

**Remarks by Minister of Justice, Adv Michael Masutha at the
Presidential Summit on Gender-Based Violence and
Femicide, St George Hotel, Irene, Pretoria, November 1, 2018.**

Programme Director,
President Cyril Ramaphosa,
Cabinet colleagues,
Leaders of civil society,
Leaders of the women's movement,
Ladies and Gentlemen.

We are gathered in this hall this morning to discuss and hopefully find solutions to a crisis that has been ravaging our country for far too long. Women and girl children live under the shadow of violence and death at the hands of men who claim to love them.

Many have perished at the hands of the same men they thought would take care and shield them from harm. Let us rise to observe a moment of silence in their memory. Thank you.

To illustrate the gravity of the crisis at hand, I would like to share some statistics from the National Prosecuting Authority. From 2014 to date, a total of 117 811 sexual offences cases against women and children were reported.

Except for a slight drop of 816 cases between 2016 and 2017, there is neither a sign of nor an actual reduction in the number of sexual offenses cases.

More than half of the 117 811 cases, i.e. 67 342, were offenses committed against children. An additional 11 589 cases ranging from assault, crimen injuria and others were also reported, bringing the total number of crimes against women and children to 129 400.

Last year, the NPA began to collate statistics on femicide as a specific category.

During the 2017/18 financial year, 79 femicide convictions representing a conviction rate of 98.7%. were secured, with only one acquittal. In the first quarter of this financial year, 28 cases were finalised and 27 convictions were obtained, representing a conviction rate of 96.4%.

While the statistics on the rate of convictions reflect the successes of the system, much needs to be done to improve the performance and efficiency of the criminal justice system, starting with policing, the collection of evidence, the treatment of women from the reporting of cases up to the trial stage.

One of the notable and deeply concerning aspects of the incidents of sexual abuse in this country is that they occur among family members, friends and acquaintances.

Another is that many cases do not get reported to the police and it is often family, friends and community members who pressure the victims either not to report cases or otherwise withdraw them.

The concept document leading to this conference has outlined six thematic areas for discussion. These are:

- (i) Prevention;
- (ii) Laws and policies;
- (iii) Coordination;
- (iv) Response and Support;
- (v) Accountability and Resourcing, as well as;
- (vi) Communicating with the population.

This approach is correct because it appreciates the multiple dimensions and manifestations of the scourge of Gender-Based Violence and Femicide. If I may, I would like to proffer brief comments on some of these themes.

To find lasting solutions to the crisis before us, we cannot avoid a thorough examination of the multiple causalities which give rise to the widespread incidents of sexual and other violence against women and children in our society.

The statistics themselves point to a deep social malaise which we must cultivate an in depth understanding of. Some of the questions that attach to such an inquiry include, but are not limited to:

- (i) why does this terrible phenomenon manifest itself in such an ugly fashion in our country more than any other?
- (ii) why it is that a significant number of sexual crimes and femicide before our courts occur among family members, friends, acquaintances and known members of the community, and;
- (iii) whether there are specific structural factors about our society which help to fuel the crisis more than in other societies.

Left wing political economy long held that: "*The emancipation of a woman will only be possible when a woman can take part in production on a large social scale and domestic work no longer claims anything but an insignificant amount of her time.*" (Friedrich Engels, 'The Origin of the Family, Private Property and the State.')

Appreciating the interconnectedness of social phenomena as we all are, our efforts to rid society of the barbarism of Gender-Based Violence and Femicide must affirm the larger national task to affirm women to take part in production on a large social scale, thus to remove the albatross of domestic work which confines and consigns women to the position of domestic serfs and easy prey for abuse.

In the recent past, there has been lively and heated national discussion about the system of patriarchy and its impact on gender roles as a structural feature of social relations. This discussion must be encouraged.

Like any negative social consciousness which informs behaviour, defeating patriarchy requires a society that is aware and sufficiently intolerant to discriminatory social practices which negate social progress.

One would therefore like to suggest that as with race and racism, gender studies should occupy a prominent place in the social studies school curriculum at the earliest possible levels of the education system so as to promote the necessary progressive consciousness we need to defeat patriarchy and to build a non-sexist society.

The grotesque incidents of rape in our institutions of higher learning which are, if you like, the nation's mind making factories, underscore the imperative to raise society's level of consciousness on gender issues.

The law must have teeth!

In this regard, the Department of Justice is considering strengthening existing minimum sentences on sex offenders and perpetrators of femicide as part of a basket of deterrence and responsive measures to the crisis. We would welcome further suggestions about the additional legal measures that can be undertaken.

The concept document also correctly drew attention to the gap left in the coordination of activities addressing Gender-Based Violence when the National Council on Gender-Based Violence was disbanded in 2014. This conference should reflect on this gap and make the necessary proposals to correct this weakness.

In doing so, the conference will hopefully also reflect on the measures that are required to ensure that the Council becomes a truly national initiative involving communities and organised civil society countrywide.

All of us present in this room have undoubtedly noted incidents which, in the process of executing our work, some in the professions become unconscious of the prejudiced curriculum we have accumulated from our social environment so much so that we fail to hear the cries of the injured, the vulnerable and society's loud protests at what it considers a inhumane ways of going about our work.

In the end, Gender-Based Violence and Femicide take place among and between citizens. It is they who should, in the wider national interest, ultimately shoulder the responsibility for the safety and security of all our citizens, children and women in particular.

As the Egyptian writer and feminist, Nawal El Saadawi, wrote: "*Women are half the society. You cannot have a revolution without women. You cannot have democracy without women. You cannot have equality without women. You can't have anything without women.*"

I thank you.