



**SOUTH AFRICA'S RESPONSE TO THE REQUEST BY THE SPECIAL
RAPPOORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND
CONSEQUENCES ON THE COLLECTION OF INFORMATION ON PREVENTION
ACTIVITIES, INCLUDING THROUGH THE COLLECTION OF DATA ON FEMICIDE
OR GENDER RELATED KILLINGS OF WOMEN**

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1. INTRODUCTION

This report is a response from the South African Government to the request of the Special Rapporteur on violence against women, its causes and consequences dated 6 November 2020 concerning the collection of information prevention activities, including through the collection of data on femicide or gender related killings of women. The aim of this initiative by the Special Rapporteur is to focus on the prevention of femicide, through the collection of data on femicide rates at the national, regional and global levels, through an analysis of femicide cases by national multidisciplinary bodies, from a human rights perspective, in order to determine shortcomings within national laws and policies, including their lack of implementation, and to undertake preventative measures.

The Government of South Africa acknowledges that violence against women and femicide rates in the country is a scourge. Violence against women affects everyone in the country irrespective of age, race, economic status, location, gender, and sexual orientation. South Africa remains committed, including at the highest levels of Government, to addressing the issue of violence against women. His Excellency, President Cyril Ramaphosa, President of the Republic of South Africa, has personally taken leadership in championing the eliminations of this scourge in the country, and over the past three years is himself leading the fight against this pervasive atrocity, including intimate partner violence, femicide and sexual rape and offences against women and girls. Currently as the Chair of the African Union, H.E President Ramaphosa is also fostering the fight against violence against women on the African continent itself.

The South African State supports the mandate of the Special Rapporteur on Violence against Women, its Causes and Consequences, and welcomes the dedicated work of her office in also fighting this scourge at a global level. South Africa welcomes in particular the call made by the Special Rapporteur to establish a femicide watch or observatories on gender related killings of women. Furthermore South Africa welcomes the report of the Special Rapporteur to the United Nations General Assembly in September 2016 (document A/71/398) providing guidance to States on the modalities for establishing such a mechanism. The country therefore welcomes

the opportunity to provide a response to the request for information so that it would allow for an analytical response globally to addressing femicide and the gender related killing of women. In providing these responses, the Government of South Africa utilised information from various line function departments that are discharged with the duty to fight against this scourge.

2. SOUTH AFRICA'S RESPONSE

a) The existence of, or progress, in the creation of a national femicide watch and /or observatory on violence against women, or any plans to do so.

In 2018, South Africa initiated the establishment of a Femicide Watch for the country.¹ In fact, South Africa was the first country on the African continent to establish a femicide watch.

In South Africa, the national Femicide Watch contains a risk assessment tool which is primarily for use by victims of intimate partner violence. It is intended to assist them to access the potential risk / harm they face by remaining in contact with their abusers. The Femicide Watch is a webpage (<https://www.justice.gov.za/vg/femicide/index.html>) comprising news articles and information on femicide and related cases; links to sexual offences courts and shelters, as well as a safety plan to identify active steps to increase safety. This anti-femicide website provides links to: (i) a toll free emergency line; (ii) a "Please call me" line; (iii) a Skype Helpline GBV – for members of the deaf community; (iv) a SMS "help" line – for persons with disabilities; and (v) link to the National Gender Based Violence Command Centre (a 24 hour, one stop centre).

The Department of Justice and Constitutional Development has adopted a phased out approach in the development of the Femicide Watch and is currently implementing Phase 3 which entails the uploading of available femicide cases drawn from the South African Police Services and the Department of Justice and Constitutional Development data system into the new Femicide Watch Dashboard.

¹ <https://www.justice.gov.za/vg/femicide/index.html>

In South Africa there are several other stakeholders that also collect data on femicide and other forms of violence against women. These include the South African Medical Research Council (MRC); the Human Sciences Research Council (HSRC), other research institutions and bodies as well as different civil society structures and organisations.

b) Other measures or research and studies undertaken to prevent femicide or gender related killings of women, or homicide of women, by intimate partners or family members.

i. Measures undertaken to prevent femicide

In November 2018 President Ramaphosa hosted a National Summit on Gender-Based Violence and Femicide between government and civil society to jointly determine a roadmap to end the scourge of gender-based violence and killings of women and girls in the country. This followed the activism and a march by hundreds of women (#TotalShutDown) to the Presidency in March 2018, wherein the President committed to the gathering of women to host such a summit.

