

“Finish this Elephant”



Rural Community Organisations' Strategic Approaches to Addressing Gender-Based Violence

Researched and written by Melanie Judge



SOCIAL CHANGE
ASSISTANCE TRUST



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Cover picture: Ubuntu Rural Women protest outside Parliament.

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GLOSSARY

Key terms

ADR	Alternative Dispute Resolution
CAO	Community Advice Office
CAOSA	Community Advice Offices South Africa
CBO	Community-Based Organisation
DOH	Department of Health
DOJ	Department of Justice and Constitutional Development
DSD	Department of Social Development
DVA	Domestic Violence Act
FHR	Foundation for Human Rights
GBV	Gender-Based Violence
IPV	Intimate Partner Violence
LDA	Local Development Agency
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
NGO	Non-Governmental Organisation
NSP-GBVF	National Strategic Plan on Gender-Based Violence and Femicide 2020-2030
SAPS	South African Police Service
SCAT	Social Change Assistance Trust
SOA	Sexual Offences Act
TCC	Thuthuzela Care Centre

Participating organisations

CARE	Community Attempt Reaching Empowerment
CLS	Centre for Law and Society
ILDA	Interchurch Local Development Agency
KSDF	Kgatelopele Social Development Forum
MFAO	Mount Fletcher Advice Office
PSJAC	Port St Johns Legal Advice Centre
SALDA	Sandveld Local Development Agency
Ubuntu	Ubuntu Rural Women and Youth Movement
WRDC	Witzenberg Rural Development Centre

“We won’t be able to finish this elephant that is killing our women and children if you are working all alone, by yourself ... we need everyone to be on board to restore back the dignity in our communities.”²

BACKGROUND

The Social Change Assistance Trust (SCAT) commissioned this study to explore the strategies of local development agency (LDA) partners in tackling gender inequality and gender-based violence (GBV) in rural communities. Building on previous research, the study aims to identify and understand the strategic approaches of local LDAs in dealing with the multiple manifestations and impacts of gender-based violence (GBV) in the rural areas where they are located.³ The study’s primary purpose is to inform SCAT’s future grantmaking and programmatic activities that address gender inequality and GBV. The secondary purpose is to serve as a practical and strategic resource in support of the gender work of LDAs, and other organisations and donors working in this field.

In 2019, SCAT commissioned the Centre for Law and Society (CLS)⁴ to undertake research on the responses and perceptions of LDAs to GBV in the rural and peri-urban communities where they work. That research investigated how these organisations network to create a local response, how they raise awareness about the problem of GBV, and what dynamics and obstacles they face in implementing their objectives. Informed by the SCAT/CLS findings, the present study seeks to focus further on the strategic avenues – and the contextual dynamics and conceptual thinking underpinning these approaches – that LDAs pursue in their gender work and in navigating barriers to it. Given this discreet focus, it does not provide a detailed description of the contexts in which LDAs operate, nor of their vast and varied scopes of work. Such descriptions are well documented in the SCAT/CLS



Emma Goliath coordinator of Witzenberg Rural Development Centre facilitating a workshop.

2. Misiwe Ngqondela, CBO stakeholder.
3. Local development agencies (LDAs) are locally-based community organisations, run by the community for the community. They play some or all of the following roles: 1) provide paralegal services; 2) analyse data from case statistics to inform their strategies and mobilise communities to achieve their socio-economic rights; 3) build stakeholder relationships with police, health services, welfare services, and other CBOs and NGOs, to improve service delivery in areas of specific concern for their community; 4) run awareness and mobilisation campaigns focused on social justice issues; and 5) advocate for systemic change, working in partnership with other NGOs in the social justice sector. These community-based organisations are supported by SCAT, through core grant funding, mentorship and capacity development.
4. See Karimakwenda, N., Moul, K., Jefthas, D. & Teele, T. 2019. *Striving for Change from Within: A Study of Rural Community-Based Organisations’ Engagement with Gender-Based Violence*. Cape Town: Social Change Assistance Trust & Centre for Law & Society.

report and provide the backdrop to the current enquiry, which concerns the strategic pathways to change through which LDAs channel their efforts, and the stakeholders and dynamics they engage with in doing so. Particular attention is given to some of the critical intersections that LDAs have to criss-cross in acting against GBV at a local level. Emerging from an analysis of these pathways and intersections in rural milieus, some broad recommendations are made to inform SCAT's future strategies and contribute to a growing body of knowledge on the vital role of community-based organisations (CBOs) in South Africa's rural landscape.

The study utilises the methodological approach of a case study where, building on the SCAT/CLS findings, a number of thematic areas frame the case and guide the data collection and analysis. These thematic areas are:

- The strategic approaches that drive LDAs' community interventions to address gender inequality and GBV.
- The conceptions of social change that underpin LDAs' gender programming strategies in rural contexts.
- The form and function of the referral networks and collaborations between LDAs and other community stakeholders and service providers.

The case study focuses on a sample of eight LDAs operating in the rural areas of the Northern Cape, Western Cape and Eastern Cape. These organisations were purposively selected from the wider population of SCAT-supported LDAs (totalling 31), and they all currently implement gender-focused projects. Relevant laws, policies, frameworks and literatures were gathered and analysed in order to situate LDA strategies and tactics more broadly. Primary data was collected through 28 interviews with the following groups: LDA coordinators, fieldworkers and board members; LDA stakeholder allies from non-governmental organisations (NGOs), CBOs and government structures; and key informants from the wider civil society sector.⁵ See Appendix One for the full list of respondents. A thematic analysis of primary and secondary data formed the basis for extrapolating the strategic pathways, critical intersections and recommendations detailed in this report. Whilst these extrapolations are not generalisable to the LDA population as a whole, nor to CBOs working in rural areas in general, they do offer analytical insights that serve as a resource for strategy and practice in working against GBV in rural South Africa.⁶

The report is structured as follows:

- Section 1: A short overview of the context, with a particular focus on the role of LDAs in rural settings.
- Section 2: A description and analysis of the multiple and intersecting strategic pathways that underpin LDA approaches to addressing GBV and gender inequality.
- Section 3: A discussion of the critical intersections that LDAs navigate in context-specific ways.
- Section 4: A brief word on key tactics for how LDAs operationalise their gender strategies.
- Section 5: Concluding recommendations to inform SCAT's future support to LDA partners in challenging persistent and systematic gender discrimination and violence.

5. The coordinator is the person who runs the LDA; stakeholder allies are individuals from other organisations or institutions with whom the LDA works closely; and key informants are individuals with extensive knowledge and experience in the field that is the focus of this study. Note that the interviews were initially planned to take place on-site, at the offices of each LDA. However, due to Covid-19, all interviews were conducted remotely using WhatsApp video calls. All study participants gave formal consent to being interviewed and their names and affiliations being included in the report.

6. The research project received ethics clearance from the Faculty of Law Research Ethics Committee at the University of Cape Town.

1. CONTEXT

1.1 Gender-based violence: Concepts, rights and realities

According to the United Nations Special Rapporteur on Violence against Women, 'violence inherited from apartheid still resonates profoundly in today's society, dominated by deeply entrenched patriarchal norms and attitudes towards the role of women and which makes violence against women and children, especially in rural areas and in informal settlements, a way of life and an accepted social phenomenon' (UN, 2016:3). Statistically, and due to structural gender inequities, females are more likely to be victims of GBV than males (Jewkes, 2002).⁷ Moreover, given their lower social and economic status, a manifestation of historic gender discrimination, 'women have fewer options and less resources at their disposal to avoid or escape abusive situations and to seek justice' (CSVR, 2016:4).

GBV is defined in the *National Strategic Plan on Gender-Based Violence and Femicide 2020-2030 (NSP-GBVF)* as being a result of the normative gender role expectations, as associated with the sex assigned to a person at birth, as well as the unequal power relations between male and female genders (Government of South Africa, 2020). This includes physical, sexual, verbal, emotional and psychological abuse, or threats of such acts or abuse, coercion, and economic or educational deprivation. The roots of GBV lie in unequal power relations, based on dominant norms associated with a binary conception of gender.⁸ This gender binary grants men more structural power, status and authority than women, and also results in the social rejection of alternative gender and sexual identities. In sum, '[t]he cause of GBV cannot be attributed to a single factor, but an interplay of individual, community, economic, cultural and religious factors interacting at different levels of society ... ranging from gender inequalities between men and women, social constructions of hegemonic masculinities, social perceptions of what it means to be a man, normalisation of violence, and cultural practices such as lobola and ukuthwala' (CSVR, 2016:2). Consequently, there are multiple forms of GBV, and this includes intimate partner violence (IPV) against women by male partners (Gender Links, 2012), the incidence of which is similar in both urban and non-urban settings (Statistics South Africa, 2018). Another prevalent form is sexual violence, where between 2007/08 and 2016/17, a total of 596 873 sexual offences were reported to the South African Police Service (SAPS), of which, since 2008/09, rape formed the majority, with sexual assault being the second highest category (SAPS, 2017). The most extreme form of violence against women is femicide, also at notably high levels (Abrahams, Mathews, Martin, Lombard & Jewkes, 2013). Violence against lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people is another significant form of GBV in South Africa (Love Not Hate Campaign, 2016; Nel and Judge, 2008).

Not only does GBV have direct force, it is also prohibitive in that the fear of its occurrence restricts people's freedoms and movement. According to Statistics South Africa (2018:5), a fear of crime impedes people's activities and 'women are more affected by this compared to men, as they felt they were not free to express their sexual orientation or walk to fetch firewood or water'. Moreover, the normalisation of sexist attitudes across South African society is evidenced in the finding that 'for both men and women, the highest percentage of individuals thought it was acceptable for a man to hit a woman if she argues with him, and the lowest percentage of

7. Accordingly, the focus of this study and report is primarily on women and girl victims of GBV, with attention also given to violence associated with sexual orientation and/or gender identity

8. The gender binary assigns people to a sex - male or female - at birth, and they are then obligated to conform to the status, roles and conduct associated with that sex. So, for example, a person assigned a female sex at birth is expected to identify as a woman and to act according to the dominant roles and status associated with that gender i.e. to be attracted to men, to be a mother, to dress in a particular way, etc.



Wendy Pekeur and Vainola Makan from Ubuntu Rural Women and Youth Movement speaking to Minister of Finance Tito Mboweni outside Parliament.

individuals thought it was acceptable for a man to hit a woman if she burns the food' (Statistics South Africa, 2018:21). This suggests an internalisation of dominant gender norms, which perpetrate ideas and practices which devalue, undermine and violate people on the basis of sex, sexuality, sexual orientation and/or gender identity.

The democratic era has ushered in robust and far-reaching domestic, regional and international human rights frameworks to curb GBV (SAHRC, 2018). The Constitution and certain national laws provide the legislative architecture for the state to actively promote and protect against discrimination and advance sexual and gender rights and equality.⁹ In addition to constitutional protections and the remit of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, South Africa also has specific legislation to address GBV. Most significant of these are the standards and obligations set out in the Domestic Violence Act 116 of 1998 (DVA) and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (SOA).¹⁰ The DVA places responsibility on state organs, in particular the SAPS, to ensure that survivors of domestic violence are able to apply for protection orders against their abusers.¹¹ The statutory role of the police is extensive and includes: assisting complainants with finding shelter and obtaining medical treatment; and accompanying them to collect personal items from their residence. The SAPS is also obligated to serve protection orders, to arrest abusers who breach such orders, and to remove weapons from abusers. The SOA provides the framework for the provision of protection to all victims of sexual offences, including vulnerable groups. However, the translation of these laws into changed realities is lacking, and the majority of victims of GBV fail to receive adequate care, protection and legal recourse (Vetten, Leisegang & Haken, 2010). A damning finding is that 'overall, no department has complied in full with its legislated mandate in terms of either the DVA or SOA. No department would appear to have adequately budgeted for the implementation of the two laws either; in fact, some provisions of the SOA, as well as protective measures for victims at court, have not materialised due to under-budgeting' (Vetten, Leisegang & Haken, 2010:5). In addition, the Department of Women, Youth and Persons with Disabilities has failed to meet its targets and has been ineffective in its role in the implementation of law, in gender-responsive budgeting, and in monitoring state departments on the delivery of their legal obligations (SAHRC, 2018:5). Moreover, the inadequate enforcement of laws and services by state health, justice and social welfare institutions, has effectively shifted the burden of assisting survivors onto non-state actors, and CBOS and NGOs in particular.

