

*Committee on the Elimination of Discrimination against Women*

REFERENCE: BN/follow-up/South Africa/89

13 November 2024

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the fifth periodic report of South Africa, at the Committee's eightieth session, held in November 2021. At the end of that session, the Committee's concluding observations ([CEDAW/C/ZAF/CO/5](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 67 on follow-up to the concluding observations, the Committee requested South Africa to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 10 (b) and (c), 28 (e) and 34 (b) of the concluding observations.

The Committee welcomes the follow-up report ([CEDAW/C/ZAF/FCO/5](#)) received with an eight month delay in July 2024 under the CEDAW follow-up procedure. At its eighty-ninth session, held in October 2024, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 10 (b)** of the concluding observations that the State party “**Ensure systematic training for judges, prosecutors, police officers and other law enforcement officers on the strict application of criminal law provisions on gender-based violence against women and gender-sensitive investigation and interrogation procedures, and create an enabling environment for women and girls to report gender-based violence by addressing the stigmatization of victims, discriminatory stereotypes and judicial gender bias**”:

The Committee notes the information provided by the State party on training for judges, prosecutors and other law enforcement officers, including the education provided by the Justice College and the South African Judicial Education Institution. It welcomes the establishment of the Sexual Offences and Community Affairs Unit (SOCA) in the National Prosecuting Authority and the role it undertakes in assisting victims of gender-based violence throughout legal proceedings. It also recognises the guidance provided to prosecutors by SOCA in utilising the Thuthuzela Care Center model in investigations of gender-based and sexual violence cases. The Committee also welcomes the work of SOCA in public awareness events on gender-based violence, with the view of creating an enabling environment for women and girls to report instances of gender-based violence. The Committee regrets, however, the lack of information on

H.E Mr Mxolisi Nkosi  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative  
Permanent Mission of South Africa  
to the United Nations Office at Geneva  
Nations Business Center, 3e étage, Rue Pré-de-la-Bichette 1  
1202 Genève  
Email: mission@safrikaun.ch

training for judges specifically on gender-based violence against women, as well as on measures adopted to combat judicial gender bias.

The Committee considers that the State party has taken steps to implement the recommendation. It therefore considers that the recommendation has been **substantially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

In relation to the recommendation made in **paragraph 10 (c)** that the State party **“Strengthen victim support services, including adequately funded shelters and safe houses, throughout the State party, in particular in rural and remote areas”**:

The Committee welcomes the conversion of properties owned by the State party into shelters for victims of gender-based violence in nine provinces. It also notes with interest the proposed Victim Support Services Bill and the impact it will have on the victim support services’ sector. The Committee recognises the State party’s efforts to provide funding to shelters but regrets the lack of information on the extent of this funding and is concerned about reports of continued inadequate funding for shelters. It also regrets that the State party has not provided details on measures to increase the number of shelters specifically in rural and remote areas.

The Committee considers that the State party took some steps to implement the recommendation. It therefore considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 10 (c)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Strengthen victim support services, including adequately funded shelters and safe houses, throughout the State party, in particular in rural and remote areas.**

In relation to the recommendation made in **paragraph 28 (e)** that the State party **“Establish a standing inter-ministerial committee for the coordination of women’s rights reporting obligations and follow up on implementation of the Committee’s recommendations”**:

The Committee welcomes the State party’s indication that it is in the process of establishing a committee for the coordination of reporting obligations, to be co-chaired by the Department of Women, amongst other departments. The Committee also notes the existence of the Inter-Ministerial Committee on Gender-Based Violence and Femicide. Nonetheless, it regrets that there are no current plans to establish an inter-ministerial committee coordinating women’s rights reporting obligations specifically. It further regrets that no information was provided regarding the coordination of follow-up on implementation of the Committee’s recommendations.

The Committee considers that the State party has taken steps to implement the recommendation. It therefore considers that the recommendation has been **partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 28 (e)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Establish a standing inter-ministerial committee for the coordination of women's rights reporting obligations and follow up on implementation of the Committee's recommendations.**

In relation to the recommendation made in **paragraph 34 (b)** that the State party **“Criminalize the harmful practice of *ukuthwala* and ensure that all cases of *ukuthwala* and female genital mutilation are investigated, that perpetrators are prosecuted and adequately punished, and that women and girls in such unions have access to protection, including adequate shelters, and victim support services”**:

The Committee notes the information provided by the State party regarding the legislation criminalising conduct constituting the practice of *ukuthwala*, including the Sexual offences Amendment Act 2007 and the Prevention and Combating of Trafficking in Persons Act 2013. It regrets the lack of information provided about prosecution rates and penalties imposed for perpetrators of *ukuthwala*, as well the extent of protection, including shelter and victim support services, tailored to victims of this harmful practice.

The Committee considers that the State party took some steps to implement the recommendation. It therefore considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 34 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Ensure that all cases of *ukuthwala* and female genital mutilation are investigated, that perpetrators are prosecuted and adequately punished, and that women and girls in such unions have access to protection, including adequate shelters, and victim support services.**

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Natasha Stott Despoja  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women