerment and gender transformation* are commonplace and embedded in South Africa's National Gender Policy, with its "tool" of gender mainstreaming as the main policy guideline. Yet, it has not translated into changes for women regarding levels of violence or how the system (criminal justice, health and social development) supports women who have experienced gendered violence. Thus, patriarchal resistance functions at many different levels of the state, including the criminal justice system – where ordinary women find barriers to accessing justice, safety and support.

This case study also highlights the entrenched notions and dynamics of gender, race, and sexual orientation. We have to contend with specific structures of power that have allowed rape to thrive as a 'way of life' (Gouws, 2021). Sexual violence and femicide have been at the heart of the concerns of the #TotalShutdown Movement in South Africa, and young feminist activists who led this movement have located it squarely as a complex intersectional struggle. Intersectionality, as a complex reflection of the multiple violences that shape women's lives, challenges the way resistance and/or disruption is practised, and the way a regulated gender sector becomes co-opted. Resistance has to be multi-faceted, and different moments call for different activisms. There can be no feminist resistance that is not intersectional.

In contemporary South Africa, we show how transformational strategies that demand more radical change, using inclusionary approaches, rely on calling the state to account and pressing for law reform that is inclusive of women's representation, and recognising black women from township communities, for whom justice remains elusive. The process embarked upon by the #TotalShutdown movement laid the foundation for the development of an NSP on GBV-F, which followed an inclusive process that engaged women from communities and ensured that their voices contributed to the policy development process.

We show that legal reform has done little to change wider societal norms on gendered violence with levels of violence still extraordinarily high. For poor black women, accessing justice through legal processes is not straightforward. The justice system appears especially broken when it comes to tackling GBV (Falkof et al., 2022). This is despite the fact that South Africa has state-driven institutional mechanisms for gender equality, such as the Commission for Gender Equality, and has established a suite of laws and policies that not only introduced greater equality and rights within the family (including in customary law) but also recognised women's bodily autonomy and provided for positive measures to support women's employment (Vetten, 2013). However, the ruling party (ANC) has failed to address the structural nature of women's oppression and the role that gendered violence plays within it. This was made evident in 2005 when Jacob Zuma, then deputy president of the ANC and later president of the country, was accused of rape by a young woman and a feminist activist endured significant backlash when speaking out in support of the victim (Gqola, 2015). The Zuma rape trial highlighted the normalisation of sexual violence and the victimisation of the most socially vulnerable females, black and queer, by powerful men (Gouws, 2019).

Women's movements and activism have changed significantly over the past few years with younger feminist activists mobilised to tackle GBV across class, race, faith, gender and sexuality. This new form of activism has renewed feminist mobilisations in the public sphere, which draw on strategies such as online and offline protests, media advocacy and campaigns. The digital space has changed the nature of resistance to GBV, from something largely managed by organised women's groups in discussion with the state, to something that has more capacity than ever to spring up unplanned and explode into multiple possibilities.

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