



Terms of Reference

for

the Members of the Shukumisa Coalition

(hereafter referred to as Shukumisa)

Amended Version: 7 February 2017¹

¹ Amendments were discussed at the Shukumisa Steering Committee Meeting from 7 – 8 February 2017 as per instructions from the General Members Meeting in November 2016.

Table of Contents

1. Background	3
2. Vision, Mission, Objectives and Values of Shukumisa.....	3
2.1. Our Vision	4
2.2. Our Mission.....	4
2.3. Our Strategic Objectives	4
2.4. Values	4
3. Membership	5
3.1. The Nature of Shukumisa	5
3.2. Criteria and Conditions for Membership	5
3.3. Responsibilities of Members.....	6
3.4. Benefits for Members	7
3.5. Conflict of Interest	8
3.6. Accountability	8
4. Governance.....	9
4.1. Meetings	9
4.2. Fundraising.....	9
4.3. Funding Conduit.....	9
4.4. Financial Management	10
5. Steering Committee.....	11
5.1. Elections.....	11
5.2. Responsibilities	11

1. Background

In 2004 organisations across South Africa formed a national working group, the National Working Group on Sexual Offences (NWGSO), focusing on advocacy around the Sexual Offences Bill.

Member organisations made submissions to Parliament on the Bill, undertook a range of advocacy actions around the draft legislation and conducted information sessions for communities around the country. At a national workshop in February 2007, with the Bill soon to be passed into law, it was decided to expand the focus beyond the Bill and look more broadly on laws and policies applicable to sexual offences, as well as the implementation of the new Criminal Law [Sexual Offences and Related Matters] Amendment Act No 32 of 2007 (Sexual Offences Act). To reflect this expanded approach NWGSO was renamed Shukumisa Campaign.

Member organisations have agreed to cooperate within the terms of reference as set out below. This is a living document intended to respond to the evolving needs of Shukumisa. Additions and revisions to the terms of reference may be proposed to the Steering Committee (SC) for consideration at a general members' meeting.

Shukumisa has taken a conscious decision not to register as a legal entity. It operates as a coalition of organisations through collaboration under one umbrella. Shukumisa is about collaboration and sharing and speaking together as one voice. Being a member should add value for organisations. The decision not to register as a legal entity is motivated by two considerations, the first is that Shukumisa does not want to compete with its members for funds. The second is Shukumisa wishes to remain adaptable in order to respond to member's needs.

2. Vision, Mission, Objectives and Values of Shukumisa

The overall aim of Shukumisa is to advocate for legislation and policies that as far as possible reflect the best interests of adult and child survivors of sexual violence; and to evaluate and monitor the implementation of such laws and policies on an ongoing basis and advocate for their improvement.

2.1. Our Vision

We have a vision of a South Africa where adults and children are free from sexual violence.

2.2. Our Mission

To ensure that South Africa takes the problem of sexual violence seriously, as evidenced by well crafted, well implemented legislation derived from broad-based public participation processes.

2.3. Our Strategic Objectives

- Laws and policies relating to sexual violence are well drafted, aligned, properly costed and resourced;
- Laws and policies relating to sexual violence are properly implemented and monitored;
- The criminal justice system convicts perpetrators and timeously delivers high quality and victim centred services;
- Civil society organisations are well resourced and engage in joint initiatives for accountability and advocacy;
- The community is empowered to effectively mobilise for access to justice;
- Challenge prevailing myths, stereotypes and practices relating to sexual violence;

2.4. Our Values

All Shukumisa members agree to adhere to the following values:

- Respect for and acceptance of one another as stakeholders in the sector;
- Mutual trust;
- Commitment to Shukumisa;
- Collaboration with one another;
- Collegiality and the open sharing of information with one another.

Shukumisa also does not tolerate stereotyped or prejudicial attitudes towards sexual violence.

3. Membership

3.1. *The Nature of Shukumisa*

3.1.1. Members understand that *Shukumisa is not a stand-alone organisation, but a coalition of organisations.*

3.2. *Criteria and Conditions for Membership*

3.2.1. Any civil society organisation or individual with a demonstrated interest in addressing sexual violence may apply to become a member of Shukumisa by filling out the membership form.

3.2.2. Individual members will have no voting rights and will not be eligible for nomination to the Steering Committee.

3.2.3. Individual members may be co-opted onto the Steering Committee, on request of the Steering Committee.

3.2.4. An organisation or individual may apply to become a member of Shukumisa by advising the coordinator in writing that they wish to do so, and by then filling in and signing an application form and the terms of reference (ToR). Membership is approved by at least four Steering Committee members. After approval the new member will be added to the Shukumisa database and email group. The Steering Committee reserves the right to reject any application for membership at their own discretion.

