

Addressing Rape and Femicide: The South African Gender-based Violence Legal Framework

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Abstract: Although gender-based violence and femicide (GBVF) are a global phenomena, the extent and severity thereof vary amongst countries. In the last quarter of 2023, more than 12,200 rapes were reported to the South African Police Services (SAPS) and the femicide rate in South Africa is more than five times the global average. The South African Constitution, and specifically the Bill of Rights, protects various human rights, such as the right to equality, dignity, and life. The protection of human rights are given practical effect in specific legislation and over the years various pieces of human rights centred legislation have been implemented to protect the safety and security of women against GBVF. South Africa has also aligned its domestic laws governing GBVF to give effect to its obligations in terms of the international law. Unfortunately, the high levels of gender-based violence continue to impede the full attainment of human rights for women. The South African government is committed to reduce and ultimately eradicate GBVF. In 2020 the South African government adopted a National Strategic Plan (NSP) in this regard. Many multi-disciplinary interventions across various sectors have been made since the NSP adoption. The discussion will show that there has been a disconnect between the different interventions. To address the absence of a unified multidisciplinary and multisectoral approach, legislation was passed in 2024 providing for the implementation of a National Council for GBVF that will bring together all the stakeholders that are involved in the elimination of GBVF. The discussion focusses on specific forms of GBVF, namely rape and intimate partner femicide. It explores how and why the laws dealing with rape and intimate partner femicide have evolved over the years. It will show that despite the 2020 NSP, the interventions post NSP and the human rights-centred laws implemented over the years, the amount of rape and intimate partner femicide are still very high. Rape and intimate partner femicide present many challenges and solutions to the challenges must be found on many levels. The discussion explores the possible solutions to address the different challenges experienced in the eradication of GBVF.

Keywords: South African Laws Regulating Gender-based Violence and Femicide (GBVF); Criminalisation of Rape and Intimate Partner Femicide; Sentencing Upon a Rape and Femicide Conviction; Challenges in Reducing GBVF; Solutions in Addressing GBVF.

1. Introduction

The phenomenon of gender-based violence and femicide (GBVF) is a serious social evil that affects public health and human right protection. The female victims of GBVF are among the most vulnerable members of society.

In South Africa, GBVF is widespread and affects women of all races. The discussion focuses on specific forms of gender-based violence, namely rape and intimate partner femicide. South Africa has one of the highest rape statistics in the world. According to the 2023/2024 crime statistics, a rape is reported every 12 minutes in South Africa (Action Society, 2024). Every day 86 people are murdered, 88 attempted murder cases are reported and 595 people are assaulted with the intent to inflict grievous bodily harm (Action Society, 2024). The majority of the victims are women and children. The South African Medical Research Council released a report in 2024, indicating that intimate partner femicides now account for 60.1% of all femicides and 1 in 6 women murdered showed evidence of prior sexual violence (SAMRC, 2024).

In 2020, the South African government adopted a National Strategic Plan on Gender-based Violence and Femicide (GBVF-NSP). Despite the GBVF-NSP and all the interventions addressing GBVF, the number of reported cases continue to rise. Between April 2022 and March 2023 alone, a staggering 53,498 sexual offences were reported to the South African Police Service (SAPS), with rape accounting for 42,780 of these cases (Oosthuizen, Martin and De Villiers, 2024).

It is against this background that the discussion explores the South African legal framework dealing with GBVF with the emphasis on specific forms of GBVF, namely rape and intimate partner femicide. The focus in the discussion is on the adult victim of rape and femicide.

The discussion considers the following inter-related issues from a legal perspective:

- Constitutional protection of women;
- GBVF-NSP;
- Overview of the legal framework governing rape;
- Overview of the legal framework governing femicide; and

- Identifying solutions to the challenges impeding the elimination of rape and femicide.

