



**higher education  
& training**

Department:  
Higher Education and Training  
**REPUBLIC OF SOUTH AFRICA**

**Policy Framework to Address  
Gender-Based Violence in the Post-School Education and Training System**

---

March 2020

## Foreword

The President of the Republic of South Africa, His Excellency Mr Cyril Ramaphosa, in his address at the *Presidential Summit on Gender-Based Violence and Femicide* on 1 November 2018, said that gender-based violence is “a crisis that is tearing our society apart. It is a crisis that affects every community in our country and that touches the lives of most families in one way or another. Gender-based violence is an affront to our shared humanity”.

We have been talking about the problem of violence for many years. We have developed a range of programmes and new laws since 1994; yet the scourge of violence, especially gender-based violence, is becoming more prevalent. We as the Post-School Education and Training (PSET) System have to work harder to create a safer, more caring society with a concerted focus on the protection of all people, in particular our female students and staff. As some commentators often remind us, these problems exist in other parts of the world too. Our concern however is that they seem not to be incidental but are a deeply entrenched part of our social fabric.

With this Policy Framework we want to trigger the PSET system to identify effective responses and solutions to what is clearly a deeply complex social challenge for South Africa. It is our vision that this Policy Framework will become part of the solution, not only to address gender-based violence in our institutions, but also to engage society and communities in curbing gender-based violence.

Condemnation of gender-based violence needs to be constant and consistent, and perpetrators need to be prosecuted. It requires that we address societal issues of patriarchy, economic relations and changing the way of thinking about gender relations. Preconceived notions of how women and men should behave must be addressed as no person has the right to treat anyone as inferior, or to harm them in any way.

All genders are equal in all respects.

A society that promotes inclusivity and diversity is more likely to reduce gender-based violence. By working together, by confronting difficult issues, and by mobilising everyone in and around our institutions, we shall create a society where everyone, especially women, feel safe and are safe at all times and in all places.

Dr BE Nzimande, MP

Minister of Higher Education, Science and Technology

Date:

## Acronyms

African Union	AU
Commission for Conciliation, Mediation and Arbitration	CCMA
Commission for Gender Equality	CGE
Community Education and Training	CET
Council for Higher Education	CHE
Convention on the Elimination of All Forms of Discrimination Against Women	CEDAW
Declaration to End Violence Against Women	DEVAW
Department of Higher Education and Training	Department
Department of Planning, Monitoring and Evaluation	DPME
Department of Health	DoH
Department of Justice and Constitutional Development	DoJ&CD
Department of Women	DoW
Department of Social Development	DSD
Domestic Violence Act	DVA
Gender-Based Violence	GBV
Gender-Based Violence Command Centre	GBVCC
Intimate Partner Violence	IPV
Higher Education and Training Health Wellness and Development Centre	HEAIDS
Human Resource Development Council of South Africa	HRDC
Lesbian, Gay, Bisexual, Transgender, Queer and Intersex	LGBTQI
National Policy Framework	NPF
National Prosecuting Authority	NPA

Post-School Education and Training	PSET
Promotion of Equality and Prevention of Unfair Discrimination Act	PEPUDA
Sexual Offences and Related Matters Amendment Act, 32 of 2007	SORMAAA
South African College Principals Organisation	SACPO
South African Medical Research Council	SAMRC
South African Police Service	SAPS
Student Representative Council	SRC
Student Support Services	SSS
Technical and Vocational Education and Training	TVET
Universal Declaration of Human Rights	UDHR
Universities South Africa	USAf
United Nations	UN

## Table of Contents

<b>Foreword</b> .....	ii
<b>1. Introduction</b> .....	1
1.1. Background and Rationale for the Policy Framework .....	1
1.2. Scope of the Policy Framework.....	3
1.3. Purpose of the Policy Framework .....	4
1.4. Policy development process .....	4
1.5. Structure of the Policy Framework.....	5
<b>2. Conceptual Framework</b> .....	5
2.1. Conceptualising Gender-Based Violence .....	6
2.2. Gender-Based Violence in PSET institutions.....	7
2.3. Key Principles underpinning Gender-Based Violence Policy Development and Implementation.....	9
2.4. Policy Mandates.....	10
2.4.1 International Context, Agreements and Treaties Relevant to Gender-Based Violence in Post-School Education and Training Institutions.....	10
2.4.2 Legislative and Policy Context in South Africa.....	11
2.4.3 Legislative and Policy Context in the Post-School Education and Training System .....	14
<b>3. Strategic Intent</b> .....	16
3.1. Vision Espouses in the Policy Framework.....	16
3.2. Goals of the Policy Framework .....	16
3.3. Outcomes Adopted in the Policy Framework.....	18
3.4. Strategic Objectives of the Policy Framework .....	18
3.4.1 Strategic Objective 1: Enabling Environment.....	18
3.4.2 Strategic Objective 2: Prevention and Awareness .....	18
3.4.3 Strategic Objective 3: Support and Assistance .....	19
3.5. Theory of Change .....	19
3.6. Policy Actions Emanating from the Strategic Objectives .....	21
3.6.1 Policy Actions Emanating from Strategic Objective 1: Enabling Environment.....	21

3.6.2 Policy Actions Emanating from Strategic Objective 2: Prevention and Awareness .....	23
3.6.3. Policy Actions Emanating from Strategic Objective 3: Support and Assistance	26
<b>4. Policy Implementation .....</b>	<b>28</b>
4.1. Creation of a system of accountability .....	28
4.2. Governance of PSET Institutions .....	29
4.3. Management of PSET Institutions .....	29
4.4. Institutional Forums/Committees.....	30
4.5. National Coordination .....	31
4.5.1 Transformation Managers' Forum and Social Inclusion Forum.....	31
4.5.2 Directors-General Inter-Sectoral Committee for the Management of Sexual Offences .....	31
4.6. Commission on Gender Equality (CGE) .....	32
4.7. Knowledge Management.....	33
4.8. Funding Strategy .....	33
4.9. Advocacy, Communication and Dissemination Plan .....	34
4.10. High-Level Implementation Plan .....	36
4.11. Monitoring and Evaluation.....	49
4.12. Policy Review .....	49
4.13. Effective Date of Policy.....	49

## 1. Introduction

### 1.1. Background and Rationale for the Policy Framework

The Universal Declaration of Human Rights (UDHR) proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly Resolution 217A) sets out fundamental human rights to be universally protected. The Universal Human Rights Framework, on which the South African Constitution (Act No 108 of 1996) is based, regards gender-based violence (GBV) as one of the serious crimes that violates the right to life, equality, human dignity, freedom and security of the person. The right to human dignity, in particular, is always violated in all cases of GBV.

The rights of all people of South Africa are enshrined in the Constitution, particularly Chapter 2 (the Bill of Rights). These rights affirm the democratic values of human dignity, equality and freedom. The state and all its organs must respect, protect, promote and fulfil the Bill of Rights. It specifically protects the rights of women, men, the Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTQI) communities as well as all marginalised groups in society against all forms of GBV and discrimination.

GBV is a profound and widespread problem in South Africa, impacting on almost every aspect of life. On 18 September 2019, President Cyril Ramaphosa committed that government will make the necessary amendments to legislation and policies to ensure that perpetrators of GBV are brought to book, that substantial additional funding is made available for a comprehensive package of interventions to make an immediate and lasting difference on the occurrence of GBV, and that the implementation of the decisions of 2018's *Presidential Summit on Gender-based Violence and Femicide* are prioritised at all levels of government.

GBV (which disproportionately affects women and girls) is systemic, and deeply entrenched in institutions, cultures and traditions in South Africa. GBV is increasing at an alarming rate in and around South African Public Post-School Education and Training (PSET) institutions. South African public universities were affected by students' protests against rape (one of the severe manifestations of GBV) culture from 2016 to date. However, studies show that rape culture has always been a major under-reported problem in South African universities.

Therefore, concerted effort should be made to eliminate the scourge of GBV in the PSET system. PSET institutions are confined spaces where people from different socio-economic backgrounds meet and interact at different levels and on many different aspects, and therefore there is an urgent need for the democratic values of human dignity, equality and freedom to

be affirmed and promoted. PSET institutions have a duty to respect, protect, promote and fulfil the rights of students, staff and any other people in all spaces. Statistics on GBV and rape in specific in universities are unreliable and only highly publicised incidents attract public attention. From 2016 to date, Rhodes University, University of Cape Town, Nelson Mandela University, University of the Witwatersrand and Tshwane University of Technology have been affected by highly-publicised protests by students against GBV. Universities do not have a system in place that collects rape statistics and reports them to the Department of Higher Education and Training.

Most PSET institutions also do not have sufficient means to deal with GBV and the survivors are not sufficiently supported. This situation continues to threaten social cohesion and the deepening of a human rights culture as articulated in the Bill of Rights.

GBV also undermines all existing laws that foster human dignity and combats all forms of discrimination. Some survivors of GBV have experienced depression and have therefore left PSET institutions without completing their studies, while some have committed suicide. GBV is therefore also a threat to the development of a skilled and capable workforce that will contribute to an inclusive economic growth path in the country. There are also insufficient mechanisms that have been put in place to monitor and report on GBV in the PSET system.

GBV has furthermore been linked to other societal problems such as drug and alcohol abuse, abuse of people with disabilities, and has compromised the safety of students and staff on campuses and in student residences. And it has led to mental health problems such as depression on the part of survivors and their families. It further places a huge burden on the resources of institutions as these institutions are required to render support to the student/staff member through the many phases of the process towards healing. The healing process can be lengthy and the psychological scars everlasting.

The Department of Higher Education and Training (the Department) has therefore developed this Policy Framework that will serve as a guide to the entire PSET system. The Framework will not only to address GBV occurrence in institutions, but also compel the creation of awareness programmes to prevent the occurrence of GBV and to support survivors. This Policy Framework is composed of measures that involve the strengthening of the application of national legislation through improved collaboration between PSET institutions, civil society and sister departments. This Policy Framework also addresses safety and security, and contains monitoring and reporting mechanisms.

## 1.2. Scope of the Policy Framework

Following the policy directives presented in Chapter 2 of the 2014 *White Paper for Post-School Education and Training*, this Policy Framework sets out the strategic intent of the Department to curb the scourge of GBV in PSET institutions. The scope of this Policy Framework is the entire PSET system – national and regional offices, institutions, entities and related organisations, including universities, technical and vocational education and training (TVET) colleges and community education and training (CET) colleges, as well as skills providers. The Policy Framework applies also to all students, whether full-or-part-time, residential or online, as well as all staff of institutions and organisations.