3.2.5. Members must be in a position to commit their time to the activities of Shukumisa. In case of organisational membership, the director of that organisation and its representative must ensure commitment and time allocation to Shukumisa.

3.2.6. Each member organisation must identify the individual who shall be responsible for representing their organisation in Shukumisa, who must continuously brief their organisation around the activities and decisions of Shukumisa.

3.2.7. An organisation must identify more than one contact person to be added to the Shukumisa database, solely for the purpose of receiving electronic information.

- 3.2.8. Where an organisational representative plans to leave the member organisation, she or he is to request a replacement representative for Shukumisa from the organisation and is to give a one month period of notice to Shukumisa with the name of the organisations replacement representative. The organisational representative should ensure a proper handover to the replacement representative. Should the organisation be unable to nominate a new representative, the organisation must inform the Shukumisa Coordinator of such in writing. The Steering Committee will then take up the responsibility for securing a replacement.
- 3.2.9. Organisations or individuals may terminate their membership if their beliefs, views and principles are irreconcilable with those expressed by Shukumisa. They must do so in writing.
- 3.2.10. Networks, campaigns and movements will not be eligible to become members of Shukumisa. Shukumisa may consider forming informal partnerships with other networks, campaigns and movements at the discretion of the Steering Committee.

3.3. *Responsibilities of Members*

- 3.3.1. Representatives of member organisations have the responsibility to inform their directors and members of the board that the organisation is a member of Shukumisa and of the responsibilities membership entails.
- 3.3.2. Members shall be expected to actively and consistently contribute to e-mail and other discussion fora, as well as attend and participate in workshops and meetings.
- 3.3.3. Members shall share information and resources developed around legislation and policies relating to sexual violence.
- 3.3.4. Where a member believes that a particular advocacy or other action needs to be taken, that member will take responsibility for initiating and leading such action, and may put out a call through the Shukumisa Coordinator for other members to join. Members cannot expect the Steering Committee to be solely responsible for carrying out activities.
- 3.3.5. Members shall contribute to the establishment of working groups required for specific work tasks and agree to full participation in the working groups.
- 3.3.6. Members share the responsibility of carrying out Shukumisa activities with diligence, and within agreed-upon timeframes.

- 3.3.7. Members shall provide the coordinator with any changes to their contact details.
- 3.3.8. Where possible, submissions, media and other official statements and documents on behalf of Shukumisa will be circulated to all member organisations beforehand for comment. Members will be given deadlines for comments and endorsements. This can happen at very short notice. Non-response by members is taken as consent. All submissions and statements will be undersigned by all members unless members object individually.
- 3.3.9. If a disagreement arises, members agree to explore all avenues to reach consensus by listening to all views, exploring individual differences and accommodating others. Where this is not possible, individual disagreement will be noted.
- 3.3.10. When members collaborate under the banner of Shukumisa to produce materials, reports, tools and other products, these remain the collective property of Shukumisa. Members are not allowed to fundraise for individual organisational projects using these products.
- 3.3.11. Member organisations are strongly encouraged to fund their participation in Shukumisa, particularly travel and accommodation costs for meetings and workshops.
- 3.3.12. If Shukumisa covers the costs for travel and accommodation after a member has confirmed attendance for a workshop or meeting, and that member fails to show up, the costs incurred will then be recovered from the member organisation.

3.4. *Benefits for Members*

- 3.4.1. Any member of Shukumisa (including a Steering Committee member) can raise an issue in the coalition.
- 3.4.2. Members will have access to up-to-date sector information such as events, research, publications, and funding opportunities from time to time.
- 3.4.3. Members will be invited to the annual general meetings.
- 3.4.4. Member organisations have the right to nominate and vote for Steering Committee members.
- 3.4.5. Member organisations shall receive an electronic notification at least 14 days prior to the nomination process for the election of Steering Committee members.
- 3.4.6. Members have the right to guide the implementation of the activities of Shukumisa.