2. Conceptualising Key Terminology

The following key terms are conceptualised to provide a better understanding of the discussion of the legal framework regulating GBVF, namely

- GBVF refers to violence against women, girls, and LGBTQIA+ people, intimate partner violence, domestic violence, sexual violence, and structural violence.
- Violence against women is any act of GBVF that results in physical, sexual or psychological harm of suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty (Oosthuizen, Martin, and De Villiers, 2024).
- Intimate partner violence (IPV) refers to physical, sexual, or psychological harm inflicted by a past or current romantic partner or spouse.
- Domestic abuse refers to any violence or emotional abuse committed by a family member or intimate partner.
- Femicide may consist of different forms. For purposes of this discussion, the focus is on intimate partner femicide which refers to the killing of a female person by an intimate partner or any person who had an actual or perceived romantic, intimate or sexual relationship with the deceased female person for any duration of time.

3. Constitutional Protection of Women

The South African Constitution constitutes the cornerstone of democracy in South Africa. Particularly the Bill of Rights affords women various human rights such as the right to equality, dignity, life, freedom and security of the person and privacy. The government has an obligation to respect, protect, promote and fulfil the rights in the Bill of Rights. Over the years, the government has implemented various pieces of human rights centred legislation aimed at securing the safety and security of women. As will be shown in the discussion, the judiciary has played an integral role in providing judgments that take a strong stance on the constitutional protection of the female victim and the seriousness of GBVF crimes. Many of these judgments have resulted in statutory reform.

South Africa has also given effect to its obligations in terms of the international law. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the United Nations General Assembly. It is often described as the international bill of rights for women, and came into force in 1981 and has thus far been ratified by 189 governments. In 2015, South Africa was one of 193 countries that adopted the 2030 United Nations (UN) Sustainable Development Agenda which provides for 17 sustainable development goals (SDGs). The Bill of Rights supports the UN SDGs. SDG 5 provides for gender equality and are subdivided into different tasks. Task 5.2 requires the elimination of all forms of violence against women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation. The South African government has taken various steps in achieving the SDGs with specific reference to the elimination of violence against women.

4. National Strategic Plan on Gender-based Violence and Femicide (GBVF-NSP)

The GBVF-NSP adopted in 2020 aims to provide a multi-sectoral, coherent strategic policy and programming framework to strengthen a coordinated national response to the crisis of gender-based violence and femicide by the government of South Africa and the country.

In the preface to the 2020 GBVF-NSP, the South African president, Ramaphosa, stated that “(t)he unacceptably high levels of gender-based violence and femicide in South Africa are a blight on our national conscience, and a betrayal of our constitutional order for which so many fought, and for which so many gave their lives. South Africa holds the shameful distinction of being one of the most unsafe places in the world to be a woman. We have amongst the highest rates of intimate partner violence, and recently released data from Statistics SA show that rape and sexual violence have become hyperendemic. This is a scourge that affects us all: young and old, black or white, rich and poor, queer or cis, rural or urban. It pervades every sphere of our society” (GBVF-NSP, 2020).

Since the adoption of the GBVF-NSP in 2020, several interventions have been implemented, namely

- Extensive legal reform;
- Support for survivors through the provision of evidence kits at police stations;
- Psychological and social services;
- The establishment of a GBVF Response Fund;
- Support for Thuthuzela and Khuseleka Care Centres, which provide vital services for GBV survivors; and
- The National Council on Gender-Based Violence and Femicide Bill was signed into law in 2024. This landmark legislation is a critical step forward in ensuring the safety and protection of women and children from abuse and violence. It facilitates the establishment of the council, a statutory body charged with providing strategic leadership in the fight against GBVF in South Africa. This multi-sectoral council will draw on the expertise of all stakeholders which includes civil society, labour and business, to further strengthen national efforts to combat gender-based violence, using a more inclusive, focused and better resourced approach.

5. Overview of the Legal Framework Governing Rape

5.1 Criminalisation of Rape

In 2007, comprehensive legislation in the form of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (referred to as the Sexual Offences Act or SORMA) was implemented. It provides for various sexual offences and *inter alia*, rape which is defined as any person who unlawfully and intentionally commits an act of sexual penetration with another person without consent.

