



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

FINANCIAL YEAR ESTIMATES FOR SPENDING ON
GENDER-BASED VIOLENCE
BY THE SOUTH AFRICAN GOVERNMENT

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1. INTRODUCTION

South Africa has high levels of gender-based violence, in particular of domestic violence (also known as intimate partner violence) and sexual offences. South Africa has legislation that seeks to address these crimes. However, despite the presence of legislation, gender-based violence persists at great expense to the women who suffer it, and to the State.

The Domestic Violence Act 116 of 1998 (The Domestic Violence Act) places positive duties on a number of Government Departments to provide support and services to survivors of such abuse. The Preamble of the Act specifies, "It is the purpose of this Act to afford the victims of domestic violence the maximum protection from domestic abuse that the law can provide; and to introduce measures which seek to ensure that the relevant organs of State give full effect to the provisions of this Act, and thereby to convey that the State is committed to the elimination of domestic violence."¹

It is not always clear how much the South African Government is spending on the implementation of the Domestic Violence Act or the Criminal Law (Sexual Offences and Related Matters) Act 32 of 2007 (The Sexual Offences Act). This is partly because spending on the implementation of these laws becomes invisible in the Estimates of National Expenditure, and within Departments' own budget votes.

Without an adequate idea of the costs of providing the services, a sufficient budget is not likely to be provided. In addition, without reported disaggregated statistics on the scale and incidence of domestic and sexual violence against women in South Africa, it will be impossible to ensure that budgets are directed to the right places.

Effective spending on legislation and its implementation is thus important because a lack of adequate budgeting will mean that those tasked with implementing legislation will not have appropriate resources to meet the requirements of the legislation, are not appropriately trained, and will not have sufficient resources to undergo debriefings that ensure that they are healthy and able to perform their tasks in a sensitive and supportive manner. In addition, where the State does not allocate specific funding for the implementation of these laws, budgets from other programmes and line items would potentially be used, which may compromise on the effectiveness of the various role players.

This paper aims to explore some of the hidden costs associated with providing services for victims of violence. Section 2 undertakes an exploration of what costs are entailed in reporting a case of domestic violence or a case of a sexual offence. Section 3 provides a summary of reported State spending on gender-based violence in the 2013/14 financial year. Section 4 considers some of the hidden costs involved in issuing a protection order. Section 5 details some of the challenges with the current funding model for gender-based violence as raised by presentations from Departments and Civil Society Organisations during the fourth Parliament. It concludes

1 The Domestic Violence Act 116 of 1998. Preamble.

with recommendations about the development of a more effective funding model for implementing legislation related to gender-based violence.

2. COSTS INCURRED

This section of the paper attempts to identify where the costs for reporting violence will be incurred. Whilst this section does not detail actual costs, it helps to present a picture of what costs would be incurred in fully implementing the legislation. The economic cost of violence against women is extensive and many individuals and institutions bear this cost.

The first and most significant cost is to the victim of the crime. In addition, five key Government Departments incur costs as a result of their responsibility to implement legislation. These are the South African Police Services (SAPS), the Department of Justice and Constitutional Development (DOJ&CD), the Department of Health (DOH), the Department of Social Development (DSD), and the Department of Correctional Services (DOCS). Costs are also borne by civil society.

2.1. Costs to the victim

- Cost of telephone call/cell phone call to the police or to the health facility for assistance;
- Cost of travelling to the police station to report, or for assistance;
- Cost of travelling to the court for protection order applications, or for pre-trial consultations, breach of protection order hearings, or