A Summit Declaration was developed and signed between the President of the country and women's organisations working in the field of gender based violence. This Declaration contained 24 clear demands. In October 2019, following a spate of killings of mainly young women by intimate partners, the President and National Parliament championed a six-month emergency response action plan and committed R1.6bn (through reprioritisation within the relevant departments) to this process to fight against this scourge and to increase by victims to services. While this was ongoing, Government, in collaboration with civil society reviewed the National Programme of Action 2011-2018 and developed a comprehensive National Strategic Plan to eliminate the scourge of gender based violence and femicide.

The South African government approved the Gender-based Violence and Femicide National Strategic Plan in March 2020. The National Strategic Plan aims to provide a multi-sectoral, coherent strategic policy and programming framework to strengthen 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. The strategy seeks to address the needs and challenges faced by all - especially across age, sexual orientation, sexual and gender identities; and specific groups such as elderly women, women who live with disabilities, migrant women and trans-gender women - who are affected and impacted by the gender-based violence scourge in South Africa.

The President has called for weekly reports to be submitted to him on the progress being made in implementing the national strategic plan and this has been ongoing since the start of the COVID-19 lockdown in the country. Furthermore, as part of its oversight mandate, National Parliament has developed a GBVF Oversight Framework for the 6th Parliament of South Africa, which was released in October 2020. The intention is that the National Parliament will hold the various government departments, provincial and local government structures to account in terms of their responsibilities in fighting the scourge of gender based violence and femicide in the country in line with the National Strategic Plan.

The Government of South Africa is also strengthening and tightening the rule of law as a deterrent to address and eliminate the scourge of gender based violence and femicide in the country. Thus three existing laws have been amended earlier this year and are currently in National Parliament undergoing the processes for finalising the bills to enact them into laws. These are: (i) the Domestic Violence Amendment Bill [B20-2020]; (ii) Criminal and Related Matters Amendment Bill [B17-2020]; and (iii) Criminal Law (Sexual Offences) Bill [B16-2020]. The country is also exploring the issue of on-line protection orders to victims especially in the times of the COVID-19 pandemic and the scourge of domestic violence in confined spaces.

Furthermore one of the Summit Declaration is the establishment of a National Council on Gender Based Violence. This process is currently initiated in the country.

ii. Research and studies undertaken on femicide, in particular intimate partner violence

There have been ongoing research in the country on gender based violence in general, and on femicide in particular. This includes research conducted by

government departments, research institutions as well as civil society organisations and individual researchers. The intention of these different types of research undertakings are in the main to understand the extent of the problem, the root causes and to make recommendations for prevention and or elimination of the scourge.

The South African Medical Research Council undertook a study in 1999 and followed it up in 2009 on “Understanding Intimidate Femicide in South Africa”. In August 2020, the Medical Research Council announced to National Parliament that it is undertaking the third Femicide study based on 2017 data. Due to its multi-faceted approach and lengthy processes, the results will only be published in 2021.

The Government of South Africa conducted a Diagnostic Review of the State’s Response to Violence against Women and Children, published in 2017, which reviewed both the institutional and programmatic mechanisms by which the state addresses violence against women and children. The review considered the ‘whole of government’ response, covering overarching challenges faced by key departments with roles in addressing violence against women and children. It considers the state response across the three spheres of government: national, provincial and local. The Review proposed six (06) recommendations which has guided government’s response and programme.

The national statistical office of Government, Statistics South Africa, releases its Crime Statistics Series. This is a publication series which provide an in-depth analysis of the Victims of Crime Survey data by Statistics South Africa. The purpose of the report is to highlight the gender impact of crime in South Africa, with particular emphasis on the impact of crime on women. This includes the impact of crime on households headed by women. Statistical evidence provided in this report may assist policy makers, law enforcement agencies and civil society to gauge progress and plan interventions for protecting women as a vulnerable group². The most recent report released in 2019/20 by Stats SA is “Crime against Women in South Africa, 2018.