It also applies to registered and legally operating private PSET institutions (higher education institutions, colleges and skills providers) as these too are required to operate in terms of the Constitution (Act No 108 of 1996), and other applicable law, as well as workplaces and places where practical learning or workplace-based learning takes place. It therefore applies to Sector Education and Training Authorities (SETAs), Quality Councils reporting to the Department, as well as the South African Qualifications Authority (SAQA), the National Student Financial Aid Scheme (NSFAS), the National Skills Authority (NSA), the Human Resource Development Council of South Africa (HRDC), and the National Skills Fund (NSF).

The term ‘institution’ is further used in this document and includes all the above offices, institutions, entities and organisations.

It should be restated that this Policy Framework addresses all forms of GBV, inclusive of sexualised violence and harassment. While women are most frequently the survivors of these particular forms of GBV, the Policy Framework recognises that all gender identities including the LGBTQTI+ individuals and marginalised minorities are affected by GBV.

***This document is thus inclusive, irrespective of position, role, sexual orientation, and gender identity or gender expression. Nonetheless, precisely because these acts and crimes are not gender-neutral, use of the gender binary is retained in order to highlight the key role gender plays in these various abuses.***

### **1.3. Purpose of the Policy Framework**

Through the *Policy Framework to address Gender-Based Violence in the Post-School Education and Training System*, the Department is creating an enabling environment for the eradication of GBV while instilling respect, protection, promotion and fulfilment of human rights as enshrined in the Bill of Rights of the Constitution of the Republic of South Africa (Act No 108 of 1996).

The Policy Framework intends to assist PSET institutions address the occurrence of GBV and to provide a monitoring instrument to the Department to assess the implementation of the Policy Framework.

The Policy Framework aims to:

- i) Conceptualise GBV and define its manifestation in terms of existing laws and policies;
- ii) Detail the international and national regulatory framework compelling institutional and departmental responses to GBV;
- iii) Provide guidance around the structures, mechanisms and processes that PSET institutions must put in place to address GBV;
- iv) Compel PSET institutions to both create awareness of GBV policies and prevent incidents of GBV; and
- v) Set out a framework for oversight of the Department and PSET institutions' development and implementation of policy.

### **1.4. Policy development process**

This Policy Framework is based on national legislation, policies as well as international conventions. A policy environmental scan was conducted and engagement took place with stakeholders in general, and institutions specifically, over a period of two years. The pivotal role that Higher Health (formerly HEAIDS) played in the initial processes of conceptualisation, formulation, and consultation is acknowledged and valued. Initial and final Socio-Economic Impact Analyses were conducted with the support of the Department of Planning, Monitoring and Evaluation. The Draft Policy Framework was published in May 2018 by the then-Minister of Higher Education and Training, Dr GNM Pandor (MP). Public comments were received and analysed and extensive consultation took place at various levels. They were then used to revise the Draft Policy Framework and develop the final published Policy Framework.

## **1.5. Structure of the Policy Framework**

The Policy Framework is organised into four sections, namely an introduction; the conceptual framework; the strategic intent; and the policy implementation strategy that includes monitoring and evaluation.

The conceptual framework conceptualises 'gender-based violence' within the context of PSET institutions. It outlines the principles that underpin policy development and implementation in the PSET system. The subsequent sections deal with the international context, agreements and treaties relevant to GBV, and the legislative and policy context in South Africa.

The document furthermore sets out the policy framework's strategic intent. The Department's vision for PSET is presented with an emphasis on the system that assists in building a fair, equitable, non-racial, non-sexist and democratic South Africa, and that is responsive to the needs of individual citizens and of employers in the public and private sectors, as well as broader societal and developmental objectives. Aligned with the 2014 White Paper for PSET, it then formulates the vision statement of the Policy Framework and discusses the goals, adopted outcomes and the strategic objectives of the Policy Framework in terms of the theory of change that underpins the Policy Framework. It furthermore delineates the detailed policy actions emanating from the strategic objectives.

The high-level implementation strategy addresses the coordination needed to ensure the sound and sustained implementation of GBV policies; formulates the policy instruments and steering mechanisms to be used in implementation; and mandates the formation of steering mechanisms. Within the context of the Policy Framework for the Realisation of Social Inclusion in the PSET System's (2016) monitoring and evaluation frameworks, this Policy Framework then outlines the instruments for monitoring and evaluating the implementation of the policy framework. It also includes brief descriptions on institutional implementation, funding, and the evaluation and review of the Policy Framework.

## **2. Conceptual Framework**

The Department affirms its commitment to democratic values of human dignity, equality and freedom and therefore commits to respect, protect, promote and fulfil the rights of all people in the PSET system.

## 2.1. Conceptualising Gender-Based Violence

GBV is a product of a system of unequal power relations; it is both reproduced and in turn reproduces in society. Its historical origins and forms can be meaningfully understood in the context of patriarchy, dominance and unequal power relations embedded in different economic, political, cultural and social structures of any given society. Violence is a means to reproduce and reinforce these unequal social relations.

GBV manifests itself in different ways. It has physical, sexual, emotional and psychological, as well as economic dimensions. These forms may vary across different societies and at different historical points. The increasing availability and sophistication of digital technologies further spirals the expression of GBV in new ways and illustrates the need for institutions to be alert to these changing manifestations of violence and abuse in order to ensure their responses, both to prevent the occurrences of GBV and support survivors of GBV, remain relevant and up to date.

It is thus necessary to link the prevalence of GBV in PSET institutions with GBV challenges in the broader South African society, and how the PSET system can contribute to the elimination of GBV in collaboration with social partners and other Government departments.

GBV affects all genders in their diversity and it mainly affects the vulnerable in society in terms of race, class, disability, gender, citizenship and geography. In many cases, the most vulnerable in society are often the survivors of GBV. The use of violence to institute and maintain particular forms of gender relations is also influenced in complex ways by perpetrators' ideas about their victim's race, disability, social class and citizenship status, among other factors. These factors similarly influence how others respond to instances of GBV, as well as individuals' access to helpful resources.

This Policy Framework does not attempt to define all the forms of GBV. Government has responded by conceptualising GBV in legislation and policies to combat it in all its forms and manifestations (see 2.5.2).

For the purpose of this Policy Framework, the Criminal Law (Sexual Offences and Related Matters) Amendment Act (SORMAAA), (Act No 32 of 2007) defines GBV-specific sexual offences including rape (sec. 3), compelled rape (sec. 4), sexual assault (sec. 5), compelled sexual assault (sec. 6), compelled self-sexual assault (sec. 7), compelling or causing any person to witness a sexual offence, a sexual act, or self-masturbation (sec. 8, 21, 23), exposing or displaying or causing the exposure or display of genital organs, anus, or female breasts to any person (flashing) (sec. 9, 22, 23), being involved in, furthering, benefiting from,

or living from the earnings of exposing or displaying or causing the sexual exposure or display of children or mental disabled people to any person (sec. 10, 17-20, 23, 25, 26), engaging the sexual services of any person (sec. 11, 23, 25, 26), sexual grooming (sec. 18, 24), incest (sec. 12), committing an act of consensual sexual penetration with a child (statutory rape) (sec. 15) or with mentally disabled people, as well as violation of a child (statutory sexual assault) (sec. 16) or of mentally disabled people).

The South Africa's Domestic Violence Act (DVA), (Act No 116 of 1998) further conceptualises domestic violence as any violence or other abuse by one person against another in a domestic context between people who share a residence and have, or not have, sexual or romantic relationships, such as in marriage or cohabitation. This brings both housemates and students in residences within the ambit of the Act's protection. Domestic violence is associated with Intimate Partner Violence (IPV), and is dealt with by the DVA. IPV is defined as violence by a current or former spouse or partner that is/was in an intimate relationship with the victim. It includes by law "engagement, dating or customary relationship, including an actual or perceived romantic, intimate or sexual relationship of any duration" irrespective of whether these relationships are heterosexual or same-sex.

GBV therefore can take a number of forms, including physical, verbal, emotional, economic and sexual abuse, as well as stalking and intimidation, or any other form of controlling behaviour.

## **2.2. Gender-Based Violence in PSET institutions**

Emanating from research on GBV in PSET institutions, GBV further manifests in the following ways:

- i) Grading or rating of appearance by verbal comment, wolf-whistling, or other noises;
- ii) Stalking and repeated, unwanted requests for dates;
- iii) Derogatory comments, including in relation to people's gender non-conformity;
- iv) The use of work (either academic or administrative) as an excuse for inappropriate, private meetings;
- v) Cyber-bullying;
- vi) Physical assaults against individuals perceived as gender-nonconforming;
- vii) Requests/demands for sex in exchange for improved marks, accommodation in residences, or other needs and benefits;
- viii) Spying, or intruding upon women and men in residences while they are bathing or dressing;
- ix) Streaking and flashing; and

- x) In the case of abusive relationships, preventing, or interfering with a partner's studies, including by withholding financial support for studies.

It is important to note that National Instructions, National Directives, List of Designated Public Health Establishments, Additional Services and other related documents developed by the Department of Justice and Constitutional Development apply to all PSET institutions in the handling of GBV and sexual offenses cases.

GBV must therefore, within the broader legislative context, be appropriately addressed in PSET institutions through advocacy, communication, prevention at various levels including security, and support of survivors.

Although most of the GBV cases that are reported are not taking place on campuses of PSET institutions per se, PSET students and staff are exposed to GBV in various settings in and outside campus and residences. There is therefore a need for an expanded approach to address GBV in PSET institutions.

Most PSET institutions however, lack the basic enabling environment to curb the occurrence of GBV. These include, but are not limited to:

- i) Lack of understanding and awareness in terms of occurrences, prevention, reporting, investigation and monitoring GBV;
- ii) Inefficiencies and absence of internal protocols and policies that deal with GBV;
- iii) Legislation and policies that combat GBV do not find clear expression in the internal policies of PSET institutions;
- iv) Lack of uniformity and guidance in the implementation of policies and anti-GBV laws in PSET institutions;
- v) Lack of an effective system of awareness, prevention, reporting, investigation and monitoring of GBV;
- vi) Inconsistent levels of capacity within institutions to develop, implement, monitor and enforce GBV policies;
- vii) Safety and security challenges on and off campus that give space to GBV crimes and also compromise the quality of any investigation related to GBV;
- viii) Lack of coordination and collaboration of law enforcement agencies, support structures, community structures, places of social activities in communities to address GBV; and
- ix) Insufficient levels of collaboration between institutions, the Department and law enforcement agencies in addressing GBV cases.

All these factors threaten social inclusion, community and institutional stability, personal safety and well-being as well as the quality of the PSET system.

