

An enabling policy environment to stop violence against women and children

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Violence against women and violence against children frequently co-occur within the same households, underpinned by shared risk factors and perpetuated by societal norms that legitimise or tolerate violence. Both forms of violence are associated with adverse health outcomes and contribute significantly to the intergenerational cycle of violence (see Violence chapter on p. 34). South Africa's legal and policy framework should recognise the intersections of violence against women and children across the life course and provide for a continuum of care across different contexts. In addition to laws that criminalise violence and provide for services and programmes to prevent and respond to violence, laws and policies should address underlying risk factors for violence against women (VAW) and violence against children (VAC) such as promoting gender equality and addressing structural inequality. This essay considers the following questions:

- What are South Africa's legal obligations to end violence against women and children?
- Why is an enabling policy environment important?
- Does South Africa have a strategy to respond to and prevent violence against women and children?
- Do the laws support an integrated response to VAC and VAW?
- Are there opportunities for strengthening the policy framework?

The chapter concludes with an overview and some recommendations.

What are South Africa's legal obligations to end violence against women and children?

South Africa's obligation to end violence against women and children is outlined in international, regional and constitutional law.

International law

South Africa is a signatory to several international instruments including, amongst others, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of

Discrimination Against Women (CEDAW)¹ and the Convention on the Rights of the Child (CRC)². These treaties obligate the government to take appropriate measures to prevent violence, support victims and prosecute and/or rehabilitate offenders.

South Africa has also ratified the International Covenant on Economic Social and Cultural Rights. The United Nations Committee on Economic Social and Cultural Rights has recommended that States parties intensify efforts to combat domestic violence by "providing victims with shelters; ensuring that all cases of violence against women are effectively investigated, that perpetrators are brought to account, and that victims have access to remedies as well as to protection, including in rural areas; and allocating sufficient human and financial resources to ensure the effective implementation of legal protections." (p23)³

African Union and regional instruments

At the regional level, Article 1(j) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa defines violence as both actual violence and threats that could lead to violence, recognising the duty of the state to provide victim support services but also implement measures to combat the drivers of violence.⁴ Additionally, by signing the Solemn Declaration on Gender Equality in Africa, and the African Union Strategy for Gender Equality and Women's Empowerment (2018 – 2028) South Africa has pledged to campaign against gender-based violence (GBV) and promote gender equity. In 2025, the African Union (AU) adopted the Convention on Ending Violence Against Women and Girls which is focused exclusively on tackling violence.⁵ It recognises the intersections of VAC and VAW and emerging forms of violence, such as cyberviolence, and frames violence against women and children as a continental crisis that demands collective action. However, the monitoring and enforcement mechanisms are weak.⁶

International and regional strategies and targets

South Africa adopted the Sustainable Development Goals (SDGs) in September 2015. The SDGs portray VAC and VAW

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as global challenges and include specific targets and indicators. Goal 5 aims “to eliminate all forms of discrimination and violence against women in the public and private spheres and to undertake reforms to give women equal rights to economic resources and access to ownership of property”.⁷ Similarly, the African Union Agenda 2063⁸ and Agenda 2040⁹ make clear commitments to end violence by working with businesses, civil society, and individuals and partners in the AU.

To help states to fulfil these obligations and aspirations the World Health Organization has developed the RESPECT and INSPIRE frameworks.^{10, 11} RESPECT focuses on women and INSPIRE on children, but the strategies map on to each other and both require coordination across sectors (see Figure 5 on p. 43). Both frameworks contain a set of evidence-based action-oriented steps enabling policymakers and programme implementers to design, plan, implement, monitor and evaluate interventions and programmes to prevent violence against women and children (see chapter on Enabling Environments on p. 100).

Constitutional rights

Section 12 of the South African Constitution enshrines the right to freedom and security of the person that protects everyone from violence from all public and private sources.¹² Additionally, section 28 affords children the right to protection from abuse, neglect, maltreatment and degradation, and for their best interests to be of paramount importance in any matter affecting them.¹² The active phrasing (to be protected *from*, freedom *from*) makes it clear that the state has a duty to take proactive steps to prevent violence from happening and to act swiftly to prevent further harm when a woman or a child has experienced violence.¹³ Dignity is a core value of the Constitution alongside substantive equality – prioritising the rights of those who are marginalised, such as women and children (section 9).¹² There are also rights to language that speak to the accessibility of services (section 6).¹² Finally, there are a range of socio-economic rights including access to housing, social services, social security (grants) and healthcare that guarantee access to support services (sections 26, 27, 28).¹² Collectively, these human rights instruments oblige the government to:

- establish programmes that tackle the structural drivers of violence
- reduce gender inequalities and change social norms
- prevent violence against women and children from occurring
- provide sanctuary and support when violence occurs
- ensure that the criminal justice system holds perpetrators to account

- provide for rehabilitation in the form of medical and therapeutic services, and
- support survivors to live independently and reintegrate into the community.

South Africa’s laws and policies should create an enabling environment to fulfil all these obligations.

Why is an enabling policy environment important?

An enabling policy environment should establish the financial, human resources and systems necessary to prevent and respond to VAC and VAW. Laws and policies set the rules for what services are delivered and how, and who gets to make decisions including the prioritisation of services. They define crimes, set benchmarks for prevention, protection, criminal justice and survivor services and competencies for service providers. Integrated services avoid duplication and make better use of limited resources, so laws and policies should foster collaboration among various stakeholders, including government agencies, civil society and communities, and provide a clear mandate to guide the implementation of a comprehensive prevention and response strategy.¹⁴ They should ensure that resources are allocated equitably and efficiently and that programmes and services are evidence-based. Without an enabling policy environment, efforts to combat violence may be fragmented and ineffective, leading to continued victimisation and limited accountability for perpetrators.¹⁵

Does South Africa have a strategy to prevent and respond to violence against women and children?

South Africa has passed an array of laws and policies whose primary objective is to prevent and respond to violence against women and children – see Table 6 on p.119. It also has strategic plans and policies that present strategic direction for the country, provide mandates for leadership and coordination, and determine resourcing priorities and funding obligations.