Prior to 2007, rape was a common law crime in South Africa. To understand the development of the regulation of rape, notice must be taken of the common law definition of rape. Rape in terms of the common law was a formally-defined crime and consisted of a male penetrating a female vagina with the male organ without her consent (Hector, 2020). The common law crime of rape was gender-specific and limited to vaginal penetration. The biggest criticism of the common law offence of rape was that it was not in line with the right to equality as enshrined in the South African Constitution. In 2007 the presiding officer in the *Masiya* case found that the common law definition of rape was not only archaic, but irrational and amounted to arbitrary discrimination with reference to which kind of sexual penetration that was regarded as the most serious, namely vaginal penetration, and then only in respect of women. The court extended the definition of penetration to include anal penetration, and found “(t)he distinction appears on face value to be irrational and totally senseless, because the anal orifice is no less private, no less subject to injury and abuse, and its sexual penetration no less humiliating than the vaginal orifice” (Masiya, 2017). The legislature responded to the *Masiya* judgment by implementing the Sexual Offences Act.

5.2 Brief Discussion of the Statutory Elements of Rape

The elements of penetration and consent have been the focus of court cases.

5.2.1 Element of Penetration

In respect of penetration, the 2019 *Tshabalala* case is relevant.

Prior to the *Tshabalala* case, rape was considered a conduct or instrumentality crime and only the accused who had penetrated the victim in his own capacity could be convicted of rape as a perpetrator (Watney, 2020). In the *Tshabalala* case, a group of young men masqueraded as police and requested entry to various residences. If entry was refused, they broke down the doors and once inside, assaulted, robbed, and raped the occupants. The perpetrators were convicted of various crimes which included rape. On appeal the Constitutional Court had to deliberate whether the accused who had not penetrated the victims could be convicted of rape as part of the principle of common purpose. The Constitutional Court found that the instrumentality argument had no place in a modern society founded upon the Bill of Rights and commented as follows: “(i)t is obsolete and must be discarded because its foundation is embedded in a system of patriarchy where women are treated as mere chattels. It ignores the fact that rape can be committed by more than one person for as long as the others have the intention of exerting power and dominance over the women, just by their presence in the room. The perpetrators overpowered their victims by intimidation and assault” (*Tshabalala*, 2019).

5.2.2 The Element of Consent

In respect of consent, the leading matter is the 2024 *Coko* case.

“Consent” means voluntary or unforced agreement. This means that the victim must freely, willingly and deliberately agree to the sexual act; and the victim must be able to understand what she is consenting to. In 2024 in the *Coko* case, the Supreme Court of Appeal reinforced the significance of consent in sexual encounters. In doing so, the court reaffirmed the position taken by the Commission for Gender Equality (CGE) on the issue. The *Coko* judgment represents a pivotal shift in how South African courts view consent, particularly in cases where survivors exhibit passive or involuntary responses to trauma, such as tonic immobility. The judgment acknowledges the complex psychological factors that may prevent survivors from clearly communicating non-consent, either verbally or behaviourally, thus rendering the “mistaken belief” defence untenable in such circumstances. This breakthrough addresses a critical gap in the legal framework, ensuring that consent must be objectively reasonable. As a consequence of the *Coko* judgment, certain provisions in the Sexual Offences Act were declared unconstitutional which the legislature will have to address (Meterlerkamp, 2024).

5.3 Sentencing

Sentencing is regulated by the Criminal Law Amendment Act 105 of 1997 (referred to as the Minimum Sentencing Act). A perpetrator may upon conviction be sentenced to life imprisonment or 15 years imprisonment depending on the circumstances of the rape. In the *Tshabalala* case, the rape was carried out by a gang and a gang related rape carries a penalty of life imprisonment. In 2022, the legislature amended the Minimum Sentencing Act by increasing the custodial sentence of 10 years to 15 years. The amendment is in line with the government’s commitment to show that rape will not be tolerated and upon conviction, the custodial sentence will reflect the seriousness of rape. In 2024, the Prevention and Combatting of Hate Crimes and Hate Speech Act 16 of 2023 was signed into law. If the perpetrator committed rape based on prejudice or intolerance on gender, sex, or sexual orientation, it will serve as an aggravating factor at sentencing. If convicted of a sexual offence, such person will be registered in the Sexual Offences Register.