Largely in response to a groundswell of public advocacy and protest against GBV in recent years, the newly launched NSP-GBVF signals increased political will to deal with gender discrimination. This ambitious national plan sets out the roles and responsibilities of various stakeholders and provides a new entry point for civil society advocacy and accountability.¹² However, the extent to which this translates into more effective implementation of laws, policies and services, and ultimately into the materialisation of rights and justice, remains to be seen.

9. It is also noted that the National Development Plan has 'no reference to gender and the unique barriers faced by women, especially in rural areas' (CGE, 2018:5).

10. Important too are the *Children's Act 38 of 2005*, the *Maintenance Act 99 of 1998*, and the *Protection from Harassment Act 17 of 2011*.

11. Significantly, the DVA defines domestic violence broadly and includes physical, sexual, emotional, verbal, psychological and economic abuse, as well as intimidation, harassment, stalking and controlling behaviours.

12. The six pillars of the NSP-GBVF are: accountability, coordination and leadership; prevention and rebuilding social cohesion; justice, safety and protection; response, care, support and healing; economic power; and research and information management (Government of South Africa, 2020).

1.2 Rural dynamics and the role of LDAs

Gender inequality diminishes women's access to and control over assets and household income. In resource-deprived settings this is compounded, given that 'women are more vulnerable to poverty because of inequalities in access to productive resources, lack of control over their own labour and earned income, gender biases in labour markets, and the exclusion that women experience in a variety of economic, social and political institutions' (Jatto, 2004:4). Women in rural areas are further confined by their primary role in the domestic sphere (including the unpaid work of child-rearing, cooking and cleaning), and by unequal access to employment, education, healthcare, property, and financial and other services (ILO, 2019:2). These structural inequalities enable harassment and violence, which then further undermine the right to equality and dignity, and cause physical, psychological and/or sexual harm. As such, inaccessibility to land, education, social and political capital, and employment, are all key to understanding the constraints women face in rural settings. Moreover, conditions of poverty exacerbate vulnerability to GBV and limit the choices available in how violence can be responded to – resulting in women bearing the brunt of gendered role divisions that drive and sustain patriarchal social relations.

In the rural areas in which they operate, LDAs function primarily as community advice offices (CAOs), and are staffed by a combination of paralegals, social workers, fieldworkers and volunteers (Karimakwenda, Moul, Jefthas & Teele, 2020). These place-based organisations provide a wide range of services that focus on welfare, social security, human rights, education and community development, as well as legal aid, mediation, labour disputes, unemployment, domestic violence, drug-related problems, and water, sanitation and housing (HSRC, 2014:22; SCAT, 2019). They also 'fill a gap in improving access to justice in South Africa' and 'form part of a broader ecosystem of civil society organisations' (DOJ, 2020:2).

Viewed historically, CAOs occupy a critical role in 'community development and legal empowerment of the poor by working to erase the detrimental legacy of apartheid and the current conditions of poverty experienced by many South Africans' (Dugan and Drage, 2013:17). In terms of their impact, it is found that CAOs improve access to justice and poverty alleviation for many vulnerable South Africans (Pienaar, Houston, Barolsky, Wentzel, Viljoen & Hagg, 2016). This has been achieved through enabling access to justice services and human rights education, and by monitoring and lobbying for quality service delivery (HSRC, 2014:13).

Although not a specific focus of this study, it is important to note that the onset of the Covid-19 pandemic has, in multiple ways, exacerbated the conditions that fuel GBV across South Africa. The Foundation for Human Rights (FHR) conducted a nationwide survey of 127 CAOs and found that 54% had reported an increase in GBV during Covid-19. At the same time, GBV is likely to be underreported in this period, due to restrictions on movement that prevent survivors from leaving their homes to report abuse (FHR, 2020:5). Of particular relevance to the present enquiry is that three quarters of CAOs reported having some form of GBV support services in their community – mostly counselling services – and 88% reported having no shelters for GBV survivors (FHR, 2020:5). These findings are confirmed by Community Advice Offices South Africa's (CAOSA) analysis of 108 advice offices, which found a decrease in the reporting of domestic violence and rape due to Covid-19 related confinements, and a lack of community shelters that mean women and children are forced to remain with their perpetrators (CAOSA, 2020:4).¹³ As one respondent in this study remarked: *'What's going to be happening on the other side of this coronavirus? What are some of the pieces that organisations like SCAT are going to have to be picking up, and advice offices in turn, post all of this?'*¹⁴

13. CAOSA is a political structure that focuses on the recognition, regulation and resourcing of the community advice office sector (Tshenolo Tshoaedi, key informant).

14. Vuyiswa Sidzumo, key informant.

Significantly, LDAs view GBV as ‘an endemic feature of their local community landscapes’, with women and girls as the overwhelming victims (Karimakwenda et al, 2020:20). In response to this, and as detailed in the SCAT/CLS report, key interventions pursued by these rurally-based organisations are:

- Paralegal services for clients that include setting out legal options; informing them of their rights; helping them to file cases; and accompanying them through key parts of the justice-seeking process.
- Direct support that includes counselling for clients; intervening in situations of violence to rescue women from physical harm; arranging or providing shelter for survivors; transporting clients for the purpose of securing help; and providing food and supplies to women and children.
- Stakeholder networking and referrals to support GBV responsiveness with, amongst others, the police, local schools, the Department of Social Development (DSD), traditional leaders, health care providers, community policing forums, other non-profit organisations, law clinics, and law firms.
- Awareness-raising campaigns on GBV through theatre, support groups, prayer groups, social media messaging, talent shows and youth leadership training, court protests, and publicity around specific cases in the criminal justice system.

Also identified in the SCAT/CLS report, LDAs face the following barriers when implementing gender programmes:

- The patriarchal and conservative views of some LDA staff.
- Underutilisation of LDA services by the community.
- A need for increased knowledge, skills and capacity to respond to GBV.
- The complexity of help-seeking journeys of victims.
- Spatial inequalities and limited access to resources.
- Limited financial resources.
- Problems with service delivery by state and non-state actors.

This background has located the present enquiry’s focus and approach, sketched the GBV context, and briefly described the role of LDAs in the rural landscape. The section that follows turns to the strategic routes these organisations chart in working against GBV.



Phumla Gojela coordinator of CARE Alicedale working on a client's case.

“When two elephants fight, it is the grass that suffers most”.
African proverb.

2. STRATEGIC PATHWAYS

As the title of this report suggests, tackling gender discrimination and violence is a battle of elephantine proportions, and associated suffering has been historically overlooked. However, the rise of the #MeToo and #TotalShutdown movements in recent years, and increased political protests, have publicly spotlighted the causes and consequences of gender and sexual violence and the limits of the law and the state in addressing them (see Judge and Smythe, 2020). Against this backdrop, the LDAs interviewed for this study are involved in various projects and initiatives to address multiple forms of violence in rural communities, including gendered violence. This section of the report presents and discusses the strategic pathways these organisations take to bring about change. Drawn from an analysis of the participating LDAs’ approaches as a whole, the pathways represent the primary routes through which GBV efforts are targeted, organised and implemented. Notably, these pathways are not exhaustive. Rather, they represent some of the primary ways in which LDAs strategically approach interventions and initiatives against GBV.

2.1 Grounded in community and survivor agency: ***“People find the solutions to their problems where they are”¹⁵***

We call in community members and hear from them. It doesn’t necessarily mean we have all the answers. These communities know what they want and they have great ideas on how to protect one another.
Misiwe Ngqondela, CBO stakeholder.

An orientation towards community-centered interventions is a common characteristic of LDAs (SCAT, 2019), and is a distinctive strength tied to their rootedness in the local community and the legitimacy and trust this fosters. By extension, LDAs identify the social problems towards which their work efforts are directed, through engaging with community conditions and experiences and then structuring their gender projects in response to these. In rural settings, they are a key resource for individuals most directly impacted by GBV, as well as for the community as a whole to become increasingly involved in its mitigation. Their rootedness in community needs also positions LDAs as a source of local leadership and influence. At the centre of the approach is the notion that the community itself is able to generate, at least in part, the responses required, and that the LDA’s role is then to support such actions. Accordingly, gender strategising frequently starts with problem identification through community consultation processes, which shape organisational strategies to GBV.

15. Lesley Ann Foster, key informant.

When we started with GBV, we didn't start with strategies or solutions. We had information sessions unpacking what it is - according to the women in the informal settlements, not from the school or the dictionary. From there we mapped where to get help ... we had a roundtable discussion to talk with other partners around GBV, and we did research ... We presented and discussed and came out with solutions.
Nobuzwe Mofokeng, ILDA.

We are grounded in the community ... You need to show some good leadership and we are trying to be involved in as many matters as can be in the community to change policies and influence decisions that are important for our work - such as GBV and access to justice.
Jonathan van der Westhuizen, SALDA.

For those LDA that started to work more pointedly on issues of gender in recent years, this was partly a reaction to the lack of GBV-related services and support within their communities and the increased vocalisation of local concerns about GBV, and its causes and consequences.

It was not a choice, but it was a need to start working with GBV in our area ... due to various social problems that are characterised by the high rate of women abuse, child abuse, and domestic violence.
Phumla Gojela, CARE.

We were planning strategically and we thought no, we need to give a broader focus onto this burning issue. In the current moment in our community it is violence against women, children, and gender issues ... It's a community concern and we need to go in and help with assistance. And so, we needed to install this as a programme focus for the organisation.
Jonathan van der Westhuizen, SALDA.

You will find that historically women were struggling in the traditional areas. Women and children are the most disadvantaged in the areas of traditional authorities. We felt it was necessary to make a voice for them, and to have a programme that is dealing with domestic violence.
Theminkosi Hlati, MFAO.

There are historical silences within communities when it comes to the presence of gender discrimination, coupled with powerful social norms regarding how GBV victims are expected to respond. LDAs seek to challenge these norms and silences by exposing the issues and creating platforms for those who experience violence and abuse - specifically women - to speak out. This approach disrupts the suppression of women's experiences and the relegation of domestic violence to a 'private' matter deemed most 'appropriately' dealt with inside, rather than outside, the home. As such, LDAs aim to offer a safe space where silences, and the violations they mask, can be broken. Central to this is recognition of the agency of GBV survivors, who the LDAs then seek to support in accessing legal recourse and social services.

It happens behind closed doors. We need to open those doors and let those women out and speak. And also, those women are the solution-finding strategies.
Nobuzwe Mofokeng, ILDA.

There is a lot of silence in rural areas whereby they think, they have this mindset, that if I am married in this family, I have to sit with the secrets of the family. I don't have to speak out about my problems and my experiences because they paid lobola for me ... We have to stand up as a legal advice centre and focus on GBV now, so that we can break that silence.

