



African Policing Civilian Oversight Forum

NGO Observer Status No. 372

**Statement in response to the Activity report of the Special Rapporteur
on the Rights of Women in Africa**

**77th Ordinary Session of the African Commission on Human and
Peoples' Rights**

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Arusha, Tanzania**

Item 5: Activity Reports of the Members of the Commission & Special Mechanisms

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum (APCOF) welcomes the opportunity to make this statement in response to the activity report of the Special Rapporteur on the Rights of Women in Africa.

Honourable Chairperson, as we celebrate the 20th anniversary of the Maputo Protocol, it is important to reflect on the needs of survivors of gender-based violence (GBV). As the Special Rapporteur is aware, the Maputo Protocol aims to foster and promote substantive gender equality, while safeguarding the right of access to justice by all women on the continent. However, from APCOF's work, and the observation of other experts on the continent, it is

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clear that access to justice for survivors of GBV has regressed in many African countries, including South Sudan, Malawi and Mozambique.ⁱ In this regard, we are concerned about the limited capacity of law enforcement officials to respond to GBV and its associated impacts in a rights-compliant manner. As the Special Rapporteur is aware, effective access to justice for GBV victims requires, inter alia, law enforcement officials to create an environment that facilitates women's access to justice,ⁱⁱ particularly as police officers are often the first point of contact for women who report GBV. However, we are concerned that survivors of GBV continue to experience challenges in accessing critical policing services, as manifested in increasing incidents of victim-blaming and other discriminatory policing practices in the provision of policing services to victims of GBV.ⁱⁱⁱ

Honourable Chairperson, APCOF is further concerned about increasing incidents and cases of GBV in South Africa. As the Special Rapporteur is aware, the challenge of GBV has reached extreme levels in South Africa, concerns which are amplified by weak police capacity to respond to GBV.^{iv} In particular, recent findings reveal that, in the Province of the Western Cape alone, in the past six months, a total of 77 GBV cases were struck from court processes due to challenges such as incomplete investigations and missing police dockets.^v Insufficient training regarding the management of GBV cases, delays in the processing of ballistic reports by forensic laboratories, also continue to act as barriers to the capacity of South African Police Services to effectively respond to GBV.^{vi}

We therefore call on the Special Rapporteur to:

- To again engage states on their obligation under articles 2 and 8 of the Maputo Protocol to develop and implement measures aimed at facilitating access to justice by victims of GBV. In particular, we call on the Special Rapporteur to remind state parties of their obligations to develop the capacity of law enforcement officials to recognise and respond to GBV in an effective and rights-based manner, including through the provision of focused training.

- We also urge the Special Rapporteur to engage South Africa on the issue of high levels of GBV and recommend the adoption of targeted measures designed to reduce incidents of GBV, including through strengthening the capacity of the South African Police Services to prevent, combat and respond to GBV.

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ⁱ A 2021 report by UN Women focusing on East and Southern Africa found that access to justice for women and girls had declined over recent decades. See: United Nations Women (2021) “Multi-country and analytical study on access to justice for victims and survivors of violence against women and girls in East and Southern Africa” available online at <<https://africa.unwomen.org/sites/default/files/Field%20Office%20Africa/Attachments/Publications/>>

ⁱⁱ Equality Now (2018) “Breathing Life Into The Maputo Protocol: Case Digest, Jurisprudence on The Rights of Women and Girls in Africa” <https://equalitynow.storage.googleapis.com/wpcontent/uploads/2018/04/16122236/Breathing_Life_into_Maputo_-_Protocol_Case_Digest-Jurisprudence_on_the_Rights_of_Women_and_Girls_in_Africa.pdf> (accessed 17/08/2023).

ⁱⁱⁱ APCOF (2023) “Convening for the Global Campaign to Decriminalise Poverty and Status Theme: Decriminalising status and activism” < <https://apcof.org/wp-content/uploads/report-for-the-annual-convening-of-the-global-campaign-to-decriminalise-poverty-and-status-eng-fr-por-27-29-september-2022.pdf>> (accessed 31/07/2023) pages 15-16, based on a presentation by Sabrina Mahtani of AdvocAid.

^{iv} For example, when discussing the statistics on GBV, political leaders have referred to GBV as a “war on women”, see: The Presidency of South Africa (17 June 2020), ‘Address by President Cyril Ramaphosa on South Africa’s response to the coronavirus pandemic, Union Buildings, Tshwane’ <[http:// www.thepresidency.gov.za/speeches/address-president-cyril-ramaphosa-south-africa%E2%80%99s-response-coronavirus-pandemic%2C-union-buildings%2C-tshwane-4](http://www.thepresidency.gov.za/speeches/address-president-cyril-ramaphosa-south-africa%E2%80%99s-response-coronavirus-pandemic%2C-union-buildings%2C-tshwane-4)>. One of the positive outcomes of the pandemic was that it led to a heightened political commitment to deal with GBV.

^v C Mthethwa (2023) “Cop out: More than 70 GBV cases struck off Western Cape court roll because of police incompetence” < <https://www.news24.com/news24/southafrica/news/cop-out-more-than-70-gbv-cases-struck-off-western-cape-court-roll-because-of-police-incompetence-20230910>> (accessed 02/10/2023).

^{vi} L Ntuli-Tloubatla (2023) “OPINION: Pockets of excellence but also gaps in our country’s police stations in dealing with GBV” < <https://www.news24.com/news24/opinions/columnists/guestcolumn/opinion-pockets-of-excellence-but-also-gaps-in-our-countrys-police-stations-in-dealing-with-gbv-20221210>> (accessed 02/10/2023).