6. Legal Framework Governing Intimate Partner Femicide

Murder is a common law crime and is defined as the intentional and unlawful killing of a human being (Hector, 2020). Intimate partner femicide is the killing of a woman by a current or former partner which includes a same sex partner. The Minimum Sentencing Act provides that upon conviction for murder either life imprisonment or a 15-year custodial sentence may be imposed.

7. Identifying Solutions to the Challenges Impeding the Elimination of GBVF

As indicated, the many interventions over the years have not resulted in a decrease in the commission of rape and intimate partner femicide. It remains shockingly high.

Finding solutions to the various challenges impeding the eradication of GBVF is an ongoing process. It requires identifying the various challenges hindering the elimination and actively working on finding solutions. Eliminating GBVF requires a unified multi-stakeholder and multi-disciplinary collective approach. The announcement in 2024 that a National Council of GBVF will be established has therefore been welcomed as such a Council will hopefully represent all the various stakeholders, convene regularly to discuss the challenges, establish solutions to address the different challenges, and evaluate the effectiveness of the solutions.

The challenges are discussed hereafter within the ambit of a specific category, but the categories cannot be seen in isolation. The categories are all inter-linked and call for a unified approach in finding real and meaningful solutions.

7.1 Challenges Experienced by the Criminal Justice System With Investigation and Prosecution

- Many rape cases go unreported. One of the contributing factors for under-reporting, may be that the victim fears secondary victimization by the criminal justice system. **Other factors may be that the victim** lacks trust in the criminal justice system, fears intimidation by the abuser, is financially dependent on the perpetrator, has a fear of not being believed, has a desire to avoid the stigma associated with rape, has access issues with distant police stations, and has a lack of information or knowledge of how the criminal justice system functions (Oosthuizen, Martin, de Villiers, 2024). The National Prosecuting

Authority (NPA) is attempting to mitigate the fears of secondary victimisation by providing specialized sexual offence prosecutors to courts to work with only GBVF cases. During sentencing, the victim provides a victim statement to show the impact the rape had on her life.

- **The low conviction rate in respect of GBVF is concerning. In 2024 the South African Medical Research Council (SAMRC) report found that only 1 in 5 intimate partner femicide cases result in a conviction.** The SAPS recorded 43,037 rape cases between April 2022 and March 2023, but only 519 accused were sentenced for rape offences (Ditshego, 2023).

There are many factors that may account for the low conviction rate. South Africa's theoretical legal framework is more than adequate, but giving practical effect to the theoretical legal framework provides investigatory and prosecutorial challenges. If the evidence gathered during the investigation was not done in accordance with the correct procedure, then such evidence will be inadmissible. The prosecution must prove a criminal case beyond reasonable doubt and this high standard of proof can only be achieved by means of properly obtained evidence. The Bill of Rights provides that a suspect is innocent until proven guilty and such guilt can only be proven by means of admissible evidence.

Mitigating the investigative challenge will not be easy as it requires extra financial and personnel resources which is hampered by an already constrained budget and staff shortages. South Africa has a high crime rate and GBVF cases are just some of the many cases that must be investigated.

- Constitutional Court Justice Madlanga opined in 2023 that many of the male judiciary is embedded with a patriarchal view point (Dayimani, 2023). He said judges' experiences and outlooks on life were deeply entwined. He added that it would be naïve to think that just because the country had a Constitution and a Bill of Rights, those experiences would no longer influence decision-making. He said patriarchy, sexism and misogyny would continue to be ingrained in the thought processes of some, if not most judges. He called for more female judges to be appointed.