Nomboniso Gaya, PSJAC.

The people in our area don't want to open up about GBV ... We did a GBV workshop and we indirectly told persons that we want to put out a platform where you can come to us and feel safe if you are a victim of GBV.

Wasiela Meniers, SALDA.

The solution-seeking strategies that LDAs advance are located firmly in the rural communities they serve, and are attuned to how survivors are impacted and able to respond to GBV.

2.2 Leading with women's voices and choices: "Women to come out and lead"

Facilitating the voice, empowerment and leadership of women is a strategic pathway through which LDAs challenge the unequal gender relations that underlie discrimination and abuse. They do this primarily through the creation of affirming spaces for survivors to voice the violations to which they have been subjected, and by providing legal and psychosocial support. This includes assisting women and other survivors to cope with the stigmatisation associated with being victims of GBV, often accompanied by community silencing and/or shaming. A driving rationale is that women themselves – armed with the necessary information, options and support – are best able to identify the courses of action to pursue.

We expect victims themselves to share their story, but we find they are not free ... They feel that the stigma is still there. We try to align our awareness with the topic of stigma, because we struggle to get the victims to come and tell their story.

Jeanette Mqomo, KSDF.

The women who have been abused are key, because I can't come with my suitcase and say, these are the solutions. Because they know how it feels to be a victim, and how to get out of that hole. They need to come up with a plan. Others are just supporting systems – partners, justice, police – but the key is that woman.

Nobuzwe Mofokeng, ILDA.

Women find their own way of advocating around an issue ... The women themselves more or less know what they need to do. They can organise in their own communities, and they are agitated enough and angry enough at the femicides to do whatever it is.

Lesley Ann Foster, key informant.

Particularly in those LDAs led by women, leadership on gender is both a principle and a practice. Some adopt a more collective approach, for example through women's movement building, utilising public action and campaigning to increase their political influence. Others concentrate more specifically on the empowerment of individual

women. Either way, the strategy of leading with women – their voices and choices – is central. This includes advancing women's representation in the community and in driving the outreach activities of the LDAs. Also, women's increased participation in community decision-making is viewed as key to changing their position of diminished power and status, which enables and entrenches discrimination against them.

We started a movement where women are going to drive the programme against GBV and the programme will be informed by that movement ... One of the things is for them to be part of the bigger group, and to acknowledge themselves that they are not an object, they are a subject.
Nobuzwe Mofokeng, ILDA.

It's better if we do it in groups. If you and I on our own tackle violence it will never work. If you stand alone, nothing works. But if you stand up in a group and you look over your shoulder and you see all these women who support you in this work, then we can go out together.
Deseree Brand, WRDC.

We go to those rural areas for women, especially in the traditional councils, to empower them, so that they can fight for themselves.
Tembakazi Mthembu, PSJAC.

We are trying to bring women leadership to the forefront, letting women speak up for themselves and empower themselves.
Jonathan van der Westhuizen, SALDA.

For some organisations, feminism is central to their work with and for women:

Feminism is what we do. That's why our focus is women and the liberation of women, and to better the lives of women, and to make sure there are equal opportunities for ... The women we work with are grassroots women, and we can show them - 'this that you do is actually feminism'.
Wendy Pekeur, Ubuntu.

We need a women's agenda ... women need to represent themselves on all community issues, and strengthening women leaders - women to come out and lead.
Nobuzwe Mofokeng, ILDA.

Organising women, and doing so in numbers, can shift the balance of forces so that their choices are made increasingly visible and legitimate within a community. Drawing on a human rights framework – which underpins how LDAs approach GBV – women, as rights bearers, are actively make claims on the rights to dignity and equality.

It is important that the woman is enabled, and that she is able to make a choice that works for her. Not a choice for the children - I will stay for the children's sake - or I will stay because I am financially dependent, and then she ends up that she is no more.
Wendy Pekeur, Ubuntu.

[Our work] is to make sure that women can stand up for themselves and men should adapt so that women can stand without men. Also, so that women can take decisions on their behalf and not dependent on men, and can go to any institution to raise their voices.
Nomboniso, PSJAC.

Yet, women leading the charge also means that the burden of tackling GBV is primarily borne by them, and so they play a disproportionate role in its response. As one respondent put it, *'[a] lot of the women are there doing the work irrespective of whether they are being supported or remunerated, and that requires respect. It really does'* (Lesley Ann Foster, key informant).

Patterns of abuse that keep victims trapped in cycles of leaving and returning to their abusers are challenging for LDAs to manage (Karimakhwenda et al, 2020). However, by taking a victim-centered approach, organisations can appreciate and understand that such cycles are indicative of the dynamics of GBV.

The woman wants help but if you go to help her then she's against you. But then you mustn't give up. You must go back to that person, talk to that person, and let her win your trust. And then she stands up, in that house. But sometimes they are scared.
Deseree Brand, WRDC.

In placing voice and choice at the centre, LDAs are able to cultivate spaces for women's rights and perspectives to increasingly define community development and change.

2.3 Enabling access to justice through advice and accompaniment: "To see that they get justice"

Community-based paralegals 'play a significant role in providing access to justice to the poor and marginalised in areas where there are no direct legal services' (Samaai, 2010:233). Given this historical role, a key function of LDAs is to offer legal assistance and accompaniment for GBV survivors to exercise their right to justice. As already discussed, LDAs operate as community advice centres, with legal advice being a primary part of what they do. At the same time, their role extends well beyond advice-giving, to include accompanying survivors in their interactions with the state, with service providers, and with community members and leaders in their quest



Jonathan van der Westhuizen coordinator of SALDA facilitating a GBV drama forum workshop in Sandveld on the West Coast.

for remedy. This role of accompaniment also facilitates access to victim support services. These organisations also advocate for the rights of victims in both formal and customary legal systems, and support them through the process of seeking justice (Dugan and Drage, 2013). At the interface with the criminal justice system – the police and the courts in particular – and with social services, there are significant obstacles to a GBV case proceeding to conclusion. Drawing on a network of entry points into various government department and services, LDAs seek to push their clients' cases through the system.

The main role is access to justice and providing dignity in this service.
Jonathan van der Westhuizen, SALDA.

A court interdict doesn't work alone, unless you have support. Because if you are walking and you meet this ex-boyfriend or husband who is abusing you, that paper won't help you. So, you need a support system, someone you can call and all that.
Nobuzwe Mofokeng, ILDA.

My work is to advocate for the people so that they can know their rights, how to approach the courts or SAPS when they are trying to lay a charge or open a case ... and also to link the lawyers from Legal Aid South Africa and make sure that the cases that are laid are followed up.
Sophia Booysen, KSDF.

We must make sure that she is supported, and to make sure that the state organs do their job.
Wendy Pekeur, Ubuntu.

The secondary victimisation GBV survivors face at the hands of the criminal justice system is well documented (Müller and Meer, 2018; Nel and Judge, 2008; Smythe, 2015). In light of this, the assistance of paralegals when survivors do approach the police, the courts, or health and social services, offers some degree of safeguarding. However, it is frequently only through dogged follow-ups and persistent pressure by LDAs that the authorities tasked with responding to survivors' needs and claims do so in practice.

Especially women and children, because they are the ones who are the most affected by the implementing of the laws and they also experience secondary victimisation, and that is why I support them when they go and open the file and every time they go back to court I must be around to support them – to hear the outcome of the case and to see that they get justice ... I make sure that every department involved in such issues must play their role, until the end of the case.
Sophia Booysen, KSDF.

The police must accommodate victims and help them in a meaningful and dignified manner, so that they are not feeling they are being secondary victimised when they get to the police station in terms of laying the charges, and that there will be enough help and sympathy.
Jonathan van der Westhuizen, SALDA.

In addition, LDA paralegals also employ alternative dispute resolution (ADR) methods to help GBV survivors negotiate within households and with traditional authorities, by playing a conflict mediation and monitoring role in the interests of a survivor public.

In many cases we actually interfere - by talking to the male and telling him that we would go to the police and lay a charge of abuse or assault, because she's too afraid to do it. It's also to tell the perpetrator there are also other people keeping an eye on it.

Wendy Pekeur, Ubuntu.

Other times I try to talk to him [a perpetrator], and tell him the consequences of what he will face if he continues with what he is doing now. And sometimes they listen.

Jenny Fredericks, Ubuntu.

The accompaniment role of LDAs requires that they keep their clients connected to the prospect of a just outcome and maintain pressure on key role-players to fulfil their obligations to be both responsive and accountable. Empowering survivors by informing them of their rights is part of the LDA package of support for accessing justice. By assisting and accompanying survivors, and closely monitoring the criminal justice system's handling of their cases, LDAs seek to give their clients increased power and strengthen the probability of a positive case outcome.¹⁶

2.4 Rallying the role-players for rights and recourse: "Not just to leave it there, but to go all out"

Another strategic pathway is to rally key role-players - both inside and outside the state - to proactively address incidents of GBV in a manner aligned to their respective mandates and authority. This includes holding role-players to account when they fail in their roles and obligations in respect of law, policies, procedures and protocols. A range of methods are used to do this, including: case monitoring; stakeholder forums e.g. with traditional and community leaders, local politicians, and victim empowerment services; WhatsApp groups e.g. with key service providers; public advocacy campaigns e.g. court protests; and the strategic use of the media e.g. to publicly expose case delays.

Our role is not just to leave it there, but to go all out. Whether it's getting in the social worker, or contacting the police to do their job, it's to get the role-players involved.

Wendy Pekeur, Ubuntu.

If you are working on GBV, you must have a forum in the area so that the case will not collapse on the way, and to share the problems we have encountered in the cases. That is the victim empowerment forum of social development and all the people who are working with the victims.

Tembakazi Mthembu, PSJAC.

WhatsApp groups with stakeholders hold the managers of those departments accountable. You need to account on GBV. When we say we are going to have a [public education] slot - and we put it on the WhatsApp - you must then tell us from the department how you will address this.

Jeanette Mqomo, KSDF.

16. High levels of attrition of protection order applications mean that few women obtain the protection of the law (Vetten, Le & Leisegang, 2010).

Using the media to highlight the cases got the attention of the station commander and we got a meeting. If you want to expose corruption or the police not doing their duties, you get a good media journalist on the story and then you report it to the people who actually investigate the non-compliance.

Wendy Pekeur, Ubuntu.

Rallying the role-players requires that LDAs build collaborative networks to expand their reach, influence and impact. These networks enable information sharing, serve as case referral mechanisms, and are an essential support function for clients to access services and justice from the formal system (Karimakwenda et al, 2020). By taking more or less formalised approaches to networking, organisations are able to identify other entities that can complement their own expertise and service offering. This allows them to link into wider referral systems and thereby provide a more holistic response to survivor communities. The collaborative networks that LDAs build and draw upon range from ad hoc and informal ones to formal project partnerships. More structured collaborations e.g. for advocacy campaigns, research or the provision of legal representation, occur frequently with other CBOs and activists, or with urban based NGOs. Some such collaborators interviewed for this study emphasised the critical role LDAs play in connecting remote communities with state and other services, and in delivering essential support to under-resourced and vulnerable populations.

We were not able to reach the farm areas because of lack of resources, and we coordinated our resources and so when we have a programme it makes it easier. [The LDA] is able to come on board in certain areas ... We share our expertise and our resources, so it's not only one organisation that is able to tackle the strain of GBV.

Misiwe Ngqondela, CBO stakeholder.



CARE Alicedale protest march and rally against gender-based violence.

