

THE GBVF RESPONSE FUND1

NPC Reg. No. 2021/359277/08

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Donations Policy

THE GENDER-BASED VIOLENCE AND FEMICIDE (GBVF) RESPONSE FUND1: DONATIONS' POLICY

1. The GBVF Response Fund1 ("**Fund**") was established to support any measures that seek to eradicate GBVF as articulated in the South African National Government National Strategic Plan (NSP) by serving as a vehicle through which individuals and organisations are able to pledge their support, by making donations to the Fund and or specific initiatives which are supported by the Fund.
2. In order to achieve its objectives, the Fund:
 - 2.1. has been incorporated as a non-profit company in accordance with the provisions of the Companies Act No 71 of 2008, as amended;
 - 2.2. has been approved as a Public Benefit Organisation ("**PBO**") in terms of section 30 of the Income Tax Act, 58 of 1962 ("**ITA**") and for the purposes of section 18A of the ITA; and
 - 2.3. conducts its affairs and operations in a manner which accords with the highest standards of corporate governance and which promotes transparency and accountability.
3. The purpose of this policy document ("**Donations' Policy**") is to record (i) the terms on which persons ("**Donors**") who wish to make any contribution, donation and gift (whether in the form of money/cash or the transfer of any asset in kind (including the proceeds thereof), or services to the Fund (each a "**Donation**") may make such Donations and (ii) the principles, policies and guidelines to be applied by the Fund in assessing whether to accept Donations.
4. **Publication of Donations' Policy and Donor confirmations**
 - 4.1. the Fund's commitment to deal with the information in its possession (including the identities and other information of Donors) in a responsible manner and will protect and safeguard any personal information in line with the requirements of the Protection of Personal Information Act (POPIA).
 - 4.2. Donations may be made to the Fund directly, alternatively through fundraising partners ("**Fundraisers**") appointed by the Fund to receive and/or accept Donations on its behalf.
 - 4.3. Any member of the public or organization may donate money to the Fund. Donations may be made in cash via cashier systems, via existing payment systems, using electronic funds transfers, credit card transactions, mobile phone and tablet applications, cheques, bequests or otherwise (collectively, "**Collection Networks**").The Fund will post this Donations' Policy on its website and will request every Fundraiser who offers to use its Collection Network to receive Donations on behalf of the Fund, to alert potential Donors to this Donations' Policy, whether by publishing a prominent link to the Fund's website on its Network, or otherwise.
 - 4.4. Each Donor, when making a Donation:
 - 4.4.1. is deemed to have familiarised himself/herself/itself with this Donations' Policy;
 - 4.4.2. makes the Donation subject to the terms of this Donations' Policy;
 - 4.4.3. undertakes and represents in favour of the Fund that his/her/its Donation is aligned in every respect with the terms and import of this Donations' Policy;
 - 4.4.4. is entitled to apply to the Fund (electronically or manually or in any other manner), within 3 months after the date of donation, for a receipt to be issued in respect of the Donation made, in terms of section 18A of the ITA, subject to compliance by the Donor with the Fund's requirements for the issue of such receipt.;
 - 4.4.5. all donor information such as the identity of the Donor, amounts donated etc. shall be kept confidential unless otherwise agreed with the Donor; and

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- 4.4.6. subject to the prior consent from the Donor, the identity of Donors may be published or become known to the public.

5. Application of Donations by Fund

- 5.1. The Fund will use Donations received towards achieving the following objectives:
 - 5.1.1. support any measures that seek to eradicate GBVF;
 - 5.1.2. augment Government's resourcing of the social development policy system in the fight against GBVF in civil society and communities;
 - 5.1.3. support partnerships with government on critical social development programmes on GBVF, Social Entrepreneurship and Economic Empowerment;
 - 5.1.4. support those people whose lives have been adversely impacted on by GBVF.
 - 5.1.5. contribute to broadening access to justice for victims and survivors of GBVF;
 - 5.1.6. contribute to changing social norms and behaviour through social dialogues, awareness raising programmes, and prevention interventions;
 - 5.1.7. strengthen existing architecture for intervention programmes through partnerships;
 - 5.1.8. support/fund research and data collection into the root causes of GBVF in South Africa so that it can design sustainable solutions to dealing with GBVF including learning best practice from other countries;
 - 5.1.9. assist with the creation, enablement and acceleration of more economic opportunities for women who are vulnerable to abuse due to poverty, unemployment and social inequality;
 - 5.1.10. support training and development of women enterprises affected by GBVF and ameliorating the effects of GBVF; and/ or
 - 5.1.11. assist with resources mobilisation for the purposes of delivering on the above purpose.
- 5.2. The Fund has been established for the benefit of all South Africans and the Fund is committed to ensure that its operations and affairs do not encourage or amount to discrimination against any class or group of people within South Africa. The Fund will, however, always endeavour to ensure that South Africa's most needy are the core focus of its activities.
- 5.3. Where a section 18A receipt has been issued in respect of a donation, the utilisation and/or distribution of such donation will be used exclusively for the care or counselling of, or the provision of education programmes relating to, physically or mentally abused and traumatized persons, and the protection of the safety of the general public, as contemplated in para 1(c) and 1(k) of Part II of the 9Th Schedule to the Income Tax Act.
- 5.4. The Fund may issue invoices on an exceptional basis for donations that are specific to a particular expense item of the Fund.