National frameworks to provide strategic direction

The National Development Plan 2030 recognises violence as a significant barrier to growth and development. It adopts a comprehensive approach to reduce violence and build safer communities that combines crime prevention, social reform, community engagement and strengthening institutional capacity.

There are three specific strategies to end violence: the National Strategic Plan on Gender-Based Violence and Femicide, the National Child Care and Protection Policy, and the Integrated Crime and Violence Prevention Strategy. They all

adopt integrated, developmental and rights-based approaches, but differ in their specific focus areas, the structural drivers they prioritise and their implementation pillars. All strategies emphasise an integrated, collaborative implementation model, covering a continuum of care from prevention to survivor support and criminal justice. They recognise that addressing violence requires intervening across the life-course. All call for the review and strengthening of legal frameworks and clear accountability mechanisms.

The National Strategic Plan on Gender-Based Violence and Femicide (NSP-GBVF) is the overarching strategic policy and programming framework. Its purpose is “to ensure a coordinated national response to the crisis of gender-based violence and femicide by the government of South Africa and the country as a whole.” (p. 16)¹⁶ The NSP is supposed to provide a shared conceptual and operational framework that integrates the sectors not just women and children but also disability, LGBTQI+ and sex workers. It directly addresses patriarchal gender norms and gender inequality as the key drivers of GBV. Strategies include challenging and transforming toxic masculinities and shifting behaviour and social norms using evidence-based interventions. The NSP also aims to intentionally address structural inequalities by accelerating women’s access to procurement, employment, housing and land, while strengthening child maintenance systems to reduce economic vulnerability. It focuses on transforming economic power dynamics, ensuring safe workplaces and addressing economic dependency and abuse.

The NSP-GBVF has however been criticised for its failure to adequately tackle the impact of GBV on children.¹⁷ Children and child rights advocates called for a dedicated seventh pillar NSP-GBVF to specifically address violence against children in homes, schools, online spaces and harmful cultural practices. Other stakeholders are concerned that if one group is singled it will dilute the power of the NSP to tackle GBV against women and to be inclusive of other vulnerable groups, and that violence against children is already addressed under the National Child Care and Protection Policy and the Children’s Act.

The National Child Care and Protection Policy (NCCPP) of 2019 gives effect to children’s protection rights.¹⁸ It outlines a range of services designed to support parents and caregivers and describes the building blocks of an integrated child protection system – legal framework; leadership and coordination; human and physical resources; information, monitoring and quality assurance mechanisms; funding and partnerships. It calls for the prioritisation of investments in prevention and early intervention services – including early childhood development – to help families provide nurturing care throughout the life of the child. It aims to build effective child protection services for children who lack family care, experience abuse, neglect and exploitation, and/or are exposed to the criminal justice system. But it does not recognise the intersections of VAC and VAW or explicitly direct services to children who have experienced abuse outside of the family. A glaring omission is support for caregivers whose children have experienced violence.

Figure 17: Six pillars of the National Strategic Plan on Gender-Based Violence and Femicide, 2020



Figure 18: Six pillars of the Integrated Crime and Violence Prevention Strategy, 2022



Source: VPUU. Session 1: Turning evidence into policies and policies into evidence-based implementation. Safer Spaces Conference: Preventing Violence in South Africa. 2021.

The Integrated Crime and Violence Prevention Strategy 2022 (ICVPS) outlines a comprehensive, multisectoral approach to ending violence – particularly against women and children.¹⁹ It builds on the 2016 White Paper on Safety and Security and is grounded in the principle that safety is a shared responsibility across government and society. Unique to the ICVPS is the focus on safety through environmental design which aims to enhance physical safety through urban planning (eg lighting, safe public spaces) and encourage creation of recreational facilities and community spaces to reduce opportunities for crime.

Do the laws support an integrated response to violence against women and children?

Developing an integrated response requires that the law recognises the intersections between VAC and VAW, that individual laws do not contradict each other and that together they provide for a continuum of care from prevention to response for women and children across the life course.

Do the laws recognise the intersections of VAC and VAW?

It is critical that the legal framework and policies recognise the intersections between VAC and VAW and ensure that when women access services that their children's needs can be accommodated too. The Domestic Violence Amendment Act 14 of 2021 (DVAA) recognises that children are often victimised or suffer negative consequences when they are exposed to domestic violence. National Minimum Standards on Shelters for Abused Women state that shelters must provide for women and children's basic needs (eg accommodation, food and clothing) as well as support, counselling and skills development.²⁰ However, most laws and policies that provide for services focus on either women or children with only the slightest reference to the other group or the intersections of violence – see Table 5. For example, the Children's Act 38 of 2005 provides for prevention, early intervention and family support services, or children's removal to alternative care when it is no longer safe for them to stay with their primary caregiver, but it does not cater for children who need services alongside their mother. Ignoring the intersections of VAC and VAW and addressing each group separately means that family members exposed to the violence may be excluded from the healing process.²¹

Is the legal framework coherent?

Often, each government department has its own definitions and understandings of key terms. This lack of a common

Table 5: Focus and scope of violence prevention strategies

Strategy	Focus	Scope of violence
National Strategic Plan to end Gender-Based Violence and Femicide	Focuses on violence against women across the life cycle (prenatal to elderly). Includes women, children and LGBTQI+ persons	Focuses specifically on gender-based violence and femicide.
National Child Care and Protection Policy	Children (from conception to 18 years)	Focuses on securing care and protection from violence, abuse, neglect and exploitation.
Integrated Crime and Violence Prevention Strategy	Communities – women and children are categorised as specific vulnerable groups within this wider context.	Addresses all crime and violence, including social and situational crime prevention.

language hinders communication between professionals across sectors and creates barriers to collaboration. One of the most fundamental terms 'violence prevention' is defined differently across key legislative and policy frameworks.²² For example, the ICVPS and the White Paper on Safety and Security adopt a public health model, distinguishing between primary, secondary and tertiary levels of prevention (ie services for the general population, at-risk individuals and those already affected by violence). Whilst the NSP-GBVF frames prevention as addressing the risk factors that drive gender-based violence, femicide and societal violence.²²

Government departments have stand-alone mandates, and they develop and implement legislation independently, with limited consultation with other departments. As a result, some laws contain contradictory provisions. For example, the Children's Act and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (SORMA) differ in respect of mandatory reporting of child sexual abuse. Section 110(1) of the Children's Act only applies to a discrete list of professionals and adults who work with children, whilst section 54 of SORMA²³ obliges any person, adult or child to report a sexual offence.