If there are clients who do not know there is an office for domestic violence, [LDAs] refer them to me ... I ask them [the LDA] to give me the real location of the perpetrator, and when I find this I give it to the police so he can be served. They help me very much.
Ntombizetu Kalimashe, DOJ stakeholder.

[LDAs] are empowering women and giving them advice in terms of referrals ... In the rural areas, they will support victims financially to take her to court ... I have learned the dedication from them. They are not getting so much money, but the dedication is there.
Nontuthuzelo Sibaca, SAPS stakeholder.

It is recognised that CAOs occupy a space characterised by complex stakeholder relationships, which have to be carefully negotiated to facilitate access to justice and legal redress for survivors/victims of GBV – including with traditional and community leaders, sub-national government, and municipalities (HSRC, 2014). It is through their relationships with key role-players that LDAs are able to enlarge their responsive capacities to GBV. Importantly, and as noted in the SCAT/CLS study, ‘the types of partnerships they’re able to establish and sustain have critical bearing on what it is possible for them to deliver for those who approach them for assistance’ (Karimakwenda et al, 2020:49). By rallying role-players for rights and recourse, these grassroots organisations provide a pivotal link between rural communities and state and private institutions, in order to strengthen service delivery, governance and democratic participation.

2.5 Facilitating support and solidarity: “Other people keeping an eye”

LDAs appear to work on the understanding that the provision of a singular service is insufficient to reduce the multi-dimensional effects of GBV on individuals, families and communities. For this reason, the paralegal assistance they offer is frequently coupled with counselling support, to equip people to cope with the effects of abuse and better endure the challenges that come with seeking justice through law and the courts. LDAs also fill a critical gap, by enabling access to services that are provided by other NGOs, private institutions and government departments. Consequently, complementarity is key, allowing the leveraging of referral systems (both formal and informal), so that a range of legal and social services can be more available to rural communities – including health care, counselling, legal representation, support groups, and direct material support (such as social grants and shelter). Whilst an LDA might focus on providing one type of service over another, there is a strong emphasis on widening the package of services available to its rural clients through its referral systems (where its internal skillset allows).

The strategy success was the service of counselling we provided, because it empowered most women and then they were bold enough to come in front and express their feelings and even fight back to their perpetrators – not fighting back with objects, but they were able to stand up for their rights. And even, if it comes to a push, to leave their husbands and start to be independent.
Phumla Gojela, CARE.

Sometimes survivors have to face alienation or retaliation from other community members, particularly if they lay formal charges against their attacker. For these and other reasons, securing places of safety is critical. Here, LDAs are involved, in efforts to make available shelters and/or safe houses – the former being largely out of reach for those residing in rural areas.

If we come up with a case, we go there and have an interview and intervene there. And if we see the case is more serious, we get in the social workers, we get in the police, and if the social workers cannot help immediately and the police are doing nothing at that point, we try to get that person in a safe house so they can be safe for the interim ... We have to try to protect the women's safety, to get her out of that environment.
Jenny Fredericks, Ubuntu.

With GBV, still a lot of people are afraid to come out to report cases. So, the case reporting is very low, but they know where to go when they need access. But, for us to report the case and then they don't get a place of shelter, means you need to go back to the same circumstances and it's going to get more worse.
Mary Boer, DOH stakeholder.

In addition to an emphasis on access to support, LDAs are also concerned with building solidarity for those individuals who take up legal cases against their perpetrators. Solidarity-building includes leading or participating in marches and other forms of protest, linked either to a specific case, or to a wider campaign against GBV or related social issues. When building solidarity, the survivor experience is foregrounded and community members are mobilised to show public support. Individual cases of GBV are also focal points around which LDAs can build advocacy efforts that are directed at systemic issues. In this way, individual GBV cases are situated within a wider set of social, political and economic conditions, and attention is drawn of government and community leaders to exacerbating contextual factors (see more on system failures on 31). Through their advocacy, LDAs intend to support and/or initiate community attention and action against GBV.

On the advocacy part, we want to influence the policy, because there is a stigmatisation about these things in our community. People don't want to talk about it, so that's why if we can change those things with our advocacy work, and then the police know what they are doing, and every partner in this environment is working together, that will be great for us in terms of achievement.
Jonathan, SALDA.

LDA advocacy is wide in scope, including a focus on access to land and housing. In some instances, it is linked into national campaigns, such as #HandsOffOurGrants and #BillionRising,¹⁷ bringing rural voices into the national discourse on numerous social justice issues. LDAs also advocate directly for improvements in the policies and practices of state institutions. This ranges from making submissions on draft legislation, to using the media to expose poor service delivery, corruption, and the barriers GBV survivors encounter when seeking legal redress through the criminal justice system. In harnessing support and solidarity around GBV, LDAs express a commitment to providing inclusive and accessible services (see more on 33 about LGBTIQ inclusion).

Through their support and solidarity work, these rural organisations are critical conduits for women and other GBV survivors to access a variety of state and other services, and to hold key role-players to account. This can, in turn, strengthen their resolve to persist in the justice-seeking process. The coordinators, fieldworkers and volunteers who staff LDAs require high levels of resilience, as they often work tirelessly against the odds. Moreover, many are themselves GBV survivors (Karimakwenda et al, 2020), and for some this painful history is what drives their support for others.

17. The 'Hands Off Our Grants' campaign was initiated by the Black Sash in response to large-scale unauthorised debit deductions from beneficiaries' social grant accounts. 'One Billion Rising' is a global campaign to end rape and sexual violence against women.

I'm like a stone. I am not getting sore anymore. I did get sore that time, but I'm not getting sore anymore. If I go today, I will go again tomorrow - until I win your trust and you can stand up about that violence in your house.
Deseree Brand, WRDC.

2.6 Engaging communities for change: "We cannot rely only on the law"

Activating community engagement is ultimately about changing the conditions and behaviours that produce discrimination and violence. Whilst the benefits and protection of law are central to effecting these changes, they are insufficient on their own. This is because gender inequality is tied to the everyday beliefs and practices through which communities function.

You may have the law. If you do not attend to the practice, or the beliefs, or the structures that are in the community, you will not succeed in implementing that law. We cannot rely only on the law. We also have to rely on the practices of the communities and see how we can work within those to change the way that they do things.
Welekazi Stofile, NGO stakeholder.

There's a lot of mind changing and bias changing that needs to happen towards GBV. That can't happen if all you're doing is enacting laws and giving policies that people don't even know how to translate into their everyday lives.
Tshenolo Tshoaedi, key informant.

LDAs develop public literacy on rights, the law and legal processes, and through public education and awareness-raising, they aim to empower rural community members with information as a tool to act against violence and related injustices. This strategy equips people with a rights-based understanding of GBV and how violence can be challenged through the exercise of rights. Drawing on relevant information sources and expertise, LDAs create local platforms for informed community engagement, and this also seeks to influence gender norms and practices.

We ask the community about the things they feel are burning issues that we don't have the answers for. We then call on maybe the human rights commission to address this issue, or we call labour ... and organise a specific group, so that they can have the best information when they approach some of the departments.
Sophia Booysen, KSDF.

Most of the time when a woman is abused in the community, people were folding arms not knowing what to do, or just discriminating and stigmatising that woman - not thinking that it's not the fault of that woman to be abused. Most women who are abused take it as their fault and blame themselves, so we wanted to also change that insight with them.
Phumla Gojela, CARE.

We need to empower women - giving them the weapon ... Education is part of the weapon, empowering is part of the weapon ... We need to talk to men, educate them on the consequences of abusing women.
Nontuthuzelo Sibaca, SAPS stakeholder.

We have a lot of engagement with the women, like gatherings, to talk about GBV. In terms of that engagement there is sometimes cases coming up ... We engage with the women to inform them, what they are supposed to do and how they must respond.
Jenny Fredericks, Ubuntu.

Educating and engaging with community members around GBV includes information-giving and awareness-building. It also includes door-to-door campaigns to identify households where GBV is occurring, involving informal discussions with women at household level. The work is also geared towards building a rights-based culture and systems of accountability in local settings. By providing a civil society platform to amplify the voices of those who advocate for safety and equality for women and girls, and for people of different sexual orientations and gender identities, LDAs spur communities to engage more directly with issues of gender and sexuality. Community leaders and structures are activated in order to raise the profile of gender injustices. The knowledge-building work of LDAs seeks to challenge the stigmatisation of survivors and focus attention on the abuser and social systems and practices that enable or overlook abuse.

When you are being emotionally abused, you look at that abuse and say, 'maybe I am wrong, maybe I am the problem'. But, when such awareness goes out to say, 'it's not always that it's your problem', then people's eyes will open, and before people get killed or kill one another, they would have received services from the relevant stakeholders in the community.
Mary Boer, DOH stakeholder.

When the community gets involved in these cases you get a better response. When a person goes to lay the complaint, they [SAPS] don't actually respond. A third party must come in - like [our organisation] - to tell them, okay this is what happened.
Jenny Fredericks, Ubuntu.

2.7 Advancing economies of independence: "Destroy that syndrome of dependence"

One of the biggest reasons why rape and abuse in the home has been normalised is because of economics. It's a survival question, literally. And without addressing that, you cannot address how a person continues to be exposed to that environment.
Tshenolo Tshoaedi, key informant.

In resource-deprived settings, women's financial dependency on men severely limits the choices available to them when GBV does occur. For this and other reasons, LDAs pay particular attention to advancing the financial independence of women as a long-term strategy to correct gender power imbalances within local economies and social structures. The strategic pathway of economic empowerment for women is a measure against the systemic dynamics that fuel their vulnerability to gender discrimination. Through development projects (such as food gardens and savings schemes), financial and livelihood prospects for women can be improved, making it easier for them to act against GBV or to leave a relationship because of it. By intersecting socio-economic rights with gender rights, LDAs attempt to promote economies of independence that can, in turn, increase women's decision-making powers within the household and the community.

The savings and credit groups are meant to support the victims of domestic violence, because most of the perpetrators are the ones who are supporting the victims [financially]. We introduced this programme to assist the victims to be independent in terms of finances.

Tembakazi Mthembu, PSJAC.

Providing only counselling doesn't help. You have to empower women with skills so that they can see that they can stand on their own and not depend on men. So, we tried to destroy that syndrome of dependence so that they can have their value and dignity back.

Phumla Gojela, CARE.

Now the women stand for themselves as they can't depend on their men. They know how to save the money and they know they can do things by themselves. They don't wait for their man to give them the money.

Kefuwe Mabote, MFAO.

Economic empowerment strategies (including access to credit, social grants, housing and land), have the potential to expand survivors' choices and protect their livelihoods, following situations of violence and abuse. Furthermore, improving a person's economic status makes it more possible for them to escape exploitative relationships. Breaking economic dependence on intimate partners means that survivors are able to escape the cycle of domestic violence. At the level of household income and distribution, LDAs are also concerned with how decisions on consumption and spending are negotiated. As this pathway shows, increasing women's capacities and opportunities for self-controlled income generation, participation in local economies, and access to financing and grants, are geared towards systemic change.



Left to right: Sofia Ried, Elisma Louw, Elizabeth Baum, Angelina Thomas and Magdeline Bosiambe of KSDF in Danielskuil, strategising about their work in the advice office.

3. CRITICAL INTERSECTIONS

There are a number of critical intersections where LDAs encounter challenges and opportunities that have particular implications for their gender work. These intersections are both where innovation takes place, and where some of the most difficult gender power dynamics are in place, and LDAs approach these in diverse ways. Though, for all organisations, the critical intersections discussed in this section are seen to impact significantly on their efforts to curb GBV.