### 2.3. Key Principles underpinning Gender-Based Violence Policy Development and Implementation

This Policy Framework is informed by the following principles:

- i) **Rights-based:** The values and rights contained in the Constitution (Act No 108 of 1996) underpin all policy processes and procedures. These actively seek to give concrete expression to the rights to equality, dignity, freedom and security of a person; as well as protect bodily and psychological integrity;
- ii) **Comprehensive and multi-faceted approaches to occurrence of GBV:** PSET institutions' responses to GBV cannot focus on one aspect or manifestation of the problem alone. Even though the nature of the responses may differ, all forms of GBV must be responded to. Furthermore, interventions to address GBV must be multi-faceted, comprising prevention and information; established structures; confidentiality, trust and empathy; complaints processes and procedures; support to complainants; and (where possible) assistance to the perpetrator in changing their behaviour;
- iii) **Comprehensive and multi-faceted approaches to GBV prevention:** PSET institutions' responses to GBV must include integrated and comprehensive prevention, education and information about GBV policies and programmes including social mobilisation activities and campaigns intended to promote safety on and off campus and prevention of GBV;
- iv) **Specialisation:** Responding to GBV requires specialised knowledge and skills. All staff and students involved in addressing GBV in any way must be able and skilled to respond to and refer cases. This includes being gender-sensitive, receiving ongoing training and support and conducting their work in accordance with clear guidelines, protocols and codes of ethics. Programmes and other responses must reject ideologies that perpetuate gender stereotyping or cultural beliefs, excuse or justify GBV, or blame complainants;
- v) **Confidentiality:** All responses to GBV must maintain the confidentiality and privacy of the complainant whose trust, safety and physical and psychological needs must be prioritised;
- vi) **Complainant-centred:** Assistance to the complainant must support and encourage their sense of personal control, which includes respecting the complainant's informed decision at every stage of the process. Reporting, investigative or support staff must offer comprehensive information about all processes and options in a manner which is non-judgmental, appropriate, clear and sensitive to the complainant in terms of language, culture, disability, gender and sexuality;

- vii) **Zero tolerance:** Policies must contain a clear statement by the institution rejecting all forms of GBV. This message must not be diluted or made ambiguous by the policy referring to false complaints, or procedures for dealing with allegedly false complaints. Should investigations yield evidence of false complaints these can be dealt with in the same way misconduct is ordinarily dealt with; and
- viii) **Accountability:** Implementation of the policy must be routinely monitored, reported and evaluated and senior managers held accountable for its effective implementation. This includes maintaining documentation and records in accordance with health, police and legal requirements and the need for confidentiality, security and choice.

## 2.4. Policy Mandates

This section outlines the mandate for the development of the Policy Framework by covering the international context, agreements and treaties relevant to GBV, and the legislative and policy context in South Africa.

### 2.4.1 International Context, Agreements and Treaties Relevant to Gender-Based Violence in Post-School Education and Training Institutions

South Africa has ratified a series of international instruments since in 1994.

Enshrined in the UDHR, the Beijing Declaration and Platform for Action (1995) calls for the following measures:

- Adopting and/or implementing and periodically reviewing and analysing legislation to ensure its effectiveness in eliminating violence against women, emphasising the prevention of violence and the prosecution of offenders;
- Providing women who are subjected to violence with access to the mechanisms of justice, and, as provided in national legislation, to just and effective remedies for the harm they have suffered;
- Informing women of their rights in seeking redress through such mechanisms of justice;
- Creating and strengthening institutional mechanisms so that women can report acts of violence against them in a safe, confidential environment, free from the fear of penalties or retaliation;
- Create, improve or develop a funding model for training programmes for personnel dealing with gender-based violence in order to ensure fair treatment of survivors; and
- Provide psycho-social support and legal support for survivors of gender-based violence.

This Policy Framework fully endorses the measures of the Beijing Declaration and Platform for Action (1995) as well as Article 4 of the African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003). This article calls for African states to focus on both public and private violence against women and adopt specific measures to protect survivors and punish perpetrators. The causes of violence against women should also be identified and support services be provided to survivors.

South Africa has further committed itself to the realisation of the 2030 Agenda for Sustainable Development (2016). Goal 5 addresses gender equality, as one of its targets, the elimination of all forms of violence against all women and girls in public and private spheres, including trafficking and sexual and other types of exploitation.

***This Policy Framework further recognises all other international protocols and conventions not stated here, that promote human dignity of all people regardless of gender, race, class, disability and other identities.***

## **2.4.2 Legislative and Policy Context in South Africa**

### **2.4.2.1. The South African Constitution (1996)**

The Constitution of South Africa (1996), as the supreme law, prohibits GBV with all its manifestations. Chapter 2 of the Constitution - the Bill of Rights ensures the equality and human dignity of all citizens. In relation to violence, the following provisions of the Constitution applies:

- **Section 9:** Everyone is equal before the law and has the right to equal protection and benefit of the law. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. No person may unfairly discriminate directly or indirectly against anyone;
- **Section 10:** Everyone has the right to human dignity and the right to have their dignity respected and protected;
- **Section 12(1):** Everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either private or public sources; and
- **Section 12(2):** Everyone has the right to bodily and psychological integrity, which includes the right to security in and control over the body; and not to be subject to medical and scientific experiments without their informed consent.

#### **2.4.2.2. Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No 32 of 2007)**

The SORMAAA (Act No 32 of 2007) is the main body of legislation dealing with sexual violence against adults, children and people with disabilities. It sets out comprehensive definitions for the range of sexual offences, from flashing to rape. In relation to rape, institutions must take into account the Act's recognition of how an abuse of power or authority can undermine consent. Depending on the circumstances, this may mean that *quid pro quo* harassment, which entails the denial of particular resources such as improved marks, access to a residence, or the offer of a job or promotion unless sex is acceded to, can also be dealt with as rape.

The Act also introduces a supportive structure aimed at ensuring its effective implementation. This structure encompasses the establishment of an Inter-Sectoral Committee, the adoption of a National Policy Framework (NPF) for the Management of Sexual Offences and the development of national instructions, directives and training courses for police officials, prosecutors and medical practitioners dealing with sexual offences. Importantly, the NPF also places certain duties on the Department in relation to sexual offences (see also section 5.5 National Coordination).

#### **2.4.2.3. South Africa's Domestic Violence Act (Act No 116 of 1998)**

Intimate partner violence is one type of family violence dealt with by South Africa's DVA, (Act No 116 of 1998). Relationships governed by the Act include "engagement, dating or customary relationship, including an actual or perceived romantic, intimate or sexual relationship of any duration" irrespective of whether these relationships are heterosexual or same-sex. The Act also recognises that domestic relationships can exist between people who share a residence but have no sexual or romantic relationship. This brings both housemates and students in residences within the ambit of the Act's protection.

The Act defines domestic violence as including, among other things, harassment, abuse of a physical, sexual, emotional, verbal and/or physical nature, stalking and intimidation, as well as any other form of controlling behaviour.

#### **2.4.2.4. Employment Equity Act (Act No 55 of 1998)**

The Employment Equity Act (Act No 55 of 1998) states that "No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice," and mandates that employers take steps to eliminate unfair discrimination in the workplace.

#### ***2.4.2.5. The Promotion of Equality and Prevention of Unfair Discrimination Act (Act No 4 of 2000)***

The Promotion of Equality and Prevention of Unfair Discrimination Act (Act No 4 of 2000) (PEPUDA) prohibits discrimination of any kind on the grounds of sex, gender or sexual orientation and makes clear that GBV is considered a prohibited form of discrimination. Its provisions have broad application that extend beyond the workplace and thus place a duty on all PSET institutions to promote equality.

#### ***2.4.2.6. The Protection from Harassment Act (Act No 17 of 2011)***

The Protection from Harassment Act (Act No 17 of 2011) addresses harassment and stalking behaviours which violate Constitutional provisions of right to privacy and dignity of individual persons. The Act provides for inexpensive civil remedy to protect a person from behaviour which may not constitute a crime but may impact negatively on various rights of an individual. It aims to address harassing behaviour by means of a court order, in terms of which the harasser is prohibited from continuing with the act of harassment. If the harasser breaches a protection order, he or she commits an offence which is punishable with a fine or imprisonment. The Act also introduces important protection from digital forms of harassment.

#### ***2.4.2.7. Code of Good Practice on the Handling of Sexual Harassment in the Workplace (2008)***

The Code of Good Practice on the Handling of Sexual Harassment in the Workplace (2008) was developed under section 203(1) of the Labour Relations Act (Act No 66 of 1995). The Code recommends that all persons designated to support and assist complainants have the appropriate skills and experience; are appropriately trained; and given adequate resources to carry out these duties. The Code suggests that employers seek to maintain an environment where the dignity of all employees is respected, complainants are taken seriously and complainants do not fear reprisals. Where employers are aware of incidents of sexual harassment and fail to take action against these, they may be held vicariously liable for their occurrence by the courts.

Labour legislation and the right to equality have direct and obvious applicability to PSET institutions in their role as workplaces. PSET institutions are more than workplaces however; they are also educational institutions required to promote a positive learning environment. This includes a fiduciary duty towards students that obligates institutions to protect students from harm while on campus and from persons employed or associated with the institution. Thus PSET institutions are required to uphold the rights to freedom and security of the person,

which incorporate the right to be free from all forms of violence, and take note of the civil and criminal laws emanating from these provisions in the Bill of Rights.

Other legislation that assists in combating discrimination and GBV includes the Criminal Law Amendment Act (Act No 32 of 2007) and the Labour Relations Act (Act No 66 of 1995) are not discussed in this Policy Framework.

### **2.4.3 Legislative and Policy Context in the Post-School Education and Training System**

The Department has passed a series of White Papers, Policy Frameworks and Acts aimed at combating all forms of discrimination, in line with the Constitution (Act No 108 of 1996).

The Higher Education Act (Act No 101 of 1997), the Continuing Education Act (Act No 16 of 2006) and the Skills Development Act (Act No 97 of 1998) lay the foundation for non-discrimination and equality in the PSET system. It provides the legislative grounding for all PSET policies.

The White Paper on Education and Training (1995) acknowledges the skewed gender relations in many education institutions, including the most senior, social relations among students, and between staff and students, exhibit sexism and male chauvinism. Sexual harassment of girl and women students and women teachers, as well as acts of violence against women, are common in many parts of the education system, both on and off campus and has to be addressed. From 1995 there is a strong continued focus on improving equity in relation to gender, race and disability.

The White Paper 3, A Programme of Transformation of Higher Education (1997) states that supporting a democratic ethos and a culture of human rights through education programmes and practices conducive to critical discourse and creative thinking, cultural tolerance and a commitment to a humane, non-racist and non-sexist social order is an element of the education system's transformation. It strongly objects to incidents of rape and sexual harassment on campuses and urges institutions to develop internal policies in this regard.