The standards of proof and the course of action to be taken also differ: The Children's Act requires the reporter to conclude on reasonable grounds that a child has been sexually abused where such a conclusion should be based on an investigation into the signs and indicators. Once a conclusion has been reached, they have a choice of reporting to social services – a designated child protection organisation or the provincial Department of Social Development (DSD) – or the police. Whilst the under SORMA²³ anyone with knowledge, reasonable belief or suspicion that such an offence has occurred must report it to a police official immediately. The situation was further complicated when the DVA was amended to oblige any adult to report incidents of domestic violence involving childrenⁱⁱ to social services or the police, potentially detracting from women's rights to privacy and autonomy over their own situation.

Recent amendments to the criminal law have improved the coherence of the legal framework in respect of the criminal justice system but the inconsistencies and contradictions between laws and policies across sectors and gaps in the continuum of care – see below – mean that the legal framework is not fully harmonised or coherent.

Does the law provide for a continuum of care from prevention to response?

Prevention tackles the social, economic and cultural drivers of violence, while response services (healthcare, psychosocial support, justice and shelter) address its impacts and help break cycles of abuse. Building a continuum of care from prevention to response is therefore necessary to break the cycle of violence.

Addressing the drivers of violence

The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 prohibits unfair discrimination by the government and by private organisations and individuals and establishes Equality Courts to ensure implementation of the Act. Labour laws establish a national minimum wage and provide for four months of maternity leave; however, the Constitutional Court recently ruled that leave should be shared between the parents. The Social Assistance Act 13 of 2004 establishes a series of grants that help poor families; however, the Social Relief of Distress to support adults with no income and the Child Support Grant falls below the food poverty line leaving many women and children live below the food poverty line.

Gun control laws are not aligned with international and regional frameworks as they allow civilians to keep handguns in the home. Alcohol is widely available, the Liquor Act 59 of 2003 and the Prevention of and Treatment for Substance Abuse Act 70 of 2008 aim to reduce the demand and harm associated with substance abuse and include prevention programmes and treatment facilities; however, the Liquor Policy aligned to WHO guidelines has yet to be adopted/implemented.

The lack of affordable private housing and long waitlists for public housing forces women to remain in – or return to – unsafe homes.²⁴ The Housing Act 107 of 1997 and supporting policies do not recognise domestic violence as 'forced eviction'.ⁱⁱⁱ Regulation of the online environment is weak, although the Cyber Crimes Act 19 of 2020 criminalises harmful communications, there is little attention paid to tech-facilitated violence against women and children. Furthermore, critical guidelines developed by the Films and Publications Board including the Draft Industry Code on Prevention of Online Harm (2023), Draft Guidelines on Peer-to-Peer Video Sharing, Draft Guidelines to Determine Whether Content is Harmful are voluntary rather than binding legal instruments.

ii The definition of domestic violence in SORMA now includes exposing a child to domestic violence. This means to intentionally cause a child to— (a) see or hear domestic violence; or (b) experience the effects of domestic violence (section 1).

iii The UN Committee on ECSR in its General Comment No. 7 recognised domestic violence as a form of forced eviction: 'Forced eviction' is the permanent or temporary removal of individuals, families or communities against their will from the home or land they occupy, without their being provided with legal and other forms of protection.

Prevention and early intervention

It is important to intervene early and supporting vulnerable families has the potential to stop violence from reoccurring and becoming more intense or even fatal. Domestic violence is one of the most common reasons for women to present at healthcare facilities, yet injuries and other consequences resulting from domestic violence are seldom documented or identified as such by healthcare professionals.²⁵ Whilst there is no legislation that compels healthcare workers to screen for domestic violence, a range of existing laws provide for or imply that screening should be conducted as part of routine care.²⁶ In particular, the General Ethical Guidelines for Reproductive Health 2025 draws on the DVA definitions of domestic violence and reminds HCWs that child can be victims.²⁷ It advises healthcare professionals to respond to domestic violence by gently screening for abuse, assessing risk, providing supportive care, documenting evidence, informing patients of their rights and legal options, referring them to appropriate services, and developing a safety plan when reporting is uncertain. The DVA provides for the issuing of protection orders to stop perpetrators from committing further acts of violence against the victim – it is early intervention measure. SAPS are also bound to assist the complainant to find suitable shelter and to obtain medical treatment.

Response services

The Services Charter for Victims of Crime and the Minimum Standards on Services for Victims of Crime prioritise women and children who have been experienced violence. These documents emphasise the rights of victims to fair treatment, dignity, privacy, access to information and protection. They require that services are empowering and enabling, and establish a complaints procedure to hold the state accountable when service delivery fails to meet these standards.

Minimum Standards on Shelters for Abused Women specifies that shelter services must provide for basic needs (eg accommodation, food and clothing) as well as support, counselling and skills development. It clearly recognises the needs of children and advocates for a family centred approach with a range of differentiated and integrated services across the continuum of care including assessment and access to therapeutic support.²⁰ However, it does not clarify how shelters should be financed. The National Strategy for Shelters for Victims of Crime and Violence in South Africa 2013 – 2018 recognises that shelters must provide safe, secure, and

protective services to all victims of crime and violence. This national strategy requires provinces to fund shelters and develop provincial strategies in partnership with civil society organisations, but none of these frameworks have legally binding provisioning clauses to fund psychosocial care.