Other research studies undertaken in the country include the following: (i) “Femicide – a case study on Members of the South African Police Service”, 2009 by the

² <https://www.justice.gov.za/vq/femicide/docs.html>

Independent Complaints Directorate, Republic of South Africa; (ii) “Understanding Intimate Femicide in South Africa” by S, Mathews as a thesis completed by published work for the degree of Doctor of Philosophy, University of Witwatersrand, June 2010; (iii) “Mortality of Women from intimate partner violence in South Africa: A National Epidemiological Study” by Abrahams N, Martin LJ, Mathews S, Vetten L and Lombard C, 2009 [Violence and Victims, Vol 21, No 4]; (iv) “Injury Patterns of Female Homicide in South Africa: Findings from a National Study, Journal of Trauma” by Mathews S, et al, 2009 (Vol 67(1)); (v) “Alcohol Use and Its Role in Female Homicides in the Western Cape, South Africa” by Jewkes R, et al, 2009 [Journal of Studies on Alcohol and Drugs, 70(3)]; (vi) “Intimate Femicide-Suicide in South Africa”, WHO Bulletin 86(7) by Vetten L, et al, 2008; (vii) “I had a hard life”: Exploring childhood diversity in the shaping of masculinities among men who killed an intimate partner in South Africa, March 2010 by Abrahams N, et al.

c) Information on the results of analysis of femicide cases, including the review of previous court cases and actions undertaken in this respect.

Violence against women (often referred to as GBV) is a common crime type. It is, however, serious and takes on many forms. The murder of an intimate-partner is the most extreme consequence of GBV. Due to the prevalence of intimate-partner violence against women, the National Prosecuting Authority in South Africa renewed its commitment to prioritise its resources in order to address the surge in gender-based violence, and to monitor the results of this intervention.

A total of 87 cases of intimate partner violence were finalised during the 2019/2020 reporting year, with only two acquittals. This represents a conviction rate of 97.7%³ of finalised cases. Approximately 97% conviction rate was recorded for Intimate Partner femicide finalised in 2018/19 and 98.7% in 2017/18 reporting period.

Murder – Intimate Partner Femicide	2017/18⁴	2018/19⁵	2019/20⁶
No of Intimate Partner Femicide cases finalised	79	66	87
No of Intimate partner femicide cases with convictions	78	64	85
No of Intimate partner Femicide cases with Acquittals	1	2	2
Conviction rate	98.7%	97%	97.7%

³ Annual Report : National Director of Public Prosecutions – 2019/20 https://www.npa.gov.za/sites/default/files/annual-reports/NPA%20Annual%20Report%202019-2020_0.pdf

⁴ Annual Report: National Director Of Public Prosecutions 2017/2018 <https://www.npa.gov.za/sites/default/files/annual-reports/NDPP%20Annual%20Report-%202017-18.pdf>

⁵ Annual Report: National Director Of Public Prosecutions - 2018/19 <https://www.npa.gov.za/sites/default/files/annual-reports/NDPP%20Annual%20Report%20-2018-19.pdf>

⁶ Annual Report : National Director of Public Prosecutions – 2019/20

Review of some notable murder cases related to intimate partner femicide

i. State versus Thabani Mzolo:

Thabani Mzolo was sentenced to **life imprisonment** in the KwaZulu-Natal High Court in Durban, having been found guilty of murdering his girlfriend, Zolile Khumalo. Mzolo was sentenced to an **additional 28 years for the possession of an illegal firearm** and three live rounds of ammunition. Mzolo and Khumalo, both students at the Mangosuthu University of Technology, were in a relationship that ended in April 2018. Mzolo was angered by this and, on 1 May 2018, he entered Khumalo's student residence armed with a semi-automatic firearm. He confronted Khumalo in her room, reprimanded her for making a fool out of him, and shot her in the head and chest.