The Continuing Education Act, (Act No 16 of 2006) requires TVET and CET colleges to adopt disciplinary codes that address any form of unfair discrimination, violence and harassment, especially of a sexual nature. College Councils are required to develop strategic plans that address gender and other forms of inequality. They also need to ensure that there are measures that guarantee the safety and security of students, lecturers and support staff.

The contribution of education to social justice is also recognised in Chapter 2 of the White Paper for Post-School Education and Training (2014) that states clearly the objectives of the PSET system are, in particular, to improve access and success for those groups whose race, gender or disability status had previously disadvantaged them as well as to create a social inclusive society in PSET institutions with no discrimination based on inter alia gender.

Similarly, the national education policy mooted in the 2006 Continuing Education and Training Act also sees the education and training system as contributing both to the personal development of individual students, as well as the broader development of society, including through the advancement of democracy and rights.

The Policy Framework for the Realisation of Social Inclusion in the PSET system (2016) calls on PSET institutions to “ensure that institutional policies include social inclusion mechanisms that are guided by principles of substantive equality that aim to remove all barriers that perpetuate and create inequalities in society.” The Policy Framework makes it mandatory for PSET institutions to develop policies eliminating sexual harassment, including by setting standards and guidelines for dealing with offenders. The Policy Framework also calls for the implementation of fundamental programmes on human rights education of which Gender Studies is an integral part.

The development of policy, standards and guidelines for the management of sexual offences is also underlined by the Sexual Offences and Related Matters Amendment Act (Act No 32 of 2007). This Act mandates the training of staff in the management and handling of sexual offences, the support of survivors as well as monitoring and evaluation of the intervention measures.

The Department is part of the Inter-Sectoral Committee, which is chaired by the Director-General of the Department of Justice and Constitutional Development. It is required to submit its own intervention measures and reports to the Inter-Sectoral Committee as directed by NPF for the Management of Sexual Offences.

These cited legal measures should be read with other applicable laws such as The Domestic Violence Act (Act No 116 of 1996), The Protection from Harassment Act (Act No 17 of 2011) and The Promotion of Equality and Prevention of Unfair Discrimination Act (Act No 4 of 2000).

These measures, together with international protocols on human and people’s rights and gender ratified by South Africa are enforceable and there can be legal consequences for the Department, the PSET institutions and the perpetrators in general, if they are ignored.

### **3. Strategic Intent**

#### **3.1. Vision Espouses in the Policy Framework**

The Department's vision as set out in the White Paper for Post-School Education and Training (2013), is embedded within the context of cooperation and mutual support among the Department and institutions for the benefit of the PSET system, its students and other stakeholders.

This Policy Framework acknowledges the vision of the White Paper for PSET as:

- A PSET system that assists in building a fair, equitable, non-racial, non-sexist and democratic South Africa;
- A single, coordinated PSET system;
- A PSET system that has expanded access, improved quality and increased diversity of provision;
- A stronger and more cooperative relationship between education and training institutions and the workplace; and
- A PSET system that is responsive to the needs of the individual citizens and of employers in the public and private sectors, as well as broader societal and developmental objectives.

Within the vision of the Department, the vision/impact of the Policy Framework is that: 'everyone has the right to live, study and work freely and safely in PSET institutions without any fear of sexual/gender-based intimidation, harassment, abuse, rape or other forms of sexual/gender-based harm'.

#### **3.2. Goals of the Policy Framework**

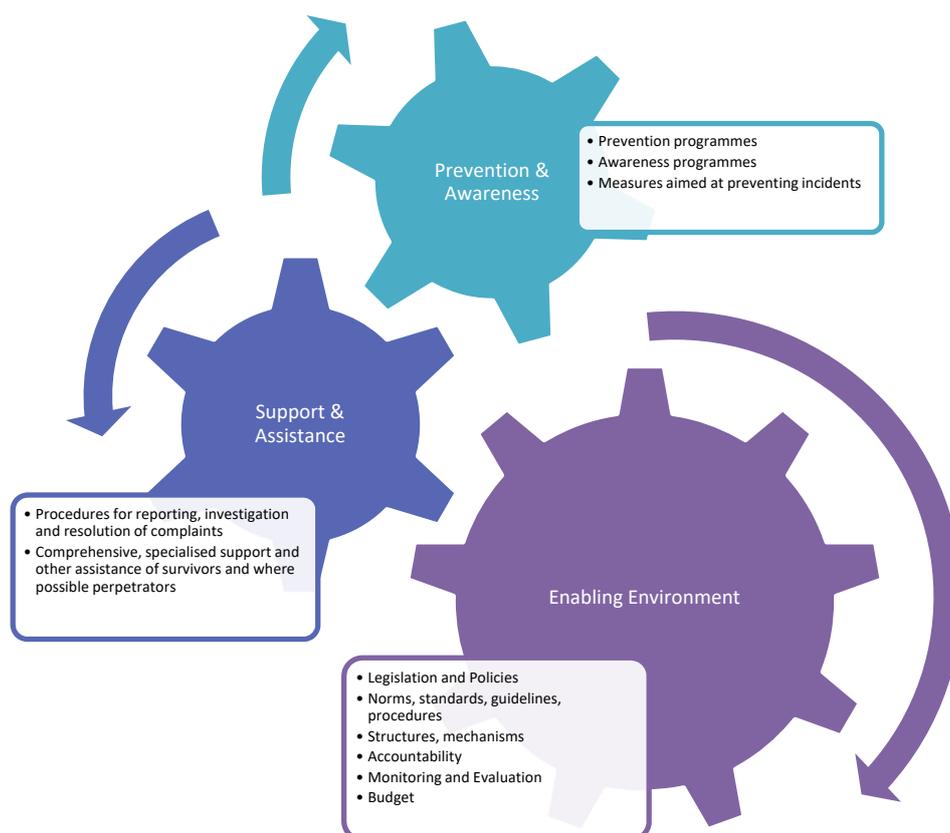
The goals of the Policy Framework can be encapsulated as follows:

- Create an enabling environment to inform, prevent, support and monitor GBV in PSET institutions. These include:
  - Support PSET institutions through policies, norms, standards, guidelines and standardised procedures;
  - Create national structures and mechanisms intended to support PSET institutions' implementation of GBV policies;
  - Ensure effective implementation of policy and programmes through attention to budgeting, monitoring, reporting and evaluation; and the creation of a system of accountability;

- Promote the safety of all students and staff by putting in place comprehensive awareness and prevention programmes intended to raise awareness of policies and services addressing GBV, as well as other measures aimed at preventing incidents of GBV in the PSET system;
- Put supportive, efficient and reparative assistance procedures to complainants/survivors in place. These include:
  - Establish just and specialised procedures for the reporting, investigation and resolution of complaints; and
  - Provide comprehensive, specialised support and other assistance to survivors and where possible perpetrators of GBV. This intervention includes the testing of complainants and offenders for HIV in terms of applicable legislation (Criminal Law Amendment Act no.32 of 2007).

The following figure illustrates the intricacies of the goals of the Policy Framework.

**Figure 1: Goals of the Policy Framework**



### **3.3. Outcomes Adopted in the Policy Framework**

The Policy Framework sets out a comprehensive response to GBV consisting of a combination of outcomes intended to mutually reinforce each other. These comprise:

- National and institutional enabling environment is in place to curb GBV;
- National support for PSET institutions is effected in implementation of GBV policies;
- Students and staff support in GBV-related matters is realised;
- Prevention of GBV is prioritised; and
- National and institutional systems of accountability are in place.

### **3.4. Strategic Objectives of the Policy Framework**

In order to realise the vision, goals and outcomes of the Policy Framework, the following Strategic Objectives are formulated.

#### **3.4.1 Strategic Objective 1: Enabling Environment**

Create an enabling environment in the Department and PSET institutions to ensure the effective implementation of the Policy Framework, actions and programmes.

These include regulations, norms, standards, guidelines and standardised procedures; structured engagements with other Government departments, agencies, entities and non-governmental organisations; institutional policies are implemented; as well as accountability, monitoring and evaluation.

The Policy Framework allows for the participation in and the establishment of national structures and mechanisms intended to enable implementation of PSET institutions' policies.

Funding remains pivotal to addressing GBV in a structured manner in institutions, therefore attention has been given to funding strategies and resourcing the system to address GBV.

#### **3.4.2 Strategic Objective 2: Prevention and Awareness**

Promote the safety of all students and staff by putting in place comprehensive prevention and awareness programmes intended to raise the importance of policies and services addressing GBV, as well as other measures aimed at preventing incidents of GBV in PSET institutions.

PSET institutions are also required to exercise sufficient degrees of control over third parties such as visitors to the university or college, as well as employees of companies contracted to provide some form of service to the institution.

Staff and students are sometimes placed in workplaces, such as hospitals and schools, where they are expected to supervise, or complete, practical training. These teaching and training facilities are seldom under the control of PSET institutions. Nonetheless, all PSET institutions are still in a position to ensure that harassment and other forms of abuse in these training sites is addressed.

### **3.4.3 Strategic Objective 3: Support and Assistance**

When GBV, in any form as outlined in paragraph 2.1 (Conceptualisation of GBV) occurs, PSET institutions must provide for comprehensive support and assistance and refer the survivor of GBV appropriately to specialised support and assistance. This support and assistance must be properly and systematically reordered and appropriately reported. This support and assistance must be in line with the National Instructions, National Directives, List of Designated Health Establishments and Additional Services, issued by the Department of Justice in terms of the Sexual Offences and Related Matters Amendment (Act 32 of 2007). PSET institutions must therefore ensure that complainants receive multi-disciplinary support, including, where appropriate, support from Thuthuzela Care Centres and health facilities.