The Mental Health Care Act 17 of 2002 does not explicitly mention trauma counselling or victim support services; however, its broad mandate to provide treatment and rehabilitation services can be interpreted to include trauma counselling. The National Mental Health Policy Framework (2023 – 2030) guides the implementation of the Act and recognises the impact of violence on mental health but does not mention trauma-informed care. The Victim Support Services Bill aims to plug the gap and establish psychosocial services for victims of violent crime and gender-based violence.²⁸ The Bill promotes the rights of victims, which includes the right 'to be treated with dignity and privacy', and to receive information and assistance, and it sets out which facilities must be available to victims and the standards they must meet. It aims to prevent secondary victimisation by enforcing the implementation of a code of conduct to ensure that employees of 'relevant departments, associated professions and service providers' are sensitive to victims of GBV. It would plug the gap in the legislative framework on the provision of services for women – but the draft was heavily criticised for the over regulation of the women's sector and holding small service providers criminally liable for failure to meet unobtainable standards. While short-term shelters exist, South Africa offers limited long-term housing support for survivors of GBV, and transitioning to permanent housing remains a challenge.

Criminal Justice

The Criminal Procedure Act 51 of 1977, Criminal Law Amendment Act 105 of 1997 (Sentencing) and Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 criminalise sexual abuse and rape, and guide the arrest, prosecution, conviction and sentencing of perpetrators of violence against women and children. These Acts also contain protective measures for vulnerable victims and witnesses. Recent amendments to the criminal law include broadening the scope of victims who can use court intermediaries^{iv} and providing for the use of sign language; placing all offenders on the National Register of Sex Offenders; increasing the number of sexual offences courts (SOC) and passing national guidelines to ensure that SOCs are victim-centred and provide

iv Court intermediaries are specially trained professionals appointed by the court to assist vulnerable witnesses – children, individuals with mental disabilities, and older persons – during legal proceedings. Their role is to facilitate communication between the witness and the court by relaying questions in a way that is developmentally appropriate, understandable and sensitive to the witness's needs. The use of intermediaries allows the victim to sit in another room, avoids hostile cross-examination and reduces secondary victimisation.

Table 6: Legislation and frameworks for the prevention of violence in South Africa

	Violence against children		Violence against women	
International	United Nations Convention on the Rights of the Child Prevent violence against children, protect children from further harm, support and treat children who have experienced violence		Convention on the Eliminations of all Forms of Discrimination Against Women (CEDAW)	United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power Universal Declaration of Human Rights (UDHR) Upholds the principle of non-discrimination on the basis of gender
Regional	The African Charter on the Rights and Welfare of the Child Prohibits child abuse, and harmful cultural practices	The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa Expands on women's human rights in relation to GBV to eliminate all forms of discrimination	SADC Protocol on Gender and Development Requires States Parties by 2025, to enact and enforce legislation prohibiting all forms of GBV; and ensure that perpetrators of GBV are tried by a court of competent jurisdiction	African Charter on Human and People's Rights Guarantees the rights to freedom from discrimination; equality before the law and equal protection of the law; and personal liberty, including security of the person African Convention on Ending Violence Against Women and Girls 2025 first regional framework addressing intersections.
National	Constitution of the Republic of South Africa, Act 108 of 1996 Protects the rights of all South Africans to equality, dignity and freedom from all forms of violence, maltreatment, abuse and exploitation while having access to justice and fair treatment			
	Domestic Violence Act 116 of 1998 Provides victims of domestic violence with protection from abuse, accounting for the variety of family and co-residential relationships in South Africa	Domestic Violence Amendment Act 14 2021 Extends the definition of domestic violence to include victims of assault to any form of intimated relationship, includes online protection orders	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA) Gives expression to the right to equality, Section 8 stipulates that no person may be unfairly discriminated against on the grounds of gender, expressly including GBV	Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 Defines rape, sexual assault, compelled rape or sexual assault, and the compelling of persons older than 18 years to witness a sexual offence. Differs from the DVA in that the DVA characterises the relationship between victim and perpetrator as 'intimate' whereas the Sexual Offences Act does not
	Children's Act 38 of 2010 Holistic range of interventions for children, and their families, including prevention and early intervention programmes, child protection services and therapeutic and aftercare services	National Child Care and Protection Policy 2019 Prohibits corporal punishment in the home, provides for a continuum of care including programmes for children in conflict with the law	Criminal and Related Matters Amendment Act 12 of 2021 Accused only granted bail under exceptional circumstances with victims heard in court before bail is decided and before parole decisions are made	Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act 13 of 2021 Recognises sexual intimidation as an official offence, increases reporting duty for those who suspect child abuse, extends national register for sex offenders to all perpetrators and making it public
	Sector Funding Policy (SFP) Ensures equitable funding for social services and reserves funding for prevention programmes	National Policy Guidelines for Victim Empowerment (NPGVEP) Promotes a victim-centred, rights-based approach to response services and ensures a coordinated, multisectoral and departmental approach to address the needs of victims		
		National Policy Framework: Management of Sexual Offence Matters Attempts to enhance the NPGVEP, recognises LGBTQI+, immigrants and refugees and awaiting trial detainees and incarcerated offenders		
	National Development Plan 2012 Aims to have all people living in South Africa feel safe and have no fear of crime by 2030; through strengthening the criminal justice system, creating a professional police service, demilitarising the police, having an integrated approach to safety, building community participation and addressing the underlying root cause of violence			
	National Strategic Plan on Gender-Based Violence and Femicide (NSP-GBVF) Is the overarching strategic policy and programming framework			
	2016 White Paper on Safety and Security Promotes an integrated and holistic approach to safety and security, recognising the role of the state, civil society, private sector and citizens to achieve this	2016 White Paper on Policing Separates 'police focused' from broader policy on safety and security, and aligns police services to rest of public service	Integrated Crime and Violence Prevention Strategy 2022 Involves state beyond policing at national, provincial and local levels to respond to crime-related issue in a coordinated and focused manner	Community Safety Forums Policy Provides a framework for integrated, localised safety planning that is coordinated and aligned to national and provincial priorities

Adapted from: Amisi MM, Naicker SN. Preventing violence against women and children: An evidence review. *ISS Southern Africa Report*. 2021, 2021(46):1-44.

a range of victim support services. Anyone with an interest in the well-being of the victim, including family members, can now apply for a protection order with the written consent of the victim. This allows third parties to apply where the victim is ambivalent, in denial or fearful of retribution. Other measures include online application processes and the ability to serve notices electronically within 24 hours.