3.1 Straddling tradition: “Sustain the good things and do away with the bad”

Traditional authorities and the practice of customary law are integral to rural life in South Africa. Several organisations are based in areas that fall directly under traditional authorities, so they work with this system of law and the formal legal system. As Dugan and Drage (2013:32) argue, ‘being part of the community, these paralegals are well placed to straddle South Africa’s dualist legal system, as they have the training to be able to translate the Bill of Rights and so can supplement the role and function of the chiefs’ offices and tribal courts’.

The combination of their [paralegals] indigenous knowledge system and their knowledge of the law helps them to holistically address the problem of GBV.

Winnie Martins, key informant.

Traditional councils are often the first port of call for community members, and have been found lacking in how they handle the impact of GBV on victims and the accountability of perpetrators.¹⁸ Furthermore, traditional leaders are powerful players in household and community matters, including those related to gender social relations. It is also common cause that traditional leaders and structures hold power and authority by virtue of law and through the dynamics of community identity and belonging. Traditional leaders are thus able to influence and direct how GBV is dominantly understood and reacted to through discourse and practices of culture.¹⁹ Together with religious leaders, their views also inform, and even control, what is considered acceptable and desirable behaviour, and this in turn shapes socio-cultural norms. Also, these community leaders are often privy to detailed information about what goes on in a community and its households. GBV cases are sometimes also investigated and adjudicated through traditional courts.

They [the traditional councils] know every household of the area, even when there are problems, socially and economically. It is easy to identify that there is a violence here.

Tembakazi Mthembu, PSJAC.

18. Tshenolo Tshoaedi, key informant.

19. Importantly, culture is contested and there is no singular version or perspective of what constitutes ‘African culture’. For more on this, see: <https://www.customcontested.co.za>

It is recognised that some customary practices promote and legitimise discrimination against women and LGBTIQ people, by placing men in superior positions and reinforcing strict social and economic roles that are unequal and based on sex, sexuality and/or gender²⁰. Alongside religious mores, customary practices construct gender relations in a community, for example through marriage and death rituals in which women are given a lower status and value than men. These can have the effect of silencing the discriminations women experience within heteronormative familial settings, and justifying masculine entitlement and control over women and girls.

When you get married you must have different gear, where you wear a blanket, a scarf, a doek, long skirts, even if it's summer ... You then need to change your name, we give you a name when you get married, and you must have children as well. And you must cook for everyone, wash all those dishes. When your husband dies, you wear black clothes and you wear those for 6 months to a year. And a man will never do that. You mustn't talk to anybody, you must stay at home, or if you have to work you have to take leave. Your life stands still when your husband dies ... It makes you vulnerable because if your man dies the brother must take over - take over you and your children, meaning sleep with you. You don't have power and it's still happening.

Sandra Ntshona, CBO stakeholder.

A woman must hold a burning spear by the sharp side when you get married. You will never want to retaliate in some things because you are going to embarrass your family. You need to be submissive, like holding a burning spear. Whatever happens there, you need to not tell anybody. You need to keep everything under the blanket. Nobody must see. Nobody must know. People internalise that.

Nobuzwe Mofokeng, ILDA.

Culture is involved, stigmatisation is involved, so we need to cut across those terms. It's not really easy because sometimes people will say, 'you are a black woman, you know that men are the head of the family, women need to be submissive, the bible says'

Misiwe Ngqondela, CBO stakeholder.

Sometimes it is religion that is saying, 'a man is like God, he's the God in the house, and you can't talk back, you can't do this, you can't do that'.

Nobuzwe Mofokeng, ILDA.

The sphere of tradition is a critical site for interventions by LDAs, and how to do so most appropriately and effectively is a subject of ongoing navigation and reflection. Rural CBOs hold different positions on how to engage with traditional authorities and their optimal role in dealing with cases of gender discrimination and violence.

If we are talking to structures like traditional councils - because that's where we know patriarchy is entrenched - what's the approach? Do you go there with gloves on or gloves off? Is there a middle ground?

Tshenolo Tshoaedi, key informant.

It is very difficult for these organisations to work in rural communities because, before you go to a survivor's home you have to report your presence to the inkhosi of the area ... And you have to respect traditional structures like family heads or indunas. They have to navigate through these.

Welekazi Stofile, key informant.

20. For example, interpretations of the payment of lobola as granting men the right to control and treat their female partners as their property (CSV, 2016), and ukuthwala, referring to the abduction of young girls for the purpose of forced marriage.

Against this backdrop, many respondents speak of the unique position LDAs occupy in being able to engage with traditional and religious leaders and institutions. Because traditional councils and courts are run predominantly by men, they tend to uphold rigid gender roles that undermine women's equality. Consequently, some LDAs advocate for traditional courts not to handle GBV cases at all and, instead, refer these matters to their organisation. Others advocate for incidents of GBV to be referred to the women who sit on traditional structures, as it is believed they are more likely to safeguard survivors' rights and interests. No matter the tactic, this area of work requires intensive relationship-building, dialogue, negotiation and information-sharing with traditional and religious authorities.

You must firstly build a relationship with the traditional leaders and understand your objective - to stop GBV and to transform the traditional council system to have dignity for women.

Tembakazi Mthembu, PSJAC.

They [traditional leaders] need to understand when they adjudicate these matters, they need to have a clear understanding of the power relations between men and women.

Welekazi Stofile, NGO stakeholder.

We do consultation meetings with traditional leaders and introduce the GBV programme. There are structures of the wives of the traditional leaders, called 'iya' and led by women. We sat with them and sensitised them on GBV. Now, if there is a case of GBV, the traditional leaders refer the case to the wife, and she then takes the case to us.

Nomboniso Gaya, PSJAC.

There is much to be learned from LDAs on strategies for working with the traditional justice system to uphold gender and sexual rights and equality.²¹ Whilst LDAs appear to have made inroads in this arena, they adopt distinct approaches – some more conciliatory and accommodating, and others more challenging and confrontational.

We made them understand that they are not supposed to handle these cases in their traditional courts. It is our strategy now to win them over, and to open that path for them to discuss and dialogue with the issue. They were stubborn once, whereby you will find the men that say if a man beats his woman is not supposed to go to the police, not supposed to go outside. That's the issue we had. But after the dialogue with them, they understand now the issue of GBV.

Nomboniso Gaya PSJAC.

Because they have a deep understanding of the dynamics of the community, they can use that to carefully tread on issues that paint these dynamics that perpetuate GBV. They do that through advocacy, through capacity enhancement - targeting the traditional and religious leaders but also the entire community - so that the community itself changes and supports the interventions that seek to promote gender equality.

Welekazi Stofile, NGO stakeholder.

LDAs navigate the traditional justice system as they do the formal justice system, in order to strengthen the rights and needs of survivors. They have the know-how to work in and across these dual systems and to understand the roles, limitations and channels of accountability of each. This is important, because people in rural areas make different choices in respect of where they take their complaints.

21. By way of example, a three-year programme of Tshwaranang Legal Advocacy Centre (TLAC) on transforming the traditional justice system to uphold the rights of women, was implemented in collaboration with some LDAs (Welekazi Stofile, NGO stakeholder).

People in the rural areas, they forum shop a lot. They need that flexibility. If they are not satisfied with the decision of the traditional court, then they know they can go to court, and if they are not satisfied they should then go to the system that is led by paralegals ... One single case can be solved using multiple justice systems ... harmonise all these systems to try and get a solution for the client.

Winnie Martins, key informant.

Working at this critical intersection also involves increasing women's access to and control over land and property, as well as expanding their leadership roles within traditional structures, so as to influence decision-making. LDAs operate at the interface between modernist and customary regimes, in their efforts to offer practical solutions that recognise and protect the dignity and rights of all persons. This means working with what is and what could be.

There are different schools of thought on traditional justice systems ... But whether we accept them or not, they are there. They are provided for in the Constitution, and communities make use of them ... So instead of pushing for their elimination, maybe we should build their capacity to understand the privilege that they have as men - because many of them are men - and understand the disadvantages, not just to women, but to themselves as an area for development.

Welekazi Stofile, NGO stakeholder.

There are good things in culture, but also the bad. We need to maintain and sustain the good things, and do away with the bad things.

Nobuzwe Mofokeng, ILDA.

3.2 System failures: "The justice system is not with women"²²

Systemic failures to protect, support and attain justice for GBV survivors is widely recognised, as is the unevenness in the quality and extent of services provided to women and girls living in rural areas (Government of South Africa, 2020). Respondents in this study describe a litany of ways in which government departments (the Departments of Justice, Social Development, and Health, in particular) consistently fail victims of violence and abuse. From passive neglect and disinterest, through to secondary victimisation, these failures to implement the spirit and intent of law and policy is starkly revealed.

Police play a life and death role in many cases. If they don't do their job properly, then there's a crisis.

Wendy Pekeur, Ubuntu.

The challenge is really with the justice system, because at the police station you arrest the perpetrator and the person gets released. Then you ask yourself at the police station, what else can I do? ... So, we find it difficult, even us [as police]. When is the justice system going to see that our people are suffering? Because they keep on giving out free bail.

Nontuthuzelo Sibaca, SAPS stakeholder.

22. Emmerentia Goliath, WRCD.

If we refer the case to the social worker, we want things to happen. Counselling shouldn't come after three weeks. Immediate action should be taken. Stakeholders delaying their process makes our work very hard.
Jeanette Mqomo, coordinator, KSDF.

The police's unwillingness to assist GBV survivors, arrest perpetrators, and exercise due diligence in their investigations, characterises the inadequacy of their response. The negative attitude of SAPS officials discourages reporting and can lead to cases being withdrawn due to secondary victimisation (SAHRC, 2018). This is acutely debilitating, because the police are frequently the first responders following incidents of gender violence and abuse. This situation is compounded by under-resourced courts, where the processing of applications for protection orders is slow and onerous (SAHRC, 2018) – together with limited services in rural areas, where centres for victims of sexual abuse are lacking and shelters are massively under-supplied.²³ These systemic impediments to justice are deepened when people have to travel long distances, often without sufficient funds, in order to access the criminal justice system or legal assistance.

If you go to SAPS, they are always looking for something – bruises or whatsoever – and that is the thing I don't want them to do. I want them to hear people's stories, because there is always a story.
Sophia Booysen, KSDF.

Especially with the police, we see the norm is that whenever a woman reports a case of abuse, the police in most cases tell the woman that the issues they have with the husband or the partner, they need to sort it out.
Emmerentia Goliath, coordinator, WRDC.

When we observe the cases of GBV, the police are sometimes not knowing what to do in situations – telling people to come and lay charges tomorrow, while the fight is on today.
Jonathan van der Westhuizen, coordinator, SALDU.

Because rural populations are on the economic periphery, they depend heavily on government services to meet basic needs. This is exacerbated in communities with high levels of unemployment and other social deprivations. In such environs, LDAs have to pressure for the materialisation of democracy itself.

Every department plays a role in a human being's life. It doesn't matter where you stay. To get this message out to people in rural areas, is to get the departments there to render services ... How many women are going through GBV that feel they are cornered, they can't speak out, they can't report, they can't do nothing because there is not even a police station in some of these areas? When we went into democracy it was said that if the people cannot reach the point where the services are rendered, the officials and the services must go out and render these important services to those people. But still today, in the deep rural areas, there is no democracy because there are no services.
Sophia Booysen, KSDF.

Weak state capacity, under-resourcing, and poor infrastructure are acutely felt in GBV cases, as survivors require accompaniment and support over time. The overcrowding of facilities leads to further under-servicing, as people turn away from the possibility of their needs being met.