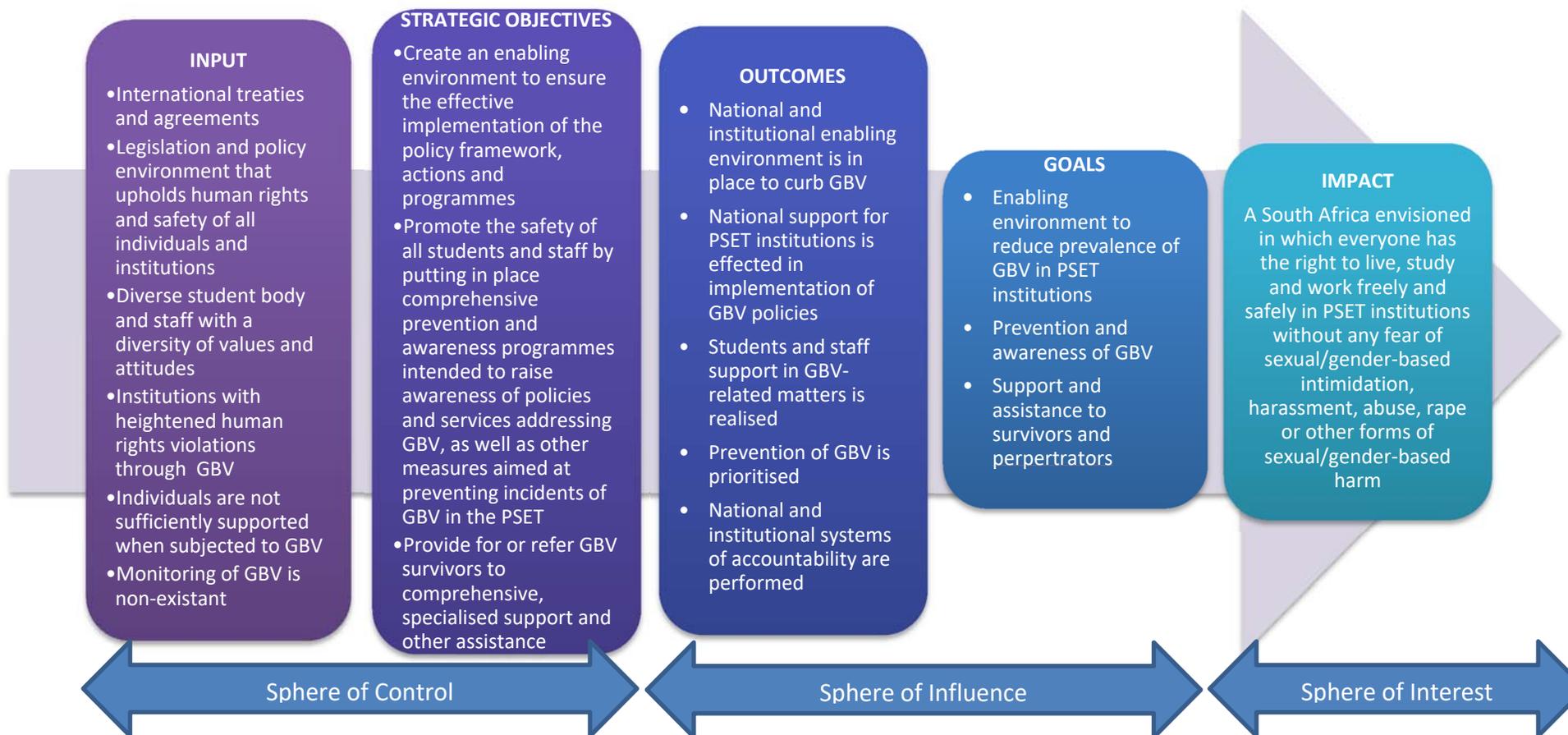
### **3.5. Theory of Change**

The theory of change underpinning this Policy Framework recognises that GBV serves to reinforce and legitimise social, political and economic inequalities and power relations in society. By its very nature GBV affects the most vulnerable in society.

The theory of change therefore traces the critical links between GBV in society and in PSET institutions. It intends to reduce the prevalence of GBV in PSET institutions and create safe spaces for all through the implementation of applicable legislation, resource allocation, training of staff and students, aligned institutional policies, data collection, development and implementation of anti-GBV programmes, inter-sectoral collaboration to protect and empower survivors and setting up of systems to monitor and evaluate interventions.

The theory of change is illustrated in the following diagram.

**Figure 2: Theory of Change**



### **3.6. Policy Actions Emanating from the Strategic Objectives**

The following policy actions will be pursued under each strategic objective.

#### **3.6.1 Policy Actions Emanating from Strategic Objective 1: Enabling Environment**

**Create an enabling environment to ensure the effective implementation of the policy framework, actions and programmes.**

The Department will provide strategic leadership in creating an enabling environment to ensure the effective implementation of the policy framework, actions and programmes.

A special task team that will report to the Minister within twelve months on the extent and scope of sexual offences in universities, will advise the Minister and the Department on addressing GBV in universities and the effective introduction and implementation of the policy framework. The Department, through management responses to GBV in TVET colleges, will triangulate the findings and ascertain the advice of the task team in the context of TVET colleges.

**The Department will:**

- a) Conceptualise and coordinate a national GBV advocacy campaign in PSET institutions (within budgetary/resource constraints);
- b) Develop national regulations, norms, standards, guidelines and standardised procedures in support of the Policy Framework;
- c) Have structured engagement, develop partnerships and sign protocol agreements (where appropriate) with Departments, Chapter 9 institutions, entities, organisations and agencies such as the Departments of Social Development; Health; Women, Youth and Persons with Disabilities; Justice and Constitutional Development; Commission for Gender Equality; the South African Police Service (SAPS) and the National Prosecuting Agency;
- d) After amendments to the SORMAA and engagement with the Department of Justice and Constitutional Development, must ensure that staff appointed in PSET institutions (management, lecturers or those in administrative positions) are not listed in the National Register for Sexual Offenders (as established by an Act of Parliament in 2007). This must take place during the vetting process of applicants.
- e) Work closely with agencies and Non-Governmental Organisations where appropriate in the implementation of this policy;
- f) Ensure that national structures such as the National Social Inclusion Forum and the Transformation Managers' Forum (Universities) are set up for all sectors and that these

structures address GBV appropriately, and that these structures include Universities South Africa (USAf) and the South African College Principals Organisation (SACPO) as well as student formations;

- g) Provide guidelines to institutions for the development of institutional policies on GBV;
- h) Provide guidance around the structures, mechanisms and processes that PSET institutions must put in place to address GBV;
- i) Recommend steps that PSET institutions must take to both create awareness of GBV policies and prevent incidents of GBV;
- j) Set out a framework for oversight of the Department and PSET institutions' development and implementation of this policy framework;
- k) Standardise on institutional mechanisms/arrangements tasked with dealing with sexual offences and the resourcing thereof, taking into account the type and size of institutions;
- l) Ensure that the eradication of GBV is identified as one of the drivers for social inclusion as outlined in the Policy Framework for the Realisation of Social Inclusion in the PSET (2016) and that GBV indicators for institutions are included in the agreed Social Inclusion Indicators and reporting;
- m) Ensure that GBV is part of the Social Inclusion Review and Improvement (SI-RIM) as outlined in the Policy Framework for the Realisation of Social Inclusion in the PSET (2016);
- n) Establish just, specialised and efficient procedures for the reporting, investigation and resolution of complaints;
- o) Create effective and standardised reporting, monitoring and evaluation mechanisms;
- p) Develop mechanisms for the implementation and monitoring of institutional policies;
- q) Create a system of accountability; and
- r) Develop multi-pronged funding strategies.

Each PSET institution must develop and implement an enabling environment starting with a comprehensive, overarching policy addressing GBV and should be submitted to Department. This policy must be integrated within other policies and reporting mechanisms of the institution.

**Each PSET institution will:**

- a) Have a comprehensive, overarching policy addressing GBV, that includes harassment and discrimination more broadly, staff grievance and disciplinary proceedings, as well as student and staff codes of conduct, that are aligned and integrated within the total policy environment of the institution, in specific policies addressing different aspects of discrimination and inclusivity (such as race, sexual orientation and disability);

- b) Institute a Charter on GBV that will be signed by all staff and student leadership in institutions. The charter should clearly specify ethical conduct that pertains to the eradication of sexual harassment and GBV;
- c) Set structures, mechanisms and processes in place to address GBV, harassment and discrimination;
- d) Establish institutional mechanisms within the national norms set by the Department, with adequate resources to deal with sexual offences;
- e) Use the SI-RIM to self-assess progress made in implementing measures against GBV;
- f) Establish, in collaboration with the Department, effective reporting, monitoring and evaluation mechanisms; and
- g) Report quarterly and annually to the Department on GBV implementation as standardised.

### **3.6.2 Policy Actions Emanating from Strategic Objective 2: Prevention and Awareness**

**Promote the safety of all students and staff by putting in place comprehensive prevention programmes intended to raise awareness of policies and services addressing GBV, as well as other measures aimed at preventing incidents of GBV in the PSET.**

GBV occurs within a matrix of vulnerability constituted by gender identity, disability, sexual orientation, race, age, and level of income (to name a few). Within this context power may be exercised both formally (through the positions people hold, for example), as well as informally (such as age, or the ability to write good assignments). Studying further also occurs at a particular time in people's lives. For a number of students, attending university or college may be the first time they are away from their homes and families for extended periods at a point in their lives where they are increasingly making important decisions on their own, including around sexual relations. This may be coupled with some pressure on both male and female students to be seen as sexually active. Strategies to prevent the occurrence of GBV must take this complex blend of dynamics into account, as well as how they manifest within individual institutions.

Within eighteen months after the publication of this Policy Framework, the Department will convene a GBV Colloquium for all PSET institutions and stakeholders to identify national, regional and institutional initiatives to create awareness and prevent GBV in institutions. This colloquium will also identify resources that can be shared or collaboratively developed to be used across the country. It must also focus on the accessibility and availability of student accommodation which is an ongoing challenge for PSET institutions generally – including in

relation to GBV. Where student housing is located, as well as how it is managed, can facilitate or limit incidents of all forms of violence, including GBV. Off-campus facilities leased by institutions have sometimes been located in areas that expose students to rape and other crimes on the walk to and from the institution.

This colloquium will be followed by a National Stakeholders' Forum that will meet biennially to gauge progress made in implementing the Policy Framework, to identify gaps and to set priorities for the Department to consider.

Institutions must implement awareness programmes that focus on the prevention of GBV in PSET institutions, but also include information on how to handle disclosure of GBV.