Is the entire life course covered?

Laws and policies should address all stages of the life course. However, vulnerabilities increase during pregnancy, the early years and adolescence,²⁹ so laws and policies should recognise and respond to specific needs at these stages.

Pregnancy and the early years: The Maternal Perinatal and Neonatal Health Policy³⁰ and related guidelines³¹ identify intimate partner violence (IPV) prevention as a vital intervention. IPV is associated with poor maternal and child health outcomes, and healthcare workers (HCWs) can play a central role in identifying abuse, conducting safety assessments and referring patients. The guidelines prompt HCWs to respond empathetically and outline reporting duties and the importance of addressing secondary trauma. Violence during pregnancy is addressed in health policies but does not translate into critical tools such as the Road to Health Book – (see p. 53). The National Integrated Early Childhood Development Policy recognises that young children are particularly vulnerable to abuse and neglect, often within their own families, and emphasises the need for targeted interventions to protect and support children during this formative period.³² It advocates for screening, assessment and referrals of pregnant women and mothers of young children for mental health, substance abuse and domestic violence. Counselling and prevention services to strengthen families, reduce stress, and decrease the likelihood of violence occurring within the home.

Adolescence: The Department of Basic Education (DBE) has published a suite of laws, policies and strategies to address school-based violence and risk factors affecting learners. Key legislation includes the South African Schools Act 84 of 1996 and the Basic Education Laws Amendment Act 32 of 2024 which ban corporal punishment and impose stricter penalties for violations. Despite these measures, 20% of learners in KwaZulu-Natal still experienced corporal punishment in 2024.³³ The Life Orientation curriculum promotes life skills, sexual abuse awareness and healthy relationships. DBE's Care and Support for Teaching and Learning Programme is being enhanced to foster peacebuilding. Preventing violence is a priority area in the National Adolescent and Youth Health Policy along with services to promote mental health and remove attitudinal barriers to

service access. Goals include the provision of 24-hour, easily accessible post-violence treatment in non-judgemental settings; referrals to counselling services; the rollout of evidence-based gender-based transformative programmes and school-based violence prevention programmes (see Schools chapter on p.72).

The Older Persons Act 13 of 2006 does not refer explicitly to IPV or GBV, but it does address abuse in all forms, including those that can occur within intimate or domestic relationships.

Are vulnerable groups protected?

Discrimination on the grounds of sexual orientation intersects with and compounds risks of the GBV, and LGBTQI+ activists and scholars have called for the constitutional rights to equality and dignity to be translated into special protections in the legal framework.³⁴ There is now a dedicated law that addresses the intersection of gender-based and homophobic violence. The Prevention and Combating of Hate Crimes and Hate Speech Act 16 of 2023, defines a hate crime as any offence motivated by prejudice or intolerance toward the victim's actual or perceived characteristics, such as sexual orientation, race or gender. The conviction will be explicitly recorded as a hate crime in the offender's criminal record, and their sentence may be more severe as prejudice is considered an aggravating factor. The law also contains directives on training and other measures to be undertaken by the police and the prosecution services.

Does the law contain clear mandates for coordination and leadership?

Intersectoral collaboration helps to reduce duplication of services, saves money and results in joined up services for users.³⁵ Promoting intersectoral collaboration includes developing shared strategies and plans, a common language, intersectoral training and common indicators to monitor progress.³⁶ The NSP-GBVF incorporates these elements and establishes a structure to drive implementation — the National Council on Gender-Based Violence and Femicide (Council). However, the Council is yet to be established as the *National Council on Gender-Based Violence and Femicide Act 9 of 2024* was returned Parliament following objections from civil society. Concerns include the balance between civil society and government representatives, the Council's lack of authority to drive change,³⁷ potential duplication with the Commission on Gender Equality,³⁸ and inadequate resourcing^{37, 39}.

The National Policy Guidelines for Victim Empowerment outline institutional arrangements for coordinated victim support, define departmental roles, and provide for Victim Empowerment Management Forums to oversee implementation

Case 20: Protecting LGBTQI+ learners from discrimination and psychological violence

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In South Africa, learners who identify as lesbian, gay, bisexual, transgender, queer, intersex, or otherwise gender non-conforming (LGBTQI+) are often forced to navigate school environments that are not only uninformed but actively hostile. For adolescents who are in the process of coming out or transitioning, school can become a site of psychological violence, bullying, public humiliation and institutionalised exclusion.^{53, 54}

For example, a group of lesbian and trans girls at a high school in rural Western Cape began wearing uniforms that aligned more closely with their gender identities and expressions. The school then demanded that they write formal letters to the principal. The lesbian identified girls were told to "declare" that they were now identifying as boys, and the two trans girls to state they were identifying as girls and would be treated "accordingly". The school claimed this was necessary to "maintain order" and to avoid "confusion" among staff and other learners.

Rather than recognising gender identity as an inherent, self-determined aspect of a person's dignity, the school imposed a binary framework, and it weaponised bureaucracy to police learners' identity.⁵⁵

This violates children's constitutional rights:

- The distinct treatment of these LGBTQI+ learners constitutes direct discrimination based on sexual orientation and gender identity (Section 9).
- Forcing minors to write letters that disclose, deny or rationalise aspects of their identity under institutional pressure, amounts to a breach of their right to bodily and psychological integrity (Section 12) and undermines their dignity (Section 10).
- In doing so, the school undermined the best interests of the child (Section 28(2)) by creating a hostile environment that further traumatised vulnerable adolescents.

The absence of clear, enforceable policies and protections leaves LGBTQI+ adolescents at the mercy of individual school leadership, governing bodies and educators, many of whom lack the training, political will or support to address incidents of discrimination, bullying or exclusion.^{56, 57} Schools and educators are left to interpret issues of gender and sexuality based on personal beliefs, misinformation, disinformation in the midst of the anti-gender movement, or conservative community pressure.^{53, 58} This puts LGBTQI+ learners, especially Black, rural and working-class youth at disproportionate risk.