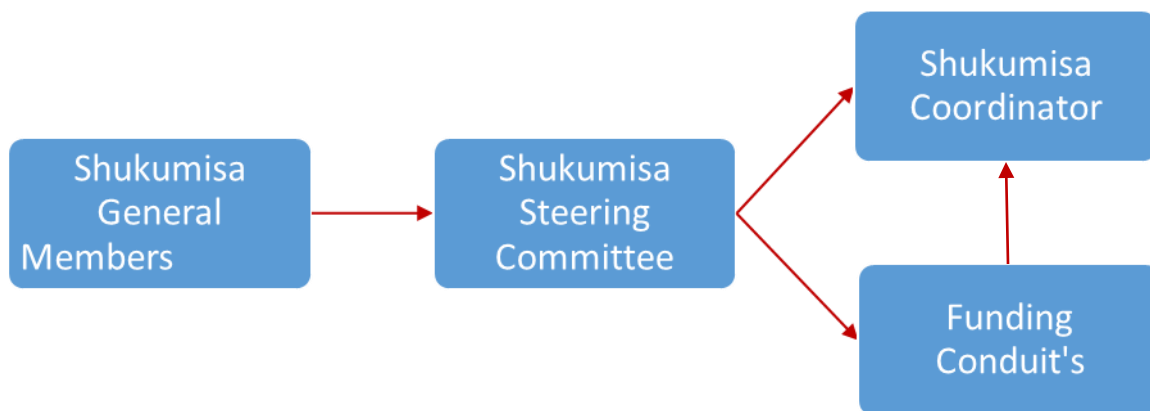
- 3.4.7. Members have the opportunity to be part of working groups that determine and implement Shukumisa activities.
- 3.4.8. Members may circulate their own submissions, statements, press releases and documents via the Shukumisa email group, to be endorsed by individual members.
- 3.4.9. Participation in Shukumisa does not prevent member organisations from joining other networks, campaigns or movements working for similar causes.
- 3.4.10. Participation in Shukumisa does not prevent member organisations from working on issues concerning sexual violence in their own capacity.

3.5. Conflict of Interest

- 3.5.1. Where a member pursues work that could potentially undermine the work of Shukumisa or conflicts with its objectives, the member will inform the Steering Committee before they undertake such work.
- 3.5.2. Where a member acts as a funder, the member will inform the Steering Committee and engage in a discussion around potential conflict of interest.

3.6. Accountability

The members are ultimately the decision makers of Shukumisa, similar to the structure of a Voluntary Association. The Steering Committee is the decision making body which operates on behalf of the members. The Coordinator as well as member organisations operating as funding conduits are accountable to the Steering Committee.



4. Governance

4.1. Meetings

- 4.1.1. A full members' meeting shall be held at least once a year subject to availability of funds.
- 4.1.2. In order for decisions to be made at the general meeting, a quorum of 60% of Shukumisa members shall be required.

4.2. Fundraising for Shukumisa

- 4.2.1. Fundraising on behalf of Shukumisa will be coordinated through the Steering Committee.
- 4.2.2. Members may not submit funding proposals on behalf of Shukumisa without prior approval from the Steering Committee.
- 4.2.3. Any member simultaneously raising funds for their own organisation and for Shukumisa needs to clearly state that in the proposal as well as the budget.
- 4.2.4. Any fundraising efforts by Shukumisa should be clearly aligned to the strategic objectives.
- 4.2.5. Any fundraising efforts by Shukumisa should steer away from assigning Shukumisa the role of an implementer, and rather emphasise advocacy activities, skills development and member coordination.
- 4.2.6. Any Shukumisa fundraising efforts should equally include operational and project costs and consider the operational annual budget obtainable from the coordinator.
- 4.2.7. Any member that raises funds for provincial activities relating to Shukumisa's objectives shall inform the Steering Committee of its intentions.
- 4.2.8. Any member which raises funds on behalf of Shukumisa, or in order to carry out Shukumisa projects and activities, may only use those funds in pursuit of Shukumisa's goals; those funds may not be diverted to individual organisational projects or activities.

4.3. Funding Conduit

- 4.3.1. Shukumisa is not a legal entity and for its funding requires assistance from a member to act as a funding conduit.
- 4.3.2. A funding conduit is a member organisation, that will hold specific project funds on behalf of Shukumisa, and oversee the spending of and accounting for such funds.