**PSET institutions will:**

- a) Develop annual action plans for the awareness (including how to report incidents) and prevention of GBV and submit these to the Department;
- b) Develop and share awareness and prevention materials to be used;
- c) Make available awareness and prevention materials to the Department to share with other institutions and entities;
- d) Implement and report annually on the implementation of institutional plans to the Department;
- e) Document and evaluate any programmes they develop to enable broader sharing of effective interventions with other campuses and share it with other institutions;
- f) Undertake safety audits of campuses and residences in order to identify issues of concern to students and staff and take the necessary steps to address these. This may include adopting new rules for accessing campuses, visiting hours at residences, as well as the use of shared ablution facilities (to suggest a few). Safety audits must also identify those parts of campus where students and staff feel unsafe, or where abuse could easily occur. Where environmental design provides opportunities for abuse, or security is inadequate, institutions must take steps to address these deficiencies. Such measures may include providing adequate lighting at night, help lines, and staff and student accompaniment by security personnel to residences, offices or other places;
- g) Promote the safety of all students and staff by putting in place comprehensive measures aimed at preventing incidents of GBV in PSET institutions (on campus, in residences and on transport). These include interventions that create and maintain a physical environment limiting opportunities for abuse and attack as staff and students go about their day; and the inculcation of gender-equitable norms within members of the campus community (see h);

- h) Inculcate individual and institutional change through combinations of education, awareness, campaigning and other forms of activism and programmes aimed at transforming gendered norms on campus;
- i) Exercise control over third parties such as visitors to the university or college, as well as employees of companies contracted to provide some form of service to the institution to avoid any contact with staff and students that can lead to GBV;
- j) When selecting contractors – especially security agencies – make prior training in GBV a condition of their appointment;
- k) Universities and colleges must communicate their GBV policy to contractors and encourage them to adopt similar policies, and to agree to the institution's code of conduct while working on its premises;
- l) Work with workplaces, such as hospitals and schools among others, where staff are expected to supervise, or students expected to complete work-integrated-learning or practical learning to prevent GBV involving staff and/or students. Universities and colleges must enter into memoranda of understanding with workplaces and training institutions to ensure that procedures are put in place that enable students to make complaints and that these are investigated and resolved;
- m) Be mindful that staff and students may need to travel long distances to reach campus and be dependent on public transport to do so; and to not schedule activities at times that can expose staff and students to risk or provide transport and/or escorts to students' place of residence afterwards;
- n) Create student peer education networks. Students involved in peer education should reflect the diversity of students on campus, including LGBTQI students and students with disabilities.
- o) These discussions should also attend to the relationship between campus drinking and drugs cultures and GBV. While alcohol and the use of drugs, per se, does not cause violence, it can facilitate and excuse its expression, as local university-based studies and reports suggest. In the case of residential universities or colleges, PSET institutions are encouraged to have clear drug and alcohol policies and approach liquor outlets to ensure the responsible sale of alcohol, among other measures;
- p) Critically scrutinise initiation and residence practices and rituals to ensure they do not contribute to the normalisation and perpetuation of stereotypical notions around gender and sexuality;
- q) Implement a staff empowerment programme. Staff at all levels must also be provided with opportunities to learn more about GBV, including its prevention. Discussions in this

regard should focus on creating affirming and equitable work environments and relations, as well as engaging with students appropriately;

- r) Put measures in place to prohibit lecturers from perpetuating the culture of “sex for marks” by encouraging a culture of reporting, protection of whistle-blowers and application of consequence management in all cases; and
- s) Look beyond their immediate environment to engage in localised community-based initiatives and campaigns addressing GBV given that staff and students experience GBV mostly off-campus. This may include becoming involved with the local community policing forum and other relevant structures.

### **3.6.3. Policy Actions Emanating from Strategic Objective 3: Support and Assistance**

**Each institution will provide proper support and assistance to survivors of GBV. PSET institutions must provide for and refer the victim of GBV appropriately to comprehensive, specialised support and other assistance.**

Reporting points must be in place and be well-resourced. Once reported, complaints must be resolved using this policy framework, internal policies informed by the policy framework, national legislation and policies. It should be noted at all times that the policy framework, national legislation and policies supersede the internal mechanisms of institutions. Institutions must ensure at all times that they support survivors of GBV even when cases are reported to law-enforcement agencies such as SAPS or the hotline of the Department of Social Development.

It should further be noted that GBV crimes affecting both staff and students must be investigated when reported to PSET management structures, even when such criminal activities have taken place outside the premises of a PSET institution. The question of territorial responsibility must not apply. Institutions, when context requires, must cooperate with other state actors in solving GBV crimes.

Survivors of GBV must have access to comprehensive, specialised support services in dealing with the case regardless of the form. It must furthermore accompany the survivor through the process procedurally, socially and psychologically. This support and assistance must be properly and systematically reordered and appropriately reported.

PSET institutions, with the approval of the Department, can, in exceptional circumstances consider, after following due processes stated in national legislation as well as in this policy framework, and where possible, consider the rehabilitation of perpetrators. Such intervention measures must be done within the law, without overlooking the severity of the offence and

must never be used to avoid the consequences that arise out of a criminal conduct. In such cases, the interests of the victim must always be taken into account.

**The Department will:**

- a) Standardise reporting through regulations, norms, standards and/or guidelines for reporting incidents;
- b) Investigate the possibility of publishing a register of offenders that will be used in recruitment of council members, staff and support personnel;
- c) Investigate a 'whistle-blowing' mechanism to report GBV in PSET institutions; and
- d) Commission a study on the possible support to perpetrators of GBV and provide institutions with policy statements in this regard.

**PSET institutions will:**

- a) In conjunction with the establishment of a specialised structure, develop clear guidelines around the process of reporting any case of GBV. These guidelines must identify all the individuals/structures involved in the reporting of matters and set out their roles in this process;
- b) Develop policies, services and procedures for students and staff to report any GBV incidents that happen on campus;
- c) Put confidential processes and procedures in place that survivors can report incidences of GBV without fear;
- d) Put support and assistance mechanisms in place that can immediately offer support to survivors of GBV in PSET institutions. These include as a minimum reporting to the relevant authorities, providing immediate, consistent, coordinated and timely support and counselling to survivors of GBV, in dealing with the case regardless of the form such as indecent assault, physical violence, rape, verbal abuse, stalking, emotional abuse, sexual harassment, bullying and partner/family disputes. It must furthermore accompany the survivor through the process both procedurally, socially and psychologically in terms of applicable policies, national directives, instructions and legislation;
- e) Commit to provide regular feedback to complainants regarding progress in the investigation;
- f) Provide free access to complainants, whether staff or students, to different forms of emotional and social support, including peer support, regardless of whether proceedings are instituted. This also includes access to external systems of support and counselling;
- g) Put in place measures to protect complainants' safety;
- h) Record and report cases, support and assistance properly and systematically;

- i) Develop communication mechanisms as part of their awareness campaigns to introduce students and staff to the effective reporting of GBV on campus.
- j) Train and continuously support reporting officers to present options to complainants in a clear and neutral manner, without pushing them in a specific direction; train and support support-personnel and capacitate staff to support survivors of GBV;
- k) Empower staff who have extensive contact with students (such as lecturers or residence wardens) with their institutions' reporting procedures so that they can provide students with accurate information. Except where they are the first point of disclosure, teaching staff should not however, play a significant role in these processes as their work commitments limit the attention they can give to matters. If they are to play any part, then this role must form part of their job description and their time be allocated accordingly;
- l) Ensure that background checks that are done in all PSET institutions before appointing any council member, staff member or support personnel on campuses. If there are any related offences recorded, the perpetrator will be deemed unfit for appointment.

#### **4. Policy Implementation**

On publication, the Department and PSET institutions, will ensure the implementation of the Policy Framework and programming activities that includes:

- National level development of an enabling environment to curb GBV in PSET institutions;
- A national PSET GBV Advocacy Campaign;
- Institutional level policy development and implementation strategies;
- Prevention and awareness activities;
- Support and assistance processes and procedures; and
- Capacity development of institutional staff and students.

##### **4.1. Creation of a system of accountability**

The Department must undertake to fulfil its role as outlined in applicable acts governing skills development, colleges and universities. It must ensure that PSET institutions observe national legislation and policies on combating GBV and discrimination. Some of the applicable laws go beyond the mandate of the Department. This will require the wider collaboration and coordination of implementation of this Policy Framework. The mandate of the Department is to create the enabling environment, support implementation and monitor implementation.

PSET institutions have been enjoined to attend to sexual harassment and rape as an aspect of institutional culture since 1997 and the issuing of White Paper 3. Two decades later, it is apparent that progress in this regard is not as advanced as it ought to be. It is thus necessary

to establish accountability structures and procedures to ensure this goal is realised. These must operate at the level of both individual institutions, as well as the State.

#### **4.2. Governance of PSET Institutions**

According to the Higher Education Act (Act No 101 of 1997) University Councils must develop or review their own institutional policies, so that they can be in line with the Policy Framework and other pieces of legislation and policies governing PSET institutions. Councils, as the highest decision-making bodies of institutions, are also responsible to review the institution's report to the Department and set out the steps they propose undertaking to address any shortcomings identified by the report. Any progress made in attending to gaps identified by reports from previous years must also be reported on.

In terms of the Continuing Education and Training Act (Act No 16 of 2006), it is the responsibility of the college council to draft strategic plans that include measures to address both gender and disability, as well as create safe learning environments for students, lecturers and support staff. These plans should also meet with the approval by the college's academic board. This Policy Framework serves as a guide in the development of such measures.

The council also has the power to appoint committees to assist in the performance of its functions. They must thus appoint a committee able to oversee and support the implementation of the college's policy addressing GBV. It is also the responsibility of each college's council to review the particular institution's report to the Department and include an addendum setting out the steps it proposes undertaking to address any shortcomings identified by the report. Any progress made in attending to gaps identified by reports from previous years must also be reported on.

#### **4.3. Management of PSET Institutions**

Heads of PSET institutions are responsible for the safety and wellbeing of staff and students. Assessment of the overall implementation of the Policy Framework must form part of their performance contract and their annual performance appraisal. Senior managers responsible for different functions and structures within their institutions also have particular obligations to implement the Policy Framework effectively (including in residences). These responsibilities must be set out in their institutional policies and corresponding performance measures attached to their job descriptions.

PSET institutions must set up structures that will (1) provide awareness, information, advice, and guidance to prevent GBV; (2) deal with safety of students and staff; (3) handle incidences

of GBV; (4) provide adequate assistance and psycho-social support to survivors of GBV; and also (5) effectively deal with perpetrators as outlined in the Sexual Offences and Related Matters Amendment Act No 32 of 2007 (SORMAAA) and other related legislation.

PSET institutions, supported by the Department, sister departments and social partners, must undertake the training of students, student leaders, staff and support staff in diversity management, human rights education and gender awareness.

#### **4.4. Institutional Forums/Committees**

It is a legislative mandate to set up Institutional Forums/Committees.

In Universities, among other things, the role includes advising council around race and gender equity policies, and fostering an institutional culture which promotes tolerance and respect for fundamental human rights and creates an environment for teaching, research and learning. Reporting on the status of policies addressing GBV clearly forms part of the mandate.

The composition of existing forums/committees must be scrutinised to ensure these include officials responsible for addressing GBV. Where these forums/committees have not been set up, or have not functioned as effectively as they should, steps must be taken by the council and management of the institution to support their functioning. These structures must allow for student representation. Their role includes that of advising the institution's council around race and gender policies as well as fostering an institutional culture which promotes tolerance and respect for fundamental human rights and creates an environment for teaching, research and learning. They must promote this positive institutional culture and report on the status of policies addressing GBV in their institutions.

It is the role of this structure to ensure that reports on the implementation of the particular institution's policy are compiled and submitted at least twice per year to council, and that they review these reports beforehand.