Many judgements, such as the *Masiya*, *Tshabalala* and *Coko* cases to name but a few, have shown that the South African courts are addressing the role of male dominance and power in the commission of GBVF. GBVF is not only a women's issue, but men need to speak out against GBVF (Flood, 2024). Over the years, the South African courts have taken a strong stance against patriarchy.

- Public trust and confidence in the criminal justice system includes serving a custodial sentence in full. The Thabo Bester prison escape in 2022 showed the fragility of such trust. Bester, referred to as the Facebook rapist, killed his partner and life imprisonment was imposed. He was able to orchestrate his escape from prison with the assistance of some of the prison wardens and evade authorities for some time before his re-arrest in 2023 (Khaas, 2023).
- GBVF is not only a criminal justice system issue (SAMRC, 2024). The criminal justice system is reactive which means that the rape and intimate partner killing can only be investigated once it has been reported. Intervention after the commission does not address prevention. Preventative measures should be in place to prevent these crimes. In many instances, intimate partner femicide is preceded by violence. Such violence should be reported otherwise pro-active measures cannot be put in place to prevent the killing.

7.2 Challenges Experienced in the Implementation of the NSP

The launch of the NSP in 2020 as part of the process in eliminating GBVF was a commendable initiative as it highlighted the government's commitment in addressing GBVF and resulted in many interventions. However, as will be shown hereafter, it did not foster collaboration and communication between the various stakeholders on a multi-disciplinary level.

- The approaches to addressing GBVF can be divided into response and prevention. Response services aim to support and help survivors of violence in a variety of ways, such as medical help and shelter. Prevention initiatives look at how GBVF can be prevented from happening. Response services can in turn contribute towards preventing violence from occurring or reoccurring. The NSP does not provide for effective communication and collaboration between the various stakeholders in respect of response and prevention. It is hoped that the council will in future facilitate a cohesive multi-disciplinary approach to ensure coordination between all the sectors.
- The Commission for Gender Equality (CGE) is working towards a GBVF index which will provide comprehensive statistics on the various forms of sexual violence. The index will serve as a guideline to

see which form of sexual violence needs urgent intervention, for example, establishing how many of the sexual offences constitute a hate crime. To establish such a detailed index, accurate data and the supply thereof on a regular basis is required. Obtaining the data requires cooperation and willingness from various stakeholders and in this regard, the council can play a leading role.

7.3 Challenges Experienced on Social, Cultural and Economic Level in the Elimination of GBVF

To eradicate or mitigate against GBVF, the root causes at so-called ground level must be established:

7.3.1 Societal Inequalities

South Africa has a diverse society with some parts of the society characterised by an imbedded system of patriarchy and sexism. Mshweshwe (2020) provides that South Africa has a strong patriarchal system of social structures that encourage men to dominate, oppress and exploit women. GBVF reflect deeply rooted societal inequalities and requires a comprehensive, multi-sectoral approach to prevent and reduce it. Societal inequalities may be cultural, but it could also be a manifestation of apartheid.

In 2024 South Africa celebrated 30 years of democracy. It was preceded by a history of oppression, referred to as apartheid in which black people and especially black women were severely marginalised. Since dismantling apartheid, much of its evils have been undone. The Bill of Rights is resonating in all spheres of life. Systemic discrimination against women has been addressed. The NPS provides for economic empowerment as part of promoting gender equality.

The high levels of GBVF may be indictive that some remnants of inequalities and the social injustice of apartheid still linger. Mshweshwe (2020) refers to black men being subjected to violence during apartheid with the consequence that this systematic violence has resulted in men's adoption of violent behaviour that may be transferred from one generation to the other.

In societies which are dominated by a specific culture or traditions, men may be perceived as superior to women and as the head of the household and may consider disciplining his female partner as his "right". Women may have been brought up to believe that they should be subordinate to men.