23. In terms of the DVA, the Department of Social Development (DSD) is under no legal obligation to make shelters available, resulting in an approach to shelter funding that is erratic and inconsistent (Vetten, Le & Leisegang, 2010). Twenty-four hour centres for victims of sexual offences are called 'Thuthuzela Care Centres' (TCCs).

If you've been beaten up, then you go to a police station full of people - this one is coming for an affidavit, this one is coming for this, this one is coming for that - and now you are coming to lay a charge against your perpetrator ... Now you've prepared yourself to go to the police station, and getting that lot of people there then you'll turn back and go home and sit in your circumstances.

Mary Boer, DOH stakeholder.

They [SAPS] don't have the car to go in the rural areas. They maybe go once a week ... If I do the application [for a protection order] it must be served today to the man ... I'm having those fears that if it's more than three days and it's not served, the women can be dead.

Ntombizetu Kalimashe, DOJ stakeholder.

At our local [health] facility there are staff shortages. Like in a tuckshop, at the DOH you just come for medication and leave. There is nowhere where you get someone that you can share your emotions with ... At a health facility you should get counselling for everything or have a space where you can speak to a nurse or a professional.

Mary Boer, DOH stakeholder.

The SCAT/CLS research found that 'in many respects, the LDAs are standing in for government by shoring up crumbling services (without the necessary support), but victims still overwhelmingly do not get what they need from the systems that are meant to help them' (Karimakwenda et al, 2020:49). A respondent describes this situation:

They [the LDA] are the only ones that are the linkages with all the different departments ... They are the only people I can refer such cases to and the people get immediate access for the problem they have.

Mary Boer, DOH stakeholder.

3.3 Disrupting heteronormativity and LGBTIQ exclusion: "To be a man, you need to be like this"²⁴

As discussed in the background to this report, GBV is integrally linked to social constructions of gender. Dominant gender roles and stereotypes, underpinned by patriarchal social norms, are reinforced through everyday acts that punish non-heteronormative gender and sexual identities (Judge, 2018). These norms shape the rules, behaviours and social statuses that are considered acceptable, appropriate or desirable, based on a person's sex, gender and/or sexuality. They also obligate people to fulfilling certain functions within society, and support and entrench inequalities between men and women, and for LGBTIQ persons. This creates a permissive environment for gender and sexual discrimination and violence. In their work against GBV, LDAs have to navigate these complex dynamics of gender. Respondents variously describe the socially-defined rules associated with being a woman or man in their communities, and how these regulate power relations between and amongst women, men, boys, girls, and LGBTIQ people.

24. 'Heteronormativity' refers to the privileging of heterosexuality, such that only sexual attraction between 'opposite' genders is considered normal, natural and desirable. It is based on the normative assumption that there are only two genders, namely man or woman (which excludes transgender), and that a person's gender reflects the sex they were assigned at birth, namely male or female (which excludes intersex).

We've missed something out because before, at home, boys used to do work that is done by girls, and girls used to do work that is done by boys. Not anymore the sharing of chores and respect ... If we can share everything, that is another way of respecting at an early age.
Sandra Ntshona, CBO stakeholder.

It's women themselves, they are the key players ... Older women have internalised culture so much, and they think it's how things should be - it's that internalisation of GBV in women that is a stumbling block for them, and for us.
Nobuzwe Mofokeng, ILDA.

Especially with gay people, it's almost seen like a 'corrective measure' - what the perpetrator did - so there's not much support for those who suffer from these incidents.
Emmerentia Goliath, WRDC.

Stigma, discrimination and violence against people on the basis of sexual orientation and/or gender identity is, as elsewhere, commonplace in rural communities. Perceived to disrupt heteronormativity, and reinforced by discriminatory customary and religious practices, LGBTIQ people in rural communities are becoming an increased focus of LDA activity.

If you are a lesbian you are not accepted; you are cast away in our communities. There is a lot of education and restoration that needs to be done ... Little by little our community is becoming aware of developments and embracing the diversity ... So, we are seeing that in our communities now, there are these new Makhoti's being lesbians, being gays.
Misiwe Ngqondela, CBO stakeholder.

We have lesbians and gays who are volunteering with us. We work for the community, and these people are our community members so we are not going to judge everyone - because they come from our community, from our families, they are our brothers and our sisters ... they are the ones that are the most vulnerable and their rights are violated.
Jeanette Mqomo, KSDF.

Some LDAs offer targeted support and encourage the participation of LGBTIQ community members in their activities. In some cases, direct interventions to educate key role-players on LGBTIQ rights has reportedly improved the situation:

Sometimes they don't get the help in the correct way from the different departments ... They are also people that need respect and need to access services. I think that changed because the awareness starts off when someone gave us funding to raise awareness on stigma and discrimination against the LGBTIQ+ community.
Mary Boer, DOH stakeholder.

The assistance was very poor from the police, and having programmes with them as stakeholders decreased the complaints of the LGBTI community. The same thing at the department of health - going to the clinic for testing or, for example, if you have a sexually transmitted infection - the judgment that would come from the nurses, and those complaints have decreased.
Joey Ramohlabi, KSDF.

While LDAs are at different phases regarding their attention to LGBTIQ-related issues, there seems to be consensus that this is an important matter, given the particular vulnerabilities of this community to violence and exclusion. In cases where respondents appear less confident with LGBTIQ issues, there seems to be an appetite for further exposure and involvement. With regard to how LDAs can strengthen their support to LGBTIQ communities, a respondent cautions:

Other organisations that want to work with LGBTI members, and where there are only heterosexual people in that organisation, they should include one or two LGBTI people. Only then would it become more serious cos there would be somebody that has experience and really has an interest in developing LGBTI communities.
Joey Ramohlabi, KSDF.

Another concern for LDAs is how to work directly with men to counter GBV. Although this is an underdeveloped area of organisational activity, it is viewed as important and a key challenge.

A challenge is getting more men coming to our workshops, and when they are there, accepting that they are not in power. I haven't had a man speaking about his own experience - how he looked at women, how he treated women in the past, and saying that this is wrong.
Nobuzwe Mofokeng, ILDA.

Women are not allowed to take the decisions. Every decision is taken by the man. But we try by all means to break that.
Kefuwe Mabote, MFAO.

I also want to change the mindset of the men. They think they are the heads of the family and they can do whatever they like to the women and they have that mindset that they have control over the women and children due to paying the lobola.
Tembakazi Mthembu, PSJAC.



Jeanette Mqomo coordinator of KSDF, working on a client's case in the advice office.

As part of their conflict resolution and educative roles, some LDAs take direct action in dealing with men's conduct and violence.

We also spoke to men about their responsibilities. It's not the women's job to cook alone. It's not the women's job to take care of the children. So, we have to imprint some of these. It's new to them also. I realised that some of these things take time, they grew up like that in their homes, their father was like that, they grow up that 'to be a man, you need to be like this'. It also needs patience to teach them otherwise.

Wendy Pekeur, Ubuntu.

We also talk to men about the importance of not doing domestic violence ... We talk to them about how to manage their anger, and that they should understand how that anger came and what was happening when they were young.

Kefuwe Mabote, MFAO.

The SCAT/CLS research reported that 'deeper discussion revealed a much less settled picture, showing that the LDAs understandings relied in some cases on problematic patriarchal views' (Karimakwenda et al, 2020:7). Consequently, taking action against GBV also requires organisations to critically question their own gendered identity and practice.

We have a history from where we come from, and we have a masculinity approach in everything that we have done. We have learned from our organisation, and we have to grow out of the masculinity effect. This is also a great growing pain for our organisation in terms of giving women the forefront, and the resources and tools to empower themselves. That is very important going forward.

Jonathan van der Westhuizen, SALDA.

3.4 Inadequate and insecure resourcing: "You want to make a change but you don't have the resources"

In rural locales there is a structural scarcity of essential services to protect against and respond to violence. Moreover, the CAO sector as a whole faces significant resource constraints (Davids, Marco & Dipholo, 2014). In the communities where LDAs operate, access to the police, clinics and social workers is severely limited (SCAT, 2019), and this places a heavy reliance on LDAs, 'who must step into the breach to assist survivors and implement community interventions, despite their own extremely limited funds' (Karimakwenda et al, 2020:37).

A lot of these people are working with their own resources. It's horrible to see how exploitative that situation is.

Lesley Ann Foster, key informant.

The resourcing challenges facing CAOs include a lack of human capacity due to a shortage of funding (HRSC, 2014). This limits the recruitment and retention of personnel, such that community volunteers do much of the gender outreach work. Exacerbated by general material deprivation in the areas where LDAs are located, organisational capacities to expand the range, reach and impact of interventions is constrained.

The challenge with the NGOs I work with are resources. You will find out they don't have a proper office space to assist the community. Sometimes the phones are not working because of finance problems. So, it's more about resourcing the NGOs, because the information is there, the encouragement and dedication is there, but it is the resources they don't have.

Nontuthuzelo Sibaca, SAPS stakeholder.

Insecure and inadequate funding is a significant limitation for LDAs. The needs of vulnerable communities are multiple, and so the demands on organisations are great. Individuals who do the work are mostly unsalaried and have to rely on modest and inconsistent stipends. This makes the requirement for coordinated, consistent and sustainable funding to the sector as a whole an urgent one. CAOSA plays a leading role in advocating for longer-term funding – including from the state – to support crucial community-based structures, services and projects in the CAO sector. It is worth reiterating that resource deprivation also increases vulnerability to GBV, which further compounds its impacts in rural communities.

Poverty is playing a huge role here. If I am being abused, I wouldn't dare just walk out of my marriage or the relationship, because who's going to care for me? Those cases we get a lot.

Wasiela Meniers, SALDA.

You want to make a change, but you don't have the resources, firstly. And you must almost play God, say for instance with the food you are making and handing out, because there is no way you can feed everybody.

Wasiela Meniers SALDA.

3.5 Lack of recognition and regulation: “Accountability to those that you serve”

The human rights and social justice sector in South Africa are heavily dependent on the work of CAOs and the support of community-based paralegals. However, their role remains largely unrecognised and unregulated (DOJ, 2020:3). Consequently, the formal recognition and regulation of CAOs is a point of ongoing discussion and debate.

There hasn't really been proper policy consideration around how a woman needs to access services within her community ... That should be fundamental to policy, that you need to have a localised approach to GBV, linking all these service providers to a local structure that is going to be looping in the information and monitoring.

Tshenolo Tshoaedi, key informant.

The need for a clear legislative framework for the governance and operation of local advice offices is, as one respondent points out, *‘also about accountability to those that you serve, in particular the clients’* (Seehaam Samaai, key informant). It is anticipated that formal regulation will consolidate the impact and role of CAOs and community-based paralegals; enable access to justice; contribute to sustainability and growth of the sector; professionalise and formalise the sector; provide accountability mechanisms, both vertically and horizontally; develop systems and solutions for communal learning; and facilitate interaction with government and other stakeholders (FHR & DOJ, 2020:3). As CAOSA argues, *‘the premise of recognising and regulating advice offices and community-based paralegals is on the basis of the role that they play in enabling access to justice at a community-level’, and ‘the regulation in question should seek to establish appropriate qualification, practice and continuous development of these individuals’* (CAOSA, n.d.:2).²⁵

Importantly, paralegals provide a *‘range of interventions that go beyond a narrow conception of legal advice’* (HSRC, 2014:29-30), and this is apparent in the scope of strategies they deploy to address GBV – as identified in this study. Any process of formalisation should give careful consideration to not unduly limiting the organic, flexible and hybrid practices of LDAs and their considerable contribution to rural development processes that are rights and justice-affirming.