The urgent need for SOGIESC protections in South African schools

The Department of Basic Education's 2021 draft Guidelines for the Socio-Educational Inclusion of Diverse Sexual Orientation, Gender Identity, Expression and Sex Characteristics (SOGIESC) held promise as a proactive, system-wide intervention. The Guidelines adopt a whole school approach, and place a responsibility on the principal, management team, school governing body, educators, learners and parents to create an inclusive environment that respects the dignity of all learners. They promote the use of gender-neutral language, affirm learners' rights to wear uniforms that align with their gender identity and to be referred to by their chosen names and pronouns, and provide for supportive health services and physical infrastructure eg bathrooms and changing rooms.⁵⁹

The stalling of this process sends a chilling message: that the rights of queer learners are still negotiable.⁵⁴ Resistance to the SOGIESC guidelines is not a minor bureaucratic delay, it is a form of systemic violence that denies vulnerable learners much needed protection.

ⁱ Triangle Project

and evaluation of services. Similarly, the Integrated Crime and Violence Prevention Strategy emphasises local participation and community leadership in GBV prevention and response. Mandates for intersectoral coordination are embedded in most key laws and policies. For example, the National Policy Guidelines for Victim Empowerment, National Integrated Early Childhood Development Plan, Older Persons Act 13 of 2006, Children's Act and White Paper on Safety and Security all emphasise

collaboration and establish inter-departmental structures to integrate, coordinate and monitor the implementation. Granting a mandate for coordination to multiple structures and bodies perpetuates the struggle for power.⁴⁰ Even when they provide clear responsibilities and roles for different stakeholders, the absence of a single overarching governance structure continues to hinder integrated service delivery. In addition, these structures predominantly take a top-down approach to

coordination and need to be complemented with community-based coordination to ensure integrated service delivery on the ground – see Coordination chapter on p.125.

Is there provision of sustainable funding and resources?

Violence has a huge cost to society and places a financial burden on the economy,⁴¹ and there is a compelling economic argument for strategic investment in services to prevent and respond to VAC and VAW – see Finance chapter on p. 138. However, in a country with limited resources, funding policy needs to maximise the value of expenditure. This means that policy should reduce the fragmentation and duplication of services, and invest strategically in long-term programming to ensure sustainability.^{42, 43} It should also be flexible to allow organisations from different sectors to provide holistic services to both women and children. Currently, civil society organisations shoulder much of the victim support burden, often with inadequate and inconsistent government subsidies,⁴⁴ leading to criticism from the international community.⁴⁵ Although the Children's Act obliges provinces to fund child protection services, spending on prevention programmes is discretionary. There is no legal mandate to provide funding for violence prevention services and no operational funding policy.

In 2023, after years of deliberation and consultation, National DSD published the draft Sector Funding Policy (SFP).⁴⁶ The SFP sets a standard for how provincial DSDs fund social services including those provided for by NGOs. It aims to ensure that existing services are equitably funded and to progressively expand access to developmental social services going forward. It lists priority services and provides a method for determining how much will be allocated for specific services – including reserving a proportion for prevention services such as parenting programmes, GBV prevention, substance abuse and social crime prevention among young people.^v However, the current status of the policy is uncertain. National DSD has stopped referring to it in its Annual Performance Plan,⁴⁷ and it is not being followed by the provinces as evidenced by funding cuts in Gauteng and KwaZulu-Natal.⁴⁸

What are the opportunities for strengthening the policy framework?

The South African Law Commission's Project 151: Review of the Criminal Justice System proposes reforms to the Criminal Procedure Act (CPA) and related laws to improve efficiency and fairness and to foster a more victim-centred justice system.⁴⁹ Key recommendations include expediting bail applications and

regulating adult diversion and alternative dispute resolution (ADR) in criminal matters to ensure that restorative justice principles are applied consistently and equitably. Offences that could be referred to ADR include domestic violence, contravention of protection orders, rape, sexual assault and attempted murder. Proposals include personalised and targeted diversion programmes such as anger management to decrease GBV.

There are several opportunities to strengthen the policy framework:

- Finalise the National Council on Gender-Based Violence and Femicide Act and establish the GBV Council.
- Insert provisioning clauses into the Victim Support Services Bill to mandate national and provincial governments to ensure adequate funds to respond to VAC and VAW.
- Implement the Sector Funding Policy to ensure sustainable support for NGOs and encourage long-term provincial investment in critical services.
- Prioritise violence prevention in the forthcoming review of the NIECD Policy and introduce clear mandates for coordination.
- Regulate alcohol sales and advertising through the Liquor Amendment Bill [B21-2025] to reduce consumption and harmful social norms surrounding alcohol use.
- Align the Children's Act with the DVA by inserting definitions and introduce identification and referral mechanisms for caregivers who have experienced violence.

Conclusion

An enabling policy environment is essential for addressing the root causes of violence, and effectively preventing and responding to violence against women and children. The NSP-GBVF sets out the strategic vision to address and combat gender-based violence and femicide in South Africa. It seeks to strengthen the implementation and enforcement of a wide range of existing laws and calls for reform where gaps or weaknesses are identified. Overall, the legal framework provides for a continuum of services, but there is a greater emphasis on criminal justice and response services than on prevention and psycho-social support. Different population groups are covered by different laws and policies leading to the fragmentation of services and competition for resources. Integrated services have proven impact and improve the outcomes for women and children,³⁵ but breaking the historical silos requires a legal and policy framework that has clear roles and responsibilities for different sectors and duty bearers, along with mandates for coordination and leadership. This needs to

^v The Violence Prevention Forum has developed a series of short guides to help NPOs and other stakeholders to understand the specifics of the policy and how it will affect them see: Social Development: Sector Funding Policy - Violence Prevention forum

go beyond creating more national coordination structures to provide tools that support integrated case management and interdisciplinary, cross-sectoral training; mechanisms for joint leadership and decision-making; and shared indicators to promote mutual goals and accountability.

From a life-course perspective there is little specific provision for pregnant women, young children and adolescents. Children are a subsidiary focus of the NSP-GBVF and the needs of boys as the victims of violence and as group at risk of exposure to violence in the home and community are poorly considered. Incorporating men and boys into prevention strategies would help address the root causes of violence and promote healthier masculinities.⁵⁰

Long-term sustainable funding of integrated programmes and fair compensation for NGOs would ensure that they could invest in reaching strategic goals rather than compete for survival or donor priorities.