The legislation governing TVET and CET Colleges makes provision for the establishment of committees under their governing councils (Section 12). This provision can be used to create platforms that will drive the implementation of this Policy Framework in institutions.

## **4.5. National Coordination**

### **4.5.1 Transformation Managers' Forum and Social Inclusion Forum**

Transformation Managers' Forums will be established for all institutional types where it does not exist, and will work collaboratively per institutional type to address GBV and to share experience and expertise. They will also work together in the Social Inclusion Forum that will aggregate in addressing national issues and priorities.

### **4.5.2 Directors-General Inter-Sectoral Committee for the Management of Sexual Offences**

The SORMAAA requires the Department to account for its implementation of various provisions of the legislation and the NPF. These include the development of policy, standards and guidelines; training and support of staff attending to sexual offences matters; and monitoring and evaluation of these activities. Quarterly and annual reports documenting progress are to be submitted to the Directors-General Inter-Sectoral Committee for tabling in Parliament.

To fulfil these requirements, the Department must ensure that PSET institutions submit quarterly and yearly reports recording the following:

- a) The number of cases reported in total, including those where counselling/information only was sought. These totals should also distinguish between those cases perpetrated on-campus and those off-campus;
- b) The number of cases dealt with through alternative justice processes and the number referred to disciplinary proceedings. This section must also provide an overview of case outcomes;
- c) Time taken to resolve the cases and actions taken to mitigate obstacles to resolution of cases;
- d) Training provided to staff responsible for implementing the policy;
- e) The nature and extent of efforts made to provide information about the various policies to staff and students, including the platforms utilised to disseminate information;
- f) Any programmes or other interventions undertaken to improve safety and reduce incidents of GBV;
- g) Interactions with external stakeholders in relation to the policy, its programmes and procedures;
- h) Budget and expenditure on addressing GBV;
- i) Any policy developed to further support the implementation of the GBV policy; and

- j) Assessment of successes and challenges in implementing the policy, including any recommendations offered.

The Inter-Sectoral Committee for the Management of Sexual Offences is a structure mandated by section 63 of the SORMAAA. The committee is to comprise the Director-General of Justice and Constitutional Development (who is also designated the chairperson of the committee); the National Police Commissioner; the National Commissioner of Correctional Services; the Director-General of Social Development; the Director-General of Health; and the National Director of Public Prosecutions. The Committee should meet at least twice a year. The Committee, through the Minister of Justice and Constitutional Development, must submit reports annually to Parliament, by each Department or institution, on the implementation of this Act.

Section 65 sets out the responsibilities, functions and duties of the Committee. The Committee shall be responsible for developing and compiling a draft national policy framework, as contemplated in section 62(1), which must include guidelines for:

- a) The implementation of the priorities and strategies contained in the national policy framework;
- b) Measuring progress on the achievement of the national Policy Framework objectives;
- c) Ensuring that the different organs of state comply with the primary and supporting roles and responsibilities allocated to them in terms of the national Policy Framework and this Act; and
- d) Monitoring the implementation of the national Policy Framework and of this Act.

The Department is included in this structure by the NPF.

#### **4.6. Commission on Gender Equality (CGE)**

The purpose of the CGE is to advance, promote and protect gender equality. Its functions include monitoring and evaluating the policies and practices of Government, the private sector and other organisations to ensure that they promote and protect gender equality; public education and information; reviewing existing and upcoming legislation from a gender perspective; investigating inequality; commissioning research and making recommendations to Parliament or other authorities; investigating any gender-related complaints; and monitoring/reporting on compliance with international conventions.

This scope of activity grants the CGE a role in ensuring that PSET institutions develop and implement policies and programmes addressing GBV. Specifically, all PSET institutions,

organisations and agencies are required to send copies of the annual report on their institutional response to GBV to the CGE.

The CGE will peruse these reports and may request institutions to provide further information about any aspect of these. The CGE may also issue recommendations to individual institutions, as well as to Department arising from these reports.

The Department will report annually to the CGE and the report will include comprehensive information on GBV in PSET institutions.

#### **4.7. Knowledge Management**

A knowledge and practice base in relation to GBV in PSET institutions has been developed over the decades. However, these developments have been uneven across institutions and there has been little opportunity for lessons and advances to be shared across the PSET system.

The Department will facilitate the establishment of an electronic multi-channel platform as a mechanism and tool intended to address this unevenness by creating a supportive knowledge network in this field.

The Department will investigate the establishment of an oversight body made up of expert Government, university and college staff with a demonstrated interest in responding to GBV to advise the Department in its strategic direction and implementation in the PSET. It may review institutions' reports on their efforts to address GBV on campus and, where indicated, make recommendations regarding the improvement of their responses. The committee must issue its recommendations to the Department.

#### **4.8. Funding Strategy**

The Policy Framework is premised on a commitment to be non-disruptive of existing efficient and effective practices and budgets which are congruent with constitutional values and Government priorities. The Department also recognises the need for earmarked financial and human resources. These are necessary to provide support services as outlined in this Policy Framework, the SORMAAA and other applicable policies.

Currently, through the specific mandates of each institution, GBV is funded through existing allocations. This arrangement will continue. Where further funding is required, it will need to be identified through current budgets and the National Treasury bidding process.

Funding strategies include: existing direct funding allocations from institutional budgets to ensure implementation of current mandates; budget support grants; allocation from the National Skills Fund (NSF); and donor funds. The challenge is to find the most appropriate mix of mechanisms, which will work in particular contexts. It is postulated that a “hybrid” resourcing model would emerge through an incremental distillation of “best practice” and “collaboration, cooperation and sharing of resources”.

The Department will explore possibilities where funding to institutions takes the form of block grants which enable strategies that require, or allow earmarking funds. The funding strategy will also take into account the diversity of the PSET system as colleges of all types, Sector Education and Training Authorities and universities, for example, cannot have a similar model for funding GBV programmes.

#### **4.9. Advocacy, Communication and Dissemination Plan**

An Advocacy, Communication and Dissemination Plan will be developed by the Department. This Plan will ensure that the Policy Framework is clearly understood by all role players. There will be use of existing media platforms and instruments such as the observation of the *Calendar of Significant Days to promote Social Cohesion in the PSET System* as well as the holding of policy dialogues on an off campuses. The National Social Inclusion Forum (NSIF) will also be utilised as a structure to communicate and disseminate best practices. The advocacy plan will, at all times, prioritise partnerships with civil society organisations that fight GBV in communities. This is critical as the roots of GBV can be traced back to structural inequalities (political, cultural, economic and social) in society.

Developing a written policy is only the first step in addressing GBV on campuses and PSET institutions must take a range of additional steps to create awareness of the policy and support its use. These measures cannot only be addressed to students and academic staff but must include service workers, unions and campus security, as well as contractors. At a minimum, these steps must include:

- a) Introducing the GBV Policy Framework during orientation activities, as well as residence programmes for first year students who may be particularly vulnerable to exploitative and abusive behaviour. Ideally, as part of their orientation, students should be required to complete a module on the policy, which may include testing around its contents, especially in relation to defining GBV and reporting incidents;
- b) Discussion of the policy must also form part of staff orientation and development;

- c) Raising awareness around the policy's existence must be ongoing. Faculties and departments must ensure that their class schedules allow for at least one discussion of the policy annually;
- d) Advocacy materials must be displayed where students are likely to congregate on campuses (such as fees offices) and residences. It must also be made available online;
- e) Electronic communication to all staff and students, as well as to third parties, at least once per year; and
- f) Workshops must also be conducted with student bodies, including the Students Representative Council (SRC), as well as house or other residence committees.

#### 4.10. High-Level Implementation Plan

This Policy Framework will come into effect in 2020/1, and will be implemented over a period of five years when it will come up for the first review. This High Level Implementation Plan, however covers a longer period and is broken down into three phases, viz. Short Term (2 years - 2020/2 – 2022/3), Medium Term (3 years – 2023/4 – 2026/7) and Long Term (2027/8 and beyond)

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
a. Enabling environment	DHET (university, planning and TVET branches)	<p><b>Scope of GBV</b></p> <ul style="list-style-type: none"> <li>• Set up a special task team reporting to the Minister on the extent and scope of sexual offences in universities, and to advise the Minister and the Department on addressing GBV in universities and the effective introduction and implementation of the policy framework</li> <li>• Triangulate the findings and ascertain the advice of the task team in the context of TVET colleges (management responses/info from TVETMIS)</li> </ul>		

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
	DHET (implementation branches), institutions, organisations such as Higher Health	<b>Conceptualisation and understanding of GBV</b> <ul style="list-style-type: none"> <li>• Build a common understanding and adopt a set of common objectives</li> <li>• Conceptualise and coordinate a national GBV Advocacy Campaign in PSET institutions (within budgetary/resource constraints)</li> <li>• Monitor debates, issues, recommendations and identify implications</li> </ul>		<ul style="list-style-type: none"> <li>• All PSET institutions have a common understanding and initiatives in place to inform, prevent, support and monitor GBV in PSET institutions and to ensure the values of the Constitution as articulated in the Bill of Rights are upheld</li> </ul>
	DHET (planning and implementation branches), Institutions	<b>National and Institutional Policies</b> <ul style="list-style-type: none"> <li>• Provide guidelines to institutions for the development of institutional policies on GBV</li> <li>• Every institution has a GBV policy that adheres to the minimum standards set up by the Department</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure the implementation of policies</li> <li>• Monitor implementation of policies</li> </ul>	

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
		<ul style="list-style-type: none"> <li>• Ensure that the eradication of GBV is identified as one of the drivers for social inclusion as outlined in the <i>Policy Framework for the Realisation of Social Inclusion in the PSET (2016)</i> and that GBV indicators for institutions are included in the agreed Social Inclusion Indicators and reporting</li> <li>• Ensure that GBV is part of the SI-RIM as outlined in the <i>Policy Framework for the Realisation of Social Inclusion in the PSET (2016)</i></li> <li>• Establish just, specialised and efficient procedures for the reporting, investigation and resolution of complaints</li> </ul>		
	DHET (planning and	<b>Support to PSET Institutions</b>		

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
	implementation branches), Institutions	<ul style="list-style-type: none"> <li>• Support PSET institutions through regulations, policies, norms, standards, guidelines and standardised procedures and assist institutions to develop necessary policies, plans, structures and materials</li> <li>• Establish institutional mechanisms within the national norms set by the Department to deal with sexual offences</li> <li>• Provide guidance around the structures, mechanisms and processes that PSET institutions must put in place to address GBV</li> <li>• Recommend steps that PSET institutions must take to both create awareness of GBV policies and prevent incidents of GBV</li> <li>• Standardise on institutional mechanisms/arrangements tasked with dealing with sexual offences and the resourcing thereof, taking into account the type and size of institutions</li> <li>• Develop a National Portal/Clearing House to share information amongst institutions</li> <li>• Document and evaluate any programmes they develop to enable broader sharing of effective interventions with other campuses and share it with other institutions</li> </ul>		
	DHET (planning and implementation)	<p><b>Coordination and collaboration</b></p> <ul style="list-style-type: none"> <li>• Set up a working relation and concrete plan with Higher Health to support PSET institutions in addressing GBV</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor and evaluate the implementation of Higher Health Programmes</li> </ul>	