25. Regulation of the legal advice office sector is complex and includes consideration of, amongst others: role and scope; registration; governance structures; the right to represent; the legal services to be rendered; and funding models (FHR & DOJ, 2020).

By negotiating power dynamics at the local level, LDAs strengthen the hand of survivors in their encounters with perpetrators; accessing services and support; and holding authorities to account. Organisations negotiate more equitable power dynamics in favour of the less powerful, including between survivors and their assailants; people of diverse genders and sexualities; between their clients and the criminal justice system; and across diverse systems of justice and authority. Using the rights, standards of service, and accountability mechanisms expressed in law, policy and protocols, organisations seek to hold a larger system more answerable to GBV survivors, and specifically those who are socially and economically marginalised.



Nomboniso Gaya coordinator of Port St Johns Advice Office, running training with women in the community.

5. CONCLUDING RECOMMENDATIONS

This section proposes broad recommendations for SCAT's future grantmaking and programming, to support the continued efforts of LDA partners in eradicating gender inequality and GBV in rural areas.

5.1 Strategic and systemic approaches

In carefully navigating its role as both an intermediary funder and a development partner, SCAT needs to ensure that the strategic direction of local gender programming is driven by the LDAs themselves. In this respect, and as the SCAT/CLS research previously identified, 'for the LDAs, a rigid, one-size-fits-all approach, model or template cannot be successful in addressing the problems that they face. They therefore use their flexibility to adjust their strategies as problems arise in the communities, to tailor their approaches to the characteristics of their communities' (Karimakwenda et al, 2020:49). With this in mind, SCAT's support for strategies to address the systemic dimensions of GBV should:

- Provide sustained support for the strategic pathways and tactics that LDAs pursue, mindful that these may shift over time and in response to changing local conditions.
- Identify contextually-appropriate ways in which LDAs can be supported to deepen and further integrate gender perspectives into their development projects and processes.
- Assist LDA partners to strengthen their application of a gender lens in identifying and designing interventions that are within the scope of their work.
- Create opportunities for discussion and critical reflection on LDAs' gender strategies and approaches, including through methodologies like gender power mapping.²⁶
- Enable the documentation of emerging models of practice that capture the learnings and successes of working against GBV in rural contexts. Particular attention should be given to strategies for working with traditional leaders, structures and processes.
- Promote knowledge-sharing activities - both amongst LDAs and with their NGO partners - to facilitate ongoing interaction, peer exchange, and collaboration on strategising to address GBV.
- Assist in the development of knowledge resources for LDAs, to trace GBV cases and extrapolate trends and dynamics to inform their gender strategies.
- Consider how to leverage the NSP-GBVF - as a political opportunity and an organising instrument - to amplify and expand the role and involvement of rural CBOs in driving localised anti-GBV projects.

26. A gender power analysis is a way to identify differences in power, roles, resources, norms, needs and interests - based on gender - in a community or group, by analysing how gender shapes the distributions of power at all levels of that community or group. Power mapping is a framework for social problem-solving, that leverages relationships and networks to exert influence and advance specific objectives.

5.2 Visibility and influence

In this food chain of providing services on GBV, they need to be in your face saying, 'hang on, don't ignore us, we are here too and we are adding value'. I do think sometimes that the sector can be too modest. It needs to be a bit more in our faces – not to do show and tell, but to elevate the issues that come up through their experience.

Vuyiswa Sidzumo, key informant.

There is a need to elevate the visibility of the CAO sector and amplify its role in localised action to hold power structures to account; advance a rights-based culture; and facilitate access to services and legal redress in relation to gender discrimination and violence. Working with other role-players who share this interest e.g. CAOSA and Black Sash, this could include:

- Advocating for greater public awareness and acknowledgment of the role and value of advice offices in addressing GBV, particularly in geographically isolated and economically marginalised communities.
- Facilitating the increased visibility, collective voice and representation of LDAs, and established and emerging women leaders in particular, in local and national fora focused on gender-related issues and campaigns.
- Promoting media and communications to further profile gendered realities in rural contexts, and associated challenges for survivors in accessing services and justice.
- Expanding LDA involvement in, amongst others: understanding the localised dynamics of GBV and how these can be addressed through contextually relevant and appropriate strategies; and analysing the systemic strengths and weaknesses of service delivery in and to rural communities.

5.3 Capacities and practices

People are expected to come to training and they don't even have transport money or something to eat. So, you have to facilitate it in a way that gets into their shoes and ask the question, 'How am I going to make it possible for them to get capacity building without it putting added pressure onto them?'

Lesley Ann Foster, key informant.

In providing capacity development support to LDAs, it is recommended that SCAT prioritise the following:

- Grow LDA communities of practice through peer learning and exchange, as previously recommended (Karimakwenda et al, 2020:51), by:
 - Developing or augmenting the mechanisms through which LDAs' work practices are documented – including what does and does not work – as a source for peer learning.
 - Exploring how new methodologies and technologies can contribute to project implementation.
 - Stimulating critical thinking and reflection on gender issues that challenge normative thinking and behaviours, particularly in relation to gender power relations.
- Facilitate access to information and/or trainings on:
 - Legislative and policy frameworks and related developments relevant to gender equality and GBV prevention and support.

- Roles, obligations and due diligence standards for service providers, including relevant services charters²⁷ and standard operating procedures.
- Technical skills, based on identified needs such as strategic planning, financial planning, governance, communications and fundraising.
- Experientially-based learning interventions on, amongst others, the multiple drivers and forms of GBV, LGBTIQ issues, children's rights and abuse, etc.
- Support LDAs to systematise and streamline their referral networks for GBV survivors in their justice-seeking journeys.
- Facilitate peer mentorship programmes with veteran and emerging leaders in the sector, in particular women and LGBTIQ people.
- Assist to develop locally-appropriate standards of practice that guide LDA processes and interactions, enhance client accountability, and rationalise approaches.
- Support the strengthening of case management systems as an evidence-based tool for LDA services and advocacy, and identify gaps and challenges in system responses.
- Facilitate peer learning on the role of traditional leadership and customary law in tackling gender discrimination, including gender-based violence.
- Facilitate the sharing of best practice for the promotion of sexual and gender rights in this arena.

5.4 Connecting and collectivity

Together with other urban-based NGOs and intermediaries, SCAT has a role to play in facilitating linkages and enhancing networking and collaboration towards collective action across rural-urban and local-district-national divides. As stated in the SCAT/CLS report, this facilitating role 'not only mitigates the feeling that the LDAs operate in virtual isolation, but also provides possibilities for sharing resources, capacities and materials across the network' (Karimakwenda et al, 2020:51).

The increased connectivity of LDAs to new and existing spaces on the thematic area of GBV and women's leadership will also enhance collective strategising across the sector. Relevant existing structures in this regard include, amongst others: provincial networks on violence against women; the Shukumisa Campaign; the Women's Ikwelo Network; structures related to the implementation of the NSP-GBVF; Victim Empowerment Forums; the Rural Women's Movement; the Alliance for Rural Democracy; and the National Shelter Movement. Connections that need to be built and sustained are those with gender-focused NGOs and law firms – as an access to justice strategy.²⁸

The Dullah Omar Summer School for paralegals is a key location for collective thinking and action across the CAO sector, and a recognised space for *'taking up campaigns that help the advice office sector and the LDAs to take up issues nationally, because often a local advice office might see a phenomena and only be seeing one of the pieces, and they need advocacy to take the issues up to another level'*.²⁹ Strengthened connections can also enhance LDAs' relationships with key provincial actors working on GBV; facilitate rural women's participation in decision-making forums at district, provincial, national and international levels; increase rural participation in wider GBV campaigns for access to justice and to tackle state inefficiencies; and amplify rural realities in the national discourse on GBV.

27. For example, the Service Delivery Charter for courts (DOJ, n.d.).

28. One such strategy is 'low bono', which aims to increase access to law-related services for people who do not qualify for pro bono assistance, but who cannot afford private attorney fees.

29. The school engages in both 'vertical and horizontal learning', which includes peer learning and network building, together with accredited paralegal training (Lynette Maart, key informant).

5.5 Sustainable resourcing

As this report illustrates, LDAs contribute significantly to social and economic development and assist rural communities in proactively responding to gender discrimination and GBV. Moreover, they are a pivotal resource for democracy building and access to justice in marginalised areas, and are frequently a stop-gap for weak service delivery on the part of the state. As with the CAO sector as a whole, the need for LDAs to be formally recognised and resourced by the state is of critical concern. In this context, SCAT as an intermediary offers a lifeline to rural community organisations in being able to access funding, a role that one respondent suggests has evolved over time:

In the past it was top down - okay, we [intermediaries] are coming to you and you need our help - but now there is a sense of collective strategising between the advice office sector and the NGOs that are supporting them. There was almost a rethink of even the way they are approached - not as the done to, but as the doing with.
Vuyiswa Sidzumo, key informant.

The following strategies could be explored to grow resourcing for LDAs:

- Funding models that work towards the provision of sustained support e.g. salaries for LDA core staffing.
- Collaborative efforts amongst urban-based NGOs, together with LDA partners, to lobby the state and private social justice funders to promote optimal funding models for rural contexts.
- The establishment of a dedicated joint fund specifically focused on GBV initiatives in the CAO sector, with a strong emphasis on growing the sustainability of anchor organisations in rural areas.
- The development of grantmaking practices that embed project ownership and agency within community structures.
- Targeting resources towards increasing the leadership of women, and young women in particular, in and across the CAO sector.

5.6 Institutionalising a gender focus

To support SCAT to institutionalise its gender work further, the following are proposed:

- Revise the organisation's programmatic objectives on gender to ensure the integration of this subject across all areas of activity.
- Integrate gender as a cross-cutting key performance area for all staff, and enhance SCAT's internal gender expertise and capacity through staff development and targeted recruitment.
- Incorporate gender more fully into programme design, staffing, implementation, and monitoring and evaluation, whilst considering the following:
 - Gender as an *operational strategy* 'recognises that development initiatives are never neutral and so they have differential impacts on men and women, young people and older people, rural and urban populations' (FAO - Dimitri, 2011:20). Consequently, it is important to approach gender as a strategy that cuts across all development programming and prioritise it accordingly.
 - Gender as a *method of analysis* recognises that the social problems development strategies seek to address require 'systematically exploring the roles and responsibilities of men and women [and LGBTIQ persons] and the degree to which they have access to and control over resources, benefits and powers' (FAO - Dimitra, 2011:21).



Nobuzwe Mofokeng coordinator of ILDA in Uitenhage and Vuyo Msizi SCAT programme officer conducting fieldwork in the rural areas around Uitenhage.