- 4.3.3. An agreement must be entered into between Shukumisa, represented by the Steering Committee, and the funding conduit holding the funds.
- 4.3.4. The financial policies of the funding conduit apply to all financial transactions.
- 4.3.5. The employment policies of the funding conduit apply for full-time or part-time employees or contract workers while
- 4.3.6. Funding conduits are chosen according to the funders' request and requirements.
- 4.3.7. Where a funder does not have a specific request for a funding conduit, the Steering Committee will call for a conduit from the general membership.
 - 4.3.7.1. The Shukumisa Coordinator notifies all member organisations indicating a need for a funding conduit according to the funder's requirements and a date by which responses are to be submitted to Shukumisa. The Shukumisa Coordinator will share responses with the Steering Committee to make recommendations.
 - 4.3.7.2. Each applicant must be able to demonstrate its relevant skills and capacity to act as a funding conduit. The geographical location may also be taken into consideration, depending on the nature of the project.
- 4.3.8. The funding conduit must have sound financial management, good governance, human resources capacity, and the necessary infrastructure to carry out Shukumisa's work.
- 4.3.9. The funding conduit commits to providing regular financial reports regarding the status of Shukumisa funds, and is responsible for providing access to all financial records and agreements to the Coordinator and the Steering Committee upon request.
- 4.3.10. The funding conduit's board members must know and understand the role and responsibility the member organisation has as a funding conduit.
- 4.3.11. Funding conduits may claim no more than a 10% administration fee from the total amount held, or as specified by the funder.
- 4.3.12. Funding conduits must work with the Coordinator to compile narrative reports, which the funding conduit must approve before submission.

4.4. *Financial Management*

- 4.4.1 Member organisations do not have the authority to incur any debt or other liability or to obtain credit facilities either in the name of or on behalf of Shukumisa.

5. Steering Committee

5.1. Elections

- 5.1.1. The Steering Committee will have no more than ten (10) people, representing geographical, racial and skill diversity, with a proven track record of responsiveness.
- 5.1.2. Members of the Steering Committee are elected annually by the membership at the general members' meeting, and remain in office until the following general meeting. Refer to the *Steering Committee Nomination and Election Process* document.
- 5.1.3. At each new election, only 60% of the steering committee will be replaced. The remaining 40% should remain on the Steering Committee for another year, or until the next elections. This ensures continuity.
- 5.1.4. Elected Steering Committee members shall be eligible to serve on the Steering Committee for no longer than five consecutive terms, should they be re-elected.
- 5.1.5. Should a Steering Committee member choose to resign from the Steering Committee, s/he will be replaced by another member of their organisation or the Steering Committee will make a decision at their discretion, until the next election.
- 5.1.6. The organisation hosting the Shukumisa Coordinator shall be co-opted to the Steering Committee, for practical purposes.

5.2. Responsibilities

- 5.2.1. For the Steering Committee to make a decision, a quorum of forty per cent (four members) is needed.
- 5.2.2. The Steering Committee shall meet at least six times per year, one of which will be the general meeting, subject to the availability of funds.
- 5.2.3. Meetings of the Steering Committee may be conducted face-to-face or telephonically.
- 5.2.4. Minutes will be taken at every meeting to record the Steering Committee's decisions. The minutes of the previous meeting will be given to Steering Committee members at least two weeks before the next meeting. The minutes shall be confirmed as a true record of proceedings by the next meeting of the Steering Committee.
- 5.2.5. Minutes of the Steering Committee meetings shall be shared with Shukumisa members.

- 5.2.6. If a member misses three consecutive Steering Committee meetings without a reasonable apology, they are considered ineligible to remain on the Steering Committee.
- 5.2.7. After the second unattended meeting, the coordinator will contact the member organisation to inform that their representative does not attend the required meetings and did not tender the required apology.
- 5.2.8. The Steering Committee shall identify and appoint a suitable member or person to conduct work such as managing projects, compiling studies, monitoring reports, etc. on a contract basis on behalf of Shukumisa as project manager, consultant or service provider as is needed. This will be done in terms of the policies and procedures of the organisation holding the funds for that specific project – refer to 4.3.5.
- 5.2.9. The Steering Committee can approach members to address a perceived non-compliance with the values of Shukumisa.
- 5.2.10. In urgent cases members of the Steering Committee have a mandate to submit submissions with the approval of at least four Steering Committee members.
- 5.2.11. In urgent cases members of the Steering Committee have a mandate to release press statements, give comment and appear in the media with the approval of at least four Steering Committee members.
- 5.2.12. Appoint a Coordinator and work in close collaboration with the Coordinator.
- 5.2.13. Engage in ongoing strategic planning and thought leadership, coordination and monitoring and evaluation processes as well as fundraising that ensure the smooth running of Shukumisa.
- 5.2.14. Organise, attend and participate in Steering Committee meetings.
- 5.2.15. Assist the coordinator in ensuring consistent distribution of updated information to and communication between Shukumisa members.
- 5.2.16. Assist the coordinator in managing media liaison.
- 5.2.17. Assist the coordinator in keeping a database with the names and addresses of all the members.
- 5.2.18. Be aware of the financial circumstances and activities conducted under the banner of Shukumisa.
- 5.2.19. Develop a briefing pack for new members and hold briefing sessions with new members.