Mzolo's defence in court was that the firearm went off during a struggle with Khumalo. However, Senior State Advocate Nadira Moosa led the testimony of two witnesses who were in the room when the shooting occurred, and voice recordings on Mzolo's cellphone from shortly after the shooting contained a confession that he had killed Khumalo. In mitigation of sentence, Mzolo's lawyer, Advocate Bonokwakhe Dlamini, said he was remorseful and had apologised to Khumalo's family. Moosa refuted this, saying the apology only came 18 months after the crime was committed, and that Mzolo had believed he had a right to take Khumalo's life because she had the audacity to end their relationship. Moosa argued that the evidence revealed the accused to be a ruthless and cold-hearted killer, who had calmly and unemotionally reported the crime to his friends on Facebook while her body lay metres away from him. Moosa argued further that in a crime of this nature, which was planned and calculated, the focus ought to be on retribution and punitive punishment. In handing down sentence, Judge Nompumelelo Radebe said: "Violence by men towards women in South Africa is escalating at alarming proportions. This calls for harsh sentences to be imposed⁷."

ii. S v Sekhoto and another (FSD):

A Bethlehem woman and her lover were on 24 August 2018 sentenced to **life imprisonment each for murder** of her husband and **15 years for possession of a firearm**. Annah Sekhoto (44) and Dika Piet Mosikili were sentenced for murder of

⁷ Annual Report (2019/20) National Prosecuting Authority, RSA. https://www.npa.gov.za/sites/default/files/annual-reports/NPA%20Annual%20Report%202019-2020_0.pdf

David Sekhoto that took place on 14 July 2019. Annah Sekhoto and Piet Mosikili approached a Vereeniging man who was supposed to organise two other men to kill the deceased. The deceased was killed at his house after the killers entered the house pretending to be handymen. The case was prosecuted by Advocate Lucky Bontes⁸.

iii. **S v Shilubane (GLD):**

The accused and deceased was involved in love relationship. The accused was poisoned by the deceased, her lover and buried him in shallow grave. The accused was **sentenced to 13 years imprisonment** in the high court⁹.

iv. **S v Dube (GLD):**

The accused and the deceased used to be in a love relationship. On the day of the incident, the deceased was with her new boyfriend entering a taxi when the accused opened fire on them. He fired multiple shots at the deceased killing her. He also fired shots at the boyfriend. The accused was convicted and sentenced to an effective term of **life imprisonment**¹⁰.

v. **S v Rhode (WCD):**

The accused was the CEO of a prestigious international realty company convicted for the murder of his wife and defeating or obstructing the administration of justice. The accused was married to the deceased for 22 years and three daughters were born from this marriage. The accused had an extra marital affair in 2015 and the wife subsequently discovered the affair. Events leading to the murder started on the weekend of 22 – 24 July 2016 when the international realty held its annual conference at Spier Hotel in Stellenbosch. The state pathologist determined that cause of death of deceased was consistent with asphyxia following manual strangulation and external airway obstruction. The deceased sustained substantial and distinct injuries before her death. The court found that the manner, cause of death and nature of injuries sustained showed that the accused had the direct intention to kill Susan Rohde. During the sentencing proceedings the court found that the crimes the accused were

⁸ Annual Report: National Director Of Public Prosecutions - 2018/19 <https://www.npa.gov.za/sites/default/files/annual-reports/NDPP%20Annual%20Report%20-2018-19.pdf>

⁹ Ibid

¹⁰ Annual Report: National Director Of Public Prosecutions - 2018/19 <https://www.npa.gov.za/sites/default/files/annual-reports/NDPP%20Annual%20Report%20-2018-19.pdf>

convicted of a very serious in nature. The court accepted the evidence on intimate femicide. The accused was sentenced to **18 years direct imprisonment for the murder** of his wife and **five years direct imprisonment for defeating or obstructing the administration of justice**¹¹.

d) Administrative data (by number and percentage) on homicide/ femicide or gender-related killings of women for the past 3 years (2018 -2020), disaggregated as follows:

(i) The total number of homicides of women and men

Total no of homicide of men/women(% included)	2017/2018	2018/2019	2019/2020
	20 336	21 022	21 325
No & % of women killed	2 930 (14.4%)	2 771 (13.2%)	2 695 (12%)
No & % of men killed	17 406 (85.6%)	18 251 (66.8%)	18 630 (88%)

Source: South African Police Services : Annual Crime Statistics Presentation, April 2019 – March 2020

ii. The number of intimate partner homicides / femicides, (i.e. based on the relationship between the victim and the perpetrator, the number of women and number of men killed by their partners / ex-partners, husband / ex-husband, etc.)