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
	branches), Institutions	<ul style="list-style-type: none"> <li>• Investigate the establishment of an oversight body to advise the Department in GBV's strategic direction and implementation in the PSET</li> <li>• Create a system of accountability</li> <li>• Set up/enhance current national structures to coordinate, plan, set up and monitor initiatives in PSET institutions</li> <li>• National structures monitor and report on initiatives in PSET institutions</li> <li>• Establish an electronic multi-channel platform as a supportive knowledge network</li> </ul>		<ul style="list-style-type: none"> <li>• National structures monitor and report on initiatives in PSET institutions</li> </ul>
		<ul style="list-style-type: none"> <li>• Work closely with the Commission for Gender Equality in determining the requirements and reporting to the commission</li> </ul>		
		<ul style="list-style-type: none"> <li>• Have structured engagement, develop partnerships and sign protocol agreements (where appropriate) with Departments, entities, organisations and agencies</li> <li>• Engage with the Department of Justice and Constitutional Development so that after amendments to the SORMAAA ensure that staff appointed in PSET institutions (management, lecturers or in administrative positions) are not listed in the National Register for Sexual Offenders</li> <li>• Government initiatives driven by other departments are implemented, monitored and reported in a coordinated and planned manner</li> </ul>		

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
		<ul style="list-style-type: none"> <li>• Work with Government departments, organisations and associations in creating a unified approach to GBV in the PSET system</li> <li>• Form partnerships with other departments in order to support the policy framework</li> <li>• Work closely with institutions (implementation branches) and other departments to develop and implement instruments to assist institutions in the implementation of social inclusion</li> </ul>		
	DHET (Chief Financial Officer, Planning, implementation branches), institutions	<b>Funding the Policy Framework implementation</b> <ul style="list-style-type: none"> <li>• Develop multi-pronged funding strategies and resource the system to address GBV</li> </ul>		
	Institutions	<b>Institutional Enabling Environment</b> <ul style="list-style-type: none"> <li>• Institute a charter on GBV that will be signed by all staff and student leadership in institutions</li> </ul>		

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
		<ul style="list-style-type: none"> <li>• Set up institutional forums/committees</li> <li>• Set structures, mechanisms and processes in place to address GBV, harassment and discrimination including that will (1) provide awareness, information, advice, and guidance to prevent GBV; (2) deal with safety of students and staff; (3) handle incidences of GBV; (4) provide adequate assistance and psycho-social support to survivors of GBV; and also (5) effectively deal with perpetrators</li> <li>• Establish good relationships with community bodies, places where students are hanging out, local SAPD, local community policing forum and other relevant structures</li> </ul>		

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
		<ul style="list-style-type: none"> <li>• Inculcate individual and institutional change through combinations of education, awareness, campaigning and other forms of activism and programmes aimed at transforming gendered norms on campus</li> </ul>		
b. Prevention and Awareness	DHET (planning and implementation branches) and Institutions	<ul style="list-style-type: none"> <li>• Convene a GBV colloquium for all PSET institutions and stakeholders (as part of the GBV Advocacy Campaign) to identify national, regional and institutional initiatives to create awareness and prevent GBV in institutions</li> <li>• Identify and address key points in institutions that enable the occurrence of GBV e.g. accommodation, campus security</li> </ul>		
		<ul style="list-style-type: none"> <li>• Convene a biennial National Stakeholders' Forum to gauge progress made in implementing the Policy Framework, to identify gaps and set priorities for the Department to consider</li> </ul>		
	Institutions	<ul style="list-style-type: none"> <li>• Develop annual action plans for the awareness (including how to report incidents) and prevention of GBV and submit it to the Department</li> <li>• Develop and share awareness and prevention materials to be used</li> </ul>		

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
		<ul style="list-style-type: none"> <li>• Implement and report on the implementation of institutional plans, including awareness programmes that focus on the prevention of GBV in PSET institutions, and information on how to handle disclosure of GBV when it occurs</li> <li>• Make available awareness and prevention materials to the Department to share with other institutions and entities</li> <li>• Document and evaluate any programmes they develop to enable broader sharing of effective interventions with other campuses and share it with other institutions</li> <li>• Undertake safety audits of campuses and residences in order to identify issues of concern to students and staff and take the necessary steps to address these</li> <li>• Promote the safety of all students and staff by putting in place comprehensive measures aimed at preventing incidents of GBV in PSET institutions (on campus, in residences and on transport)</li> <li>• Schedule activities at times that can expose staff and students to risk or provide transport and/or escorts to students' place of residence afterwards</li> <li>• Create student peer education networks to reflect on and action diversity of students on campus, including LGBTQI students and students with disabilities, the use of drugs and alcohol, initiation and residence practices and rituals</li> <li>• Exercise control over third parties such as visitors to the university or college, as well as employees of companies contracted to provide some form of service to the institution to avoid any contact with staff and students that can lead to GBV</li> </ul>		

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
		<ul style="list-style-type: none"> <li>• When selecting contractors make prior training in GBV a condition of their appointment</li> <li>• Communicate GBV policy to contractors and encourage them to adopt similar policies, and to agree to the institution’s code of conduct while working on its premises</li> <li>• Enter into memorandums of understanding with workplaces and training institutions to put procedures in place that curb GBV in these settings and enable students to make complaints, complaints are properly investigated and resolved</li> <li>• Implement a staff empowerment programme</li> <li>• Put standard operating procedures in place for staff and students e.g. “sex for marks”</li> <li>• Encourage a culture of reporting, protection of whistle-blowers and application of consequence management</li> <li>• Engage in localised community-based initiatives and campaigns addressing GBV</li> </ul>		
c. Support and assistance	DHET (planning and implementation branches)	<ul style="list-style-type: none"> <li>• Standardise reporting through regulations, norms, standards and/or guidelines for reporting incidents</li> <li>• Investigate the possibility of publishing a register of offenders that will be used in recruitment of council members, staff and support personnel</li> </ul>	<ul style="list-style-type: none"> <li>• Commission a study on the possible support to perpetrators of GBV and provide institutions with policy statements in this regard</li> </ul>	

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
		<ul style="list-style-type: none"> <li>Investigate a 'whistle-blowing' mechanism to report GBV in PSET institutions</li> </ul>		
	Institutions	<ul style="list-style-type: none"> <li>Develop clear guidelines around the process of reporting any case of GBV</li> <li>Develop policies, services and procedures for students and staff to report any GBV incidents that happen on campus</li> <li>Put confidential processes and procedures in place that survivors can report incidences of GBV without fear</li> <li>Commit to provide regular feedback to complainants regarding progress in the investigation</li> </ul>		
		<ul style="list-style-type: none"> <li>Put support and assistance mechanisms in place that can immediately offer support to survivors of GBV in PSET institutions</li> </ul>		

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
		<ul style="list-style-type: none"> <li>• Provide free access to complainants to different forms of emotional and social support, including peer support, regardless of whether or not proceedings are instituted. This also includes access to external systems of support and counselling;</li> <li>• Put in place measures to protect complainants' safety;</li> <li>• Record and report cases, support and assistance properly and systematically;</li> <li>• Develop communication mechanisms as part of their awareness campaigns to introduce students and staff to the effective reporting of GBV on campus.</li> <li>• Train and continuously support reporting officers to present options to complainants</li> <li>• Empower staff who have extensive contact with students (such as lecturers or residence wardens) with their institutions' reporting procedures and include it as part of their job description</li> <li>• Ensure that background checks that are done in all PSET institutions before appointing any council member, staff member or support personnel on campuses on GBV offences.</li> </ul>		
d. Monitoring and Evaluation	DHET (planning and implementation)	<ul style="list-style-type: none"> <li>• Develop an Advocacy, Communication and Dissemination Plan for the sector</li> <li>• Develop a framework for oversight of the Department and PSET institutions'</li> </ul>	<ul style="list-style-type: none"> <li>• Report quarterly and annually on the implementation of GBV policies and plans, the occurrence of GBV and the implementation of the Policy Framework</li> </ul>	

Strategic Objective	Responsibility	Activities		
		Short Term 2020/1 – 2021/2 (2 Years)	Medium Term 2022/3 – 2024/5 (3 Years)	Long Term 2025/6 and beyond
	branches) and Institutions	<p>development and implementation of this Policy Framework</p> <ul style="list-style-type: none"> <li>• Devise a strategy in each sector to collect data and develop management reports</li> <li>• Develop mechanisms for the implementation and monitoring of institutional policies</li> <li>• Establish, in collaboration with the Department, effective reporting, monitoring and evaluation mechanisms</li> <li>• Create effective and standardised reporting, monitoring and evaluation mechanisms</li> </ul>		
		<ul style="list-style-type: none"> <li>• Use the SI-RIM to self-assess progress made in implementing measures against GBV</li> <li>• Undertake safety audits of campuses and residences in order to identify issues of concern to students and staff and take the necessary steps to address these</li> </ul>		

#### **4.11. Monitoring and Evaluation**

Monitoring and evaluation of the implementation of the Policy Framework will take place at two levels, institutional level and the national level. These two levels will interact all the time, in order to achieve a seamless system.

Monitoring and reporting of social inclusion, as outlined in the *Policy Framework for the Realisation of Social Inclusion in the PSET system (2017)* will include the monitoring of GBV in institutions.

A comprehensive Monitoring and Evaluation System will be adopted. Common indicators will be developed and agreed upon between the Department and PSET institutions. The purpose of the Monitoring and Evaluation System will be to periodically provide recommendations on how to improve the implementation of the Policy Framework across the PSET system. The Monitoring and Evaluation System will further take into account the diversity of the PSET system as entities reporting to the Department (SETAs for example), universities and colleges cannot be treated the same (see 4.10 High level Implementation Plan).

#### **4.12. Policy Review**

This Policy Framework must be reviewed every five years. As PSET institutions become increasingly accustomed to implementing their policies and programmes addressing GBV it is likely that new issues may emerge and others become less important over time. Revising the Framework, is key to ensuring that it continues to provide relevant and appropriate guidance to the Department and PSET institutions.

#### **4.13. Effective Date of Policy**

The Policy will come into effect on the day of publication in the Government Gazette.