South Africa's laws and policies provide for a broad array of services and a framework for coordination. While there is

still room to improve and strengthen the legal framework, the major concern is the implementation gap. The lived experiences of women and children indicate that legislative measures alone are insufficient to safeguard them from violence.⁵¹ The diagnostic review assessing the efficacy of programmes and institutions designed to combat violence against women and children uncovered systemic deficiencies and highlighted a pervasive lack of political commitment to effectively address the escalating prevalence of such violence.⁵² Services across the board remain underfunded (see Finance chapter on p.138), and fragmented (see Coordination chapter on p. 125), and professionals are not trained to deal with trauma (see Human resources chapter on p. 151). As a result, survivors often face systemic failures in law enforcement, healthcare, social welfare services and the justice system, which compound their trauma and perpetuate a cycle of violence. Refining the legal framework will only help transform society if it is coupled with effective implementation of the existing laws and policies.

References

1. United Nations General Assembly. *United Nations Convention on the Elimination of All Forms of Discrimination Against Women*. New York: UN. 1979. <https://www.refworld.org/legal/agreements/unga/1979/en/13757>
2. Office of the United Nations High Commissioner for Human Rights. *Convention on the Rights of the Child, UN General Assembly Resolution 44/25*. Geneva: United Nations. 1989.
3. Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) and ESCR-Net. *The International Covenant on Economic, Social and Cultural Rights at 50: The significance from a women's rights perspective*. 2016. https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/5ab3db6af950b7622d6c1737/1521736562722/The_ICESCR_at_50_en.pdf
4. African Union. *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. Addis Ababa: AU; 2003.
5. African Union. *Convention on Ending Violence against Women and Girls*. Addis Ababa: AU. 2025.
6. Gai A. A Call to Action: Strengthening the AU Convention on Ending Violence Against Women and Girls [Internet]: Global Campus of Human Rights. 2025. [cited 4 September 2025]. Available from: <https://repository.gchumanrights.org/items/e918b9db-0b17-4423-812b-6ca80823441a>.
7. United Nations General Assembly. *Transforming Our World: the 2030 Agenda for Sustainable Development, A/RES/70/1*. Geneva: UN. 2015. [Accessed 24 July 2025: <https://www.refworld.org/legal/resolution/unga/2015/en/111816>
8. African Union. *Agenda 2063: The Africa we want. (Assembly/AU/Dec. 565(XXIV))*. African Union Assembly. Addis Ababa: AU. 2015. <https://au.int/en/agenda2063/overview>
9. African Committee of Experts on the Rights and Welfare of the Child. *AGENDA 2040, Africa's Agenda for Children: Fostering an Africa fit for children*. 9 November 2016. Maseru: ACERWC. 2016. https://au.int/sites/default/files/newsevents/agendas/africas_agenda_for_children-english.pdf
10. World Health Organization. *INSPIRE: Seven strategies for ending violence against children*. Luxembourg: World Health Organization. 2016.
11. World Health Organization. *RESPECT - Seven strategies to prevent violence against women: key messages*. Advocacy brief. Geneva: World Health Organization. 2020. [Accessed 6 October 2025: <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2019/RESPECT-Women-Preventing-violence-against-women-Key-messages-en.pdf>
12. Constitution of the Republic of South Africa. Act 108 of 1996.
13. Proudlock P, Mathews S, Jamieson L. Children's right to be protected from violence: A review of South Africa's laws and policies. In: Proudlock P, editor. *South Africa's Progress in Realising Children's Rights: A Law Review*. Cape Town: Children's Institute University of Cape Town and Save the Children; 2014.
14. Mahlangu P, Gibbs A, Shai N, Machisa M, Nunze N, Sikweyiya Y. Impact of COVID-19 lockdown and link to women and children's experiences of violence in the home in South Africa. *BMC Public Health*. 2022, 22(1):1029
15. Graaff K, Heineken L. Masculinities and gender-based violence in South Africa: A study of a masculinities-focused intervention programme. *Development Southern Africa*. 2017, 34(5):622-634
16. Department of Women Youth and Persons with Disabilities. *National Strategic Plan on Gender-Based Violence and Femicide*. Pretoria: DWYPD. 2020.
17. Centre for Child Law. *An Assessment of the National Strategic Plan on Gender Based Violence & Femicide: A child rights perspective*. Pretoria: University of Pretoria. 2022.
18. Department of Social Development. *National Child Care and Protection Policy*. Pretoria: DSD. 2019.
19. Republic of South Africa. *Integrated Crime and Violence Prevention Strategy*. Pretoria: Government Printers. 2022.
20. Department of Social Development. *Minimum Standards on Shelters for Abused Women*. Pretoria: DSD. 2001.
21. Ryan J, Esau MV, Roman NV. Legislative response to family violence in South Africa: A family centered perspective. *Aggression and Violent Behavior*. 2018, 42:1-8. <https://doi.org/10.1016/j.avb.2018.06.009>
22. Amisi MM, Naicker SN. Preventing violence against women and children: An evidence review. *ISS Southern Africa Report*. 2021, 2021(46):1-44
23. Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, (2007).
24. Combrinck H. Access to housing for women who are victims of gender-based violence. *ESR Review: Economic and Social Rights in South Africa*. 2009, 10(2):2-6
25. Aschman G, Meer T, Artz L. Behind the screens: Domestic violence and healthcare practices. *Agenda*. 2012, 26(2):51-64
26. Artz L, Meer T, Aschman G. Legal duties, professional obligations or notional guidelines? Screening, treatment and referral of domestic violence cases in primary healthcare settings in South Africa. *African Journal of Primary Healthcare and Family Medicine*. 2018, 10(1):1-7
27. Health Professionals Council of South Africa. *Guidelines for Good Practice in the Health Care Professions: General ethical guidelines for reproductive health*. Booklet 8. Pretoria: HPCSA. 2025.
28. Victim Support Services Bill [B - 2020].
29. Richter L, Mathews S, Kagura J, Nonterah E. A longitudinal perspective on violence in the lives of South African children from the Birth to Twenty