According to the South African Police Service Crime Stats Report, 1 482 (6.9%) of the murder cases for 2019/2020 were domestic related.

The table below presents the number of reported cases and the relationship of the perpetrator to the victim. Unfortunately, the gender disaggregated data of the victims and perpetrator is not available. Therefore, the figures below are inclusive of both male and female.

Relationship of perpetrator to the victim	Number of Murder Cases 2019/2020	%
Total number of murder cases (homicide/femicide) of women/men	21 325	
Spouse (Husband/ wife/ Life partner)	139	0,7%
Boyfriend / Girlfriend	618	2,9%
Ex(Boyfriend /Girlfriend)	60	0,3%

NB: Figures in the table are counts of cases where relationship could be determined during the analysis. The unknowns, unmentioned or strangers' circumstances of the crime are not included.
Source: South African Police Services: Annual Crime Statistics Presentation, April 2019 – March 2020

¹¹ Ibid

iii. The number of family related homicide of men and of women / femicide (i.e. based on the family relationship between the victim and perpetrator the number of women and number of men killed by their family members, but not by intimate partners)

Relationship of perpetrator to the victim	Number of Murder Cases 2019/2020	%
Total number of murder cases (homicide/femicide) of women/men	21 325	
Total number of homicide/femicide of women/ men killed by a family member (e.g. Uncle/ Aunt/ Cousins/Niece/Nephew / Grand Parents / In laws)	385	1,8%
Parent/Guardian	105	0,5%
Step (mother/father)	19	0,1%
NB: Figures in the table are counts of cases where relationship could be determined during the analysis. The unknowns, unmentioned or strangers' circumstances of the crime are not included.		
Source: South African Police Services: Annual Crime Statistics Presentation, April 2019 – March 2020		

iv. Other femicides or killings of women by unrelated perpetrator/s but gender-related or with a sexual motive

Relationship of perpetrator to the victim	Number of Murder Cases 2019/2020	%
Total number of murder cases (homicide/femicide) of women/men	21 325	
Acquaintance/ Known by sight	2 036	9,5%
Friend	274	1,3%
Neighbour	105	0,5%
Employee/ Co-worker / College	28	0,1%
NB: Figures in the table are counts of cases where relationship could be determined during the analysis. The unknowns, unmentioned or strangers' circumstances of the crime are not included.		
Source: South African Police Services: Annual Crime Statistics Presentation, April 2019 – March 2020		

v. Data, disaggregated, of femicide during the COVID-19 pandemic (indicating the time period e.g. since March 2020 to the end of October 2020) and its comparison with such data before the COVID-19 pandemic.

The table below provides the number of domestic related murder cases reported to the South African Police Services during the Covid-19 Period (April 2020 – September 2020) by gender. The data indicates that a total of 151 domestic related murders of female were recorded during the Covid-19 period (01 April 2020 to 30 September 2020). Of these 151 murder cases, 65 were reported in Quarter 1 (April 2020 - June 2020) while 86 cases were reported in Quarter 2 (July 2020 - September 2020). These figures shows was an increase of 21 domestic related femicide cases in Quarter 2.

Domestic related murder cases	April 2020 – June 2020	July 2020 – September 2020	Total cases for March 2020 – September 2020
Female	65	86	151
Male	47	76	123
Total number of domestic related murder cases	112	162	274

Unfortunately comparable data for domestic related murder cases before the Covid-19 period was not readily accessible for this report. Available data provides a total number of murder cases which includes cases that are not domestic related and not disaggregated by gender. However, the trend shows that there was a decrease in the overall number of murder cases reported during the Covid-19 period.