George (2020) provides that during apartheid, very few legal and social structures existed to protect women against GBVF, but this had an impact on women of all races. For example, marital rape was not recognized as a criminal offense in South Africa until the adoption of the Prevention of Family Violence Act of 1993 (now the Domestic Violence Act 116 of 1998), which provided that a husband may be charged and convicted of the rape of his wife. As indicated earlier in the discussion, the common law crime, rape, did not provide for the use of penetrative instruments such as bottles (George, 2020). Over the years, the laws have evolved to provide for improved human rights-centred protection, but societal inequalities call for pro-active intervention within those communities.

7.3.2 Socio-economic Factors

The Masiphephe Network report published in 2024 provides that there is a social class and income link with GBVF. Gender-based violence is more prevalent among less educated women than those with secondary education or higher. In addition, it found that wealth/income is a key factor in the prevalence of gender-based violence (Masiphephe Network, 2024).

The NSP provides for economic empowerment to give effect to gender equality. In 2023 during the State of the Nation Address, the government allocated R21 billion to implement economic empowerment programmes for women who are vulnerable to abuse due to poverty, unemployment and social inequality (Masiphephe Network, 2024).

It is not only women that must be economically empowered, but also men. Unemployed men are more likely to perpetuate violence due to powerlessness associated with unemployment and lack of economic resources (Mshweshwe, 2020). Gender violence is more prevalent amongst couples where a man is unemployed and the man may use violence as a means of asserting power.

7.3.3 Cultural Practices

Ukuthwala is an African customary practice which provides for a couple who wish to marry to precipitate the marriage negotiations between the families. The man, with the consent of the woman, “pretend kidnaps” her whereupon the families of the couple negotiate the customary marriage.

In the *Jezile* case (2015), the cultural practice of *ukuthwala* was used as a defence for raping and assaulting the victim. The court rejected the defence as it did not correspond with the traditional understanding of *ukuthwala*. In the case, the victim was 14 years old at the time of the so-called “kidnapping”, she did not know the accused, nor did she consent to the customary marriage. The South African Law Reform Commission (SALRC) published a report in 2022 on the practice of *ukuthwala* in which it recommended legislation prohibiting forced marriages.

7.3.4 The Value of Women may be Monetised, e.g., Sexual Human Trafficking

In the 2017 *Dos Santos* case the accused lured women from African countries to South Africa with the promise of employment and a better life. Once in South Africa, the women were forced into sex work and subjected to multiple rapes. Sexual human trafficking is criminalised. The case shows that the value of women is monetised. Although the devaluation of a woman may reflect patriarchy, the perpetrator in the *Dos Santos* case was a woman. Perpetrators in GBVF are generally male, but she dehumanised the victims as sexual objects.

8. Conclusion

The aim of the eradication of GBVF is to create a world based on gender equality, justice, and non-violence in which women live without fear of GBVF (Flood, 2024).

The discussion explores the challenges experienced in finding solutions to secure and protect women against GBVF. The South African theoretical legal framework provides for the criminalization of rape and intimate partner femicide and upon conviction, the imposition of a sentence. The practical application of the theoretical legal framework presents challenges, but these challenges are being addressed. The National Prosecuting Authority has played a critical role in terms of prosecuting GBVF cases and being the voice of vulnerable groups.

Even if the challenges in the criminal justice system are resolved, the high rape and intimate partner killings will persist as it cannot be resolved by the criminal justice system - which is reactive - on its own. The other challenges identified in the discussion need to be collectively addressed. The newly instituted council may go a long way to ensure a cohesive unified multi-disciplinary and multi-sectoral collective and pro-active approach to finding solutions. South Africa has made a lot of progress, but the elimination of GBVF is an ongoing process.