6. Nature of Donations

- 6.1. Donations are voluntary or gratuitous transfers of money or property pursuant to which the Donor does not, and does not expect to, receive any benefit or advantage (whether directly or indirectly) or any other *quid pro quo* or anything in return.
- 6.2. Donations may consist of money or property in kind, or services. Whilst a donor may receive a

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section 18A receipt in respect of *bona fide* donations of money or property in kind, the donation of services does not qualify as a donation for the purposes of section 18A of the ITA.

- 6.3. All Donations are irrevocable at the instance of the Donor from the time at which the Fund receives that Donation in cash or in kind.
- 6.4. Unless specifically agreed with the Fund in writing before a Donation is made, a Donor may not attach any conditions to any Donation made. Unless the donor is an approved public benefit organisation or section 10(1)(cA)(i) institution, the Fund is prohibited from accepting any donation with a condition which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of the donation.
- 6.5. Where the Fund accepts any conditions in respect of any donation, the donated amount will only be utilised in terms of those conditions.
- 6.6. The Fund has nominated a dedicated individual to document pledges being made to avoid incompleteness.

7. Fund's rights to refuse, return or delay receipt of Donations

- 7.1. The Fund may refuse, return or delay receipt of any Donation, if, in the exercise of its sole and absolute discretion and based on information available to it, the Fund believes that such Donation:
 - 7.1.1. may not comply with or may undermine the provisions, spirit and/or import of this Donations' Policy or the objectives of the Fund;
 - 7.1.2. may be contrary to the objectives of the Fund or any of the provisions of the Fund's Memorandum of Incorporation, as amended from time to time;
 - 7.1.3. may encourage or promote discrimination on unfair grounds;
 - 7.1.4. may have been offered with any illegal or unethical proposal which compromises or is likely to compromise the objectives of the Fund or may otherwise have been made in an unethical and non-transparent manner;
 - 7.1.5. may have been offered by any person who conceals or disguises the illicit origin of the Donation, or who ought to have known that the source of funds of such Donation is the result of an illegal or illicit act; or
 - 7.1.6. may be related to or associated or connected with:
 - the commission, performance or carrying out of;
 - the facilitation of, participation or assistance in, or contribution to the commission, performance or carrying out of;
 - the performance of an act in preparation or planning of; or
 - instructing, directly or indirectly, the
 - commission, performance or carrying out of;
 - facilitation of, participation or assistance in, or contribution to the commission, performance or carrying out of; or
 - performance of an act in preparation for or planning of terrorist and related activities, as defined in the Protection of Constitutional

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Democracy Against Terrorist and Related Activities Act 33 of 2004.

- 7.1.7. may have been offered in exchange for any gratification, as defined in the Prevention and Combating of Corrupt Activities Act 12 of 2004, whether for the benefit of that person or someone else;
- 7.1.8. may have been offered for the purposes of facilitating a corrupt act, which, among other things, amounts to:
- the abuse of a position of authority;
 - a breach of trust; or
 - the violation of a legal duty or set of rules,
- designed to achieve an unjustified result, or that amounts to other unauthorised or improper inducement to do or not to do anything;
- 7.1.9. may have otherwise resulted from illegal activities or from an illegal source;
- 7.1.10. may otherwise bring the Fund into disrepute or deter a significant number of potential Donors from supporting the Fund;
- 7.1.11. has been offered or made in exchange for any direct or third-party benefit, whether as part of the Fund's objectives or not, or to obtain any business or other advantage from the Fund or its partners or stakeholders;
- 7.1.12. cannot be used to meaningfully advance the objectives of the Fund;
- 7.1.13. has otherwise been offered or made subject to any conditions to which the Fund has not agreed in writing.
- 7.2. The Fund may refuse, return or delay receipt of any Donation from a Donor, if:
- 7.2.1. it fails or is unable to verify the identity of the Donor and/or the source of funds of the Donation to its satisfaction; or
- 7.2.2. the Donor fails or refuses to provide the Fund with any additional information which is requested from the Donor; or
- 7.2.3. in the exercise of its sole and absolute discretion and based on information available to the Fund, the Donor and/or the Donation itself, may:
- support or promote any criminal or illicit activity of whatsoever nature including corruption, money laundering or terrorism financing operations; and/or
 - support or promote discrimination on any unfair grounds.

8. Review of Donations Policy

- 8.1. The Donations Policy will be fully reviewed every two years or more frequently should legislative requirements change.

Approved by: _____

Date: _____

Signature: _____