- Plus cohort study in Johannesburg-Soweto. *South African Medical Journal*. 2018, 108(3):181-186
30. Department of Health. *Maternal Perinatal and Neonatal Health Policy* Pretoria: NDoH. 2021.
 31. Department of Health. *Integrated Maternal and Perinatal Care Guidelines for South Africa* Pretoria: NDoH. 2024.
 32. Republic of South Africa. *National Integrated Early Childhood Development Policy*. Pretoria: Government Printers. 2015.
 33. Statistics South Africa. *General Household Survey 2024. Statistic Release P0318*. Pretoria: Stats SA. . 2025. <https://www.statssa.gov.za/publications/P0318/P03182024.pdf>
 34. Gaitho W. Curing corrective rape: Socio-legal perspectives on sexual violence against black lesbians in South Africa. *Wm & Mary J Race Gender & Soc Just*. 2021, 28:329
 35. Bacchus LJ, Colombini M, Pearson I, Gevers A, Stöckl H, Guedes AC. Interventions that prevent or respond to intimate partner violence against women and violence against children: A systematic review. *The Lancet Public Health*. 2024, 9(5):e326-e338
 36. Violence Prevention Alliance. *Violence Prevention Through Multisectoral Collaboration: An international version of the collaboration multiplier tool to prevent interpersonal violence*. World Health Organization. 2020. [Accessed 6 October 2025: <https://www.who.int/publications/m/item/violence-prevention-through-multisectoral-collaboration>
 37. Committee Calls for Accountability and Funding to Combat Gender-Based Violence and Femicide [press release]. 18 June 2025.
 38. Portfolio Committee on Women Youth and Persons with Disabilities calls for accountability and funding to combat gender-based violence and femicide [press release]. Cape Town: Parliamentary Communication Services.18 June 2025.
 39. Bhana A. Government's gender-based violence plan lacks funds. *Mail&Guardian*. 5 June 2025. <https://mg.co.za/news/2025-06-05-governments-gender-based-violence-plan-lacks-funds/>.
 40. Vetten L. *The Perpetual Motion Machine: National coordinating structures and strategies addressing gender-based violence in South Africa*. Johannesburg: Mapungubwe Institute for Strategic Reflection. 2021.
 41. Hsiao C, Fry D, Ward CL, Ganz G, Casey T, Zheng X, Fang X. Violence against children in South Africa: The cost of inaction to society and the economy. *BMJ global health*. 2018, 3(1):e000573
 42. KPMG. *Too Costly to Ignore: The economic impact of gender-based violence in South Africa*. Johannesburg: KPMG. 2014.
 43. KPMG. *Report on Diagnostic Review of the State Response to Violence against Women and Children*. Johannesburg: KPMG. 2016.
 44. Vetten L, Grobbelaar M. *Rapid assessment on the financial status of non-profit organisations providing social care services*. Pretoria: Care Work Campaign and National Coalition of Social Services. 2020. [Accessed 6 October 2025: <https://nacoss.co.za/2020/08/05/rapid-assessment-on-the-financial-status-of-non-profit-organisations-providing-social-care-services/>
 45. United Nation Committee on the Elimination of Discrimination against Women. *Inquiry Concerning South Africa Conducted Under Article 8 of the Optional Protocol to the Convention*. Geneva: CEDAW. 14 May 2021 [Accessed 6 October 2025: <https://docs.un.org/en/CEDAW/C/ZAF/IR/1>
 46. Department of Social Development. *Sector Funding Policy* Pretoria: DSD. 2023.
 47. Department of Social Development. *Annual Performance Plan 2025/2026*. Pretoria: DSD. 2025.
 48. An Overview of NPO Funding and Resourcing 2020/21 – 2024/25 by Lisa Vetten: Hearing before the Portfolio Committee on Social Development, National Assembly (30 October, 2024).
 49. Commission SALR. *Project 151: Review of the Criminal Justice System. Reform of the Arrest Dispensation. Discussion paper 166*. Pretoria: SALRC. 2025. <https://www.justice.gov.za/salrc/dpapers/DP166-Project151-ArrestDispensation.pdf>
 50. Van Niekerk A, Tonsing S, Seedat M, Jacobs R, Ratele K, McClure R. The invisibility of men in South African violence prevention policy: National prioritization, male vulnerability, and framing prevention. *Global Health Action*. 2015, 8(1):27649
 51. Mathews S, Moolman B, Oppelt T, Davids J, Jamieson L. *Unravelling the Contribution of Women's Movement Activism to Transforming Gender-Based Violence Policy in South Africa: Combining stories and numbers*. Cape Town: University of Cape Town. 2024.
 52. KPMG. *Report on Diagnostic Review of the State Response to Violence against Women and Children Summary version*. 2016.
 53. Msibi T. 'I'm used to it now': Experiences of homophobia among queer youth in South African schools. *Gender and Education*. 2012, 24(5):515-533. <https://doi.org/10.1080/09540253.2011.645021>
 54. Wells H, Kiguwa P, Wirth A. A systematic review of research on LGBTQ youth in South Africa: 2000–2016. . *GALA Queer Archive Research Series*. 2016,
 55. Mkhize N, Bennett J, Reddy V, Moletsane R. *The Country We Want to Live In: Hate crimes and homophobia in the lives of Black lesbian South Africans*. Cape Town: HSRC Press; 2010.
 56. Bhana D. Under pressure: Gender, sexuality and schooling. *Agenda*. 2014, 28(1):26-34. <https://doi.org/10.1080/10130950.2014.872655>
 57. Msibi T. The lies we have been told: On (homo) sexuality in Africa. *Africa Today*. 2011, 58(1):54-77
 58. Steyn M, van Zyl M. *The Prize and the Price: Shaping sexualities in South Africa*. Cape Town: HSRC Press; 2009.
 59. Department of Basic Education. *Draft Guidelines for the Socio-Educational Inclusion of Diverse Sexual Orientation, Gender Identity, Expression and Sex Characteristics* Pretoria: DBE. 2021.