References

- Action Society. (2024) “One raped every 12 minutes; South Africans abandoned in war against crime”, [online], <https://actionsociety.co.za/one-raped-every-12-minutes-south-africans-abandoned-in-war-against-crime-action-society/>.
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). (1979), [online], <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.
- Dayimani, M. (2023) “Patriarchal tendencies taint judiciary approach to gender-based violence – ConCourt Justice Madlanga”, [online], <https://www.news24.com/News24/patriarchal-tendencies-taint-judiciarys-approach-to-gender-based-violence-concourt-justice-madlanga-20230331>.
- Ditshego, J. (2023) “Gaps in South Africa’s rape laws could be why survivors are not getting justice”, [online], <https://www.dailymaverick.co.za/article/2023-11-08-gaps-in-south-africas-rape-laws-could-be-why-survivors-are-not-getting-justice/>.
- Director of Public Prosecutions, Eastern Cape, *Makhanda v Coko* (248/2022) (2024) ZASCA 59.
- Dos Santos v S* (A26/2014) [2017] ZAGPPHC 641.
- Flood, M. (2024) “Violence against women is a men’s issue”, [online], <https://safespeaks.org/2024/06/03/violence-against-women-is-a-mens-issue/>.
- George, L. (2020) “Gender-Based Violence against Women in South Africa,” [online], www.ballardbrief.org.
- Hector *Snyman’s Criminal Law* (2020) 307 – 319; 387 -391.
- Jezile v S and Others* (A 127/2014) [2015] ZAWCHC 31.
- Khaas, T. (2023) “Thabo Bester story: a display of everything with our criminal justice system”, [online], <https://www.news24.com/news24/opinions/columnists/guestcolumn/tebogo-khaas-thabo-bester-story-a-display-of-everything-wrong-with-our-criminal-justice-system-20230328>.

- National Council on Gender-based Violence and Femicide 9 of 2024, [online], https://www.gov.za/sites/default/files/gcis_document/202405/50712natcouncilgender-basedviolencefemicideact92024.pdf.
- Masiphephe Network. (2024) "The intersection of women's economic empowerment and gender-based violence in South Africa", [online], https://www.masiphephe.org.za/wp-content/uploads/2024/04/archThematic-Paper_Intersection-of-WEE-and-GBV-2023.pdf.
- Masiya v Director of Public Prosecutions Pretoria (The State) and Another (CCT54/06) [2007] ZACC 9; 2007 (5) SA 30 (CC); 2007 (8) BCLR 827 (10 May 2007).
- Mshweshwe, L. (2020) "Understanding domestic violence: masculinity, culture, traditions", (online) <https://pmc.ncbi.nlm.nih.gov/articles/PMC7599123/>.
- Metelerkamp, T. (2024) "Not a dry eye in the room as court rules parts of Sexual Offences Act unconstitutional", [online], <https://www.dailymaverick.co.za/article/2024-10-02-not-a-dry-eye-in-the-room-as-court-rules-parts-of-sexual-offences-act-unconstitutional/>.
- National Strategic Plan on Gender-based Violence and Femicide (NSP-GBVF), (2020), [online], <https://www.justice.gov.za/vg/gbv/nsp-gbv-final-doc-04-05.pdf>.
- Oosthuizen, M., Martin, L. and De Villiers, D. (2024) "Progress Report. Gender Transformation in Public and Private Sector, 2023/2024", [online], https://www.parliament.gov.za/storage/app/media/OISD/Reports/Commission_for_Gender_Equality/2024/01-08-2024/GBV_Index_Report.pdf.
- Prevention and Combatting of Hate Crimes and Hate Speech Act 16 Of 2023.*
- S v Tshabalala; Ntuli v The State [2019] ZACC 48.
- South African Law reform Commission. (2024) "Report Project 138 The practice of ukuthwala", (online), <https://www.saflii.org/za/other/ZALRC/2022/4.pdf>.
- South African Medical Research Council (SAMRC) Gender and Health Research Unit. (2024) "South African's Femicide Crises Persists: New report highlights increase as intimate partner femicide violence and declining convictions", [online], <https://www.samrc.ac.za/press-releases/south-africas-femicide-crisis-persists-new-report-highlights-increase-intimate>.
- Watney, MM. (2020) "Rising on the tide of crime control: the doctrine of common purpose in perspective", [online], <https://journals.co.za/doi/abs/10.10520/EJC-202767c2f5>.