REFERENCES

- Abrahams, N., Mathews, S., Martin, L.J., Lombard, C. & Jewkes, R. 2013. Intimate partner femicide in South Africa in 1999 and 2009. *PLOS Med.* 10(4), e1001412:1-8.
- Children's Act, Act No. 38 of 2005, as amended.* 2008. Available: Sabinet Legal [2020, September 30].
- Commission for Gender Equality (CGE). 2014. *Gender Analysis of the National Development Plan Vision 2030.* Available: <http://www.cge.org.za/wp-content/uploads/2014/05/NDP-integrated-analysis-FINAL-2-gender-analysis.pdf> [2020, September 30].
- Community Advice Offices South Africa (CAOSA). 2020. *Perspectives from Advice Offices on COVID-19: Situational and Partner Analysis, 18 May 2020.* (Unpublished).
- Community Advice Offices South Africa. n.d. *CAOSA Submission on the Draft Policy Paper on Recognition and Regulation of the CAO Sector.* (Unpublished).
- Criminal Law (Sexual Offences and Related Matters) Amendment Act, No 32 of 2007.* 2014. Available: Sabinet Legal [2020, September 30].
- Dauids, Y.D., Marco, J. & Dipholo, J. 2014. Community Advice Offices: Straining to Serve Poor Communities. *HRSC Review.* 12(4):22-23.
- Department of Justice & Constitutional Development (DOJ). 2020. *Draft Policy Paper: Recognition and Regulation of the CAO Sector.* Department of Justice and Constitutional Development, January 2020. Available: https://drive.google.com/file/d/13GcFPIfPIQT_R5dCfZiznKKulGFYZN0H/view [2020, September 30].
- Department of Justice and Constitutional Development (DOJ). n.d. *Service Delivery Charter for the Department of Justice and Constitutional Development.* Available: <https://justice.gov.za/faq/serive-charter.pdf> [2020, September 30].
- Domestic Violence Act, No. 116 of 1998, as amended.* 2008. Available: Sabinet Legal [2020, September 30].
- Dugard, J. & Drage, K. 2013. To Whom Do the People Take Their Issues? The Contribution of Community-Based Paralegals to Access to Justice in South Africa. *Justice and Development Working Paper Series: No. 21.* World Bank, Washington, DC.
- FAO - Dimitra. 2011. *Communicating Gender for Rural Development: Integrating Gender in Communication for Development.* Brussels: Food and Agriculture Organisation of the United Nations: Dimitra Project. Available: <http://www.fao.org/3/am319e/am319e00.pdf> [2020, September 30].
- Foundation for Human Rights (FHR) and Department of Justice and Constitutional Development (DOJ). 2020. *Consolidated Report from the CAO National Consultative Workshop held on 9 March 2020 at the Protea by Marriott Hotel in Hatfield, Pretoria, South Africa.* Foundation for Human Rights and Department of Justice and Constitutional Development, 30 March 2020. Available: <https://www.fhr.postt.co.za/2020/03/09/draft-consolidated-report-from-the-cao-national-consultative-workshop/> [2020, September 30].
- Foundation for Human Rights (FHR). 2020. *Human Rights Diagnosis: Community Advice Offices and Covid-19.* [Summary Report 07/20]. Foundation for Human Rights, July 2020. Available: http://www.fhr-mirror.org.za/files/5915/9553/8469/Covid-19_CAO_Survey_Short_Report_FINAL_WEB.pdf [2020, September 30].
- Gender Links. 2012. *The War@Home: Findings of the Gender Based Violence Prevalence Study in Gauteng, Western Cape, KwaZulu-Natal and Limpopo Provinces of South Africa.* Gender Links for Equality and Justice. Available https://genderlinks.org.za/wp-content/uploads/imported/articles/attachments/21537_the_war@home_4prov2014.pdf [2020, September 30].

- Government of South Africa. 2020. *National Strategic Plan on Gender-Based Violence and Femicide 2020-2030*, 11 March 2020. Available: <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf> [2020, September 30].
- Human Sciences Research Council (HSRC). 2014. *Towards a Sustainable and Effective Community Advice Office Sector in South Africa: A Cost Benefit and Qualitative Analysis*. HSRC 2014. Available: <https://namati.org/resources/towards-a-sustainable-and-effective-cao-sector-in-south-africa-a-cost-benefit-and-qualitative-analysis/> [2020, September 30].
- International Labour Organisation (ILO). 2019. *Empowering Women in the Rural Economy: Decent Work in the Rural Economy*. Policy Guidance Notes, ILO. Available: https://www.ilo.org/global/topics/economic-and-social-development/rural-development/WCMS_601071/lang--en/index.htm [2020, September 30].
- Jato, M.N. 2004. *Gender-Responsive Programming for Poverty Reduction: Technical Paper*. Addis Ababa, Ethiopia: United Nations Population Fund (UNFPA) Technical Services Team. Available: <https://www.unfpa.org/sites/default/files/pub-pdf/gender-responsive.pdf> [2020, September 30].
- Jewkes, R. 2002. Intimate Partner Violence: Causes and Prevention. *The Lancet* 359(9315):1423-1429.
- Judge, M. 2018. *Blackwashing Homophobia: Violence and the Politics of Sexuality, Gender and Race*. Abingdon: Routledge.
- Judge, M. & Smythe, D. 2020. Striking Women: The politics of Gender, Sexuality and the Law in South Africa. In *Research Handbook on Gender, Sexuality and the Law*. C. Ashford & A. Maine, Eds. London: Edward Elgar. 60-74.
- Karimakwenda, N., Moul, K., Jefthas, D. & Teele, T. 2020. *Striving for Change from Within: A Study of Rural Community-Based Organisations' Engagement with Gender-Based Violence*. Cape Town: Social Change Assistance Trust & Centre for Law & Society.
- Love Not Hate Campaign. 2016. *Hate Crimes Against Lesbian, Gay, Bisexual and Transgender People in South Africa, 2016*. Available: <http://www.out.org.za/index.php/library/reports?download=30:hatecrimes-againstlgbt-people-in-south-africa-2016> [2020, September 30].
- Müller, A. & Meer, T. 2018. *Access to Justice for Lesbian, Gay, Bisexual and Transgender Survivors of Sexual Offences in South Africa: A Research Report*. Cape Town: Gender Health and Justice Research Unit. Available: http://www.ghjru.uct.ac.za/sites/default/files/image_tool/images/242/report_images/1%20ICOP%20LGBT%20Doc%20PDF.pdf [2020, September 30].
- Nel, J. & Judge, M. 2008. Exploring Homophobic Victimisation in Gauteng, South Africa: Issues, Impacts and Responses. *Acta Criminologica*. 21(3):19-36.
- Pienaar, G., Houston, G., Barolsky, V., Wentzel, M., Viljoen, J. & Hagg, G. 2016. *Access to justice and promotion of constitutional rights programme: final evaluation report*. [Technical Report 09/16]. Human Sciences Research Council (HSRC).
- Samaai, S. 2010. The Promotion of Access to Justice by University Law Clinics in South Africa. In *A Human Right to Legal Aid*. H. Thelle & P. Dalton, Eds. The Danish Institute for Human Rights. 231-247. Available: <http://sutajnik.ru/documents/3751.pdf> [2020, September 30].
- Smythe, D. 2015. *Rape Unresolved: Policing Sexual Offences in South Africa*. Cape Town: University of Cape Town Press.
- Social Change Assistance Trust (SCAT). 2019. *Rural Voice II: 35 stories for 35 years*. Social Change Assistance Trust 1984-2019: Partnering for transformation. Available: https://globalfundcommunityfoundations.org/wp-content/uploads/2019/11/SCAT-BOOK_ebook.pdf [2020, September 30].

- South African Human Rights Commission (SAHRC). 2018. *Unpacking the gaps and challenges in addressing gender-based violence in South Africa*. [Research Brief 04/18], South African Human Rights Commission, SAHRC. Available: <https://www.sahrc.org.za/home/21/files/SAHRC%20GBV%20Research%20Brief%20Publication.pdf> [2020, September 30].
- South African Police Service (SAPS). 2017. *Annual Crime Report, 2016/2017: Addendum to the SAPS Annual Report*. Crime Registrar, SAPS [RP 226/2017]. Available https://www.saps.gov.za/about/stratframework/annual_report/2016_2017/gpw_crime_stats_2017.pdf [2020, September 30].
- Statistics South Africa. 2018. *Crime Against Women in South Africa: An In-Depth Analysis of the Victims of Crime Survey Data 2018*. [Crime Statistics Series Volume V., Report No. 03-40-05 06/18]. Statistics South Africa. Available: <http://www.statssa.gov.za/publications/Report-03-40-05/Report-03-40-05June2018.pdf> [2020, September 30].
- The Centre for the Study of Violence and Reconciliation (CSVR). 2016. *Gender-Based Violence (GBV) in South Africa: A Brief Review*. Johannesburg: CSVR. Available: <http://www.csvr.org.za/pdf/Gender%20Based%20Violence%20in%20South%20Africa%20-%20A%20Brief%20Review.pdf> [2020, September 30].
- United Nations (UN). 2016. *Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to South Africa*. [A/HRC/32/42/Add.2, 14/06/2016]. UN Human Rights Council. Available: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Documents/A_HRC_32_42_Add.2_en.docx [2020, September 30].
- Vetten, L., Le, T., Leisegang, A. & Haken, S. 2010. *The Right and the Real: A Shadow Report Analysing Selected Government Departments' Implementation of the 1998 Domestic Violence Act and 2007 Sexual Offences Act*. Johannesburg: Tshwaranang Legal Advocacy Centre to End Violence Against Women. Available: <https://shukumisa.org.za/wp-content/uploads/2017/09/The-Right-and-The-Real.pdf> [2020, September 30].



Mount Fletcher Advice Office workshop on gender, facilitated by Thandiwe April.

APPENDIX ONE: STUDY RESPONDENTS

LDA coordinators, fieldworkers and board members

1. Thembinkosi Hlati, Coordinator, Mount Fletcher Advice Office
2. Phumla Gojela, Coordinator, Community Attempt Reaching Empowerment
3. Nobuzwe Mofokeng, Coordinator, Interchurch Local Development Agency
4. Jeanette Mqomo, Coordinator, Kgatelopele Social Development Forum
5. Wendy Pekeur, Coordinator, Ubuntu Rural Women and Youth movement
6. Jonathan van der Westhuizen, Coordinator, Sandveld Local Development Agency
7. Emmerentia Goliath, Coordinator, Witzenberg Rural Development Centre
8. Nomboniso Gaya, Coordinator, Port St Johns Legal Advice Centre
9. Sophia Booysen, Programmes Coordinator, Kgatelopele Social Development Forum
10. Joey Ramohlabi, Youth Mentor, Kgatelopele Social Development Forum
11. Tembakazi Mthembu, Victim Empowerment Coordinator, Port St Johns Legal Advice Centre
12. Kefuwe Mabote, Fieldworker, Mount Fletcher Advice Office
13. Wasiela Meniers, Board Chairperson, Sandveld Local Development Agency
14. Jenny Fredericks, Board Member, Ubuntu Rural Women and Youth movement
15. Deseree Brand, Outreach Worker, Witzenberg Rural Development Centre

LDA stakeholder allies

16. Mary Boer, Community Health Worker, Department of Health
17. Ntombizetu Kalimashe, Administrative Clerk of the Domestic Violence Court, Department of Justice and Constitutional Development
18. Misiwe Ngqondela, Director, Langa Kwanobuhle Self Help and Resource Exchange
19. Sandra Ntshona, Director, Coping Victim Empowerment Centre
20. Welekazi Stofile, Director, Tshwaranang Legal Advocacy Centre
21. Maria Karools, Community Health Worker, Diakonia Dienste Lamberts Bay
22. Nontuthuzelo Sibaca, Police Constable, South African Police Service

Key informants

23. Lynette Maart, Director, Black Sash
24. Vuyiswa Sidzumo, Senior Programme Officer, Ford Foundation
25. Tshenolo Tshoaedi, Director, Community Advice Offices South Africa
26. Dr Lesley Ann Foster, Director, Masimanyane Women's Rights International
27. Seehaam Samaai, Director, Women's Legal Centre
28. Dr Winnie Martins, Director, Centre for Community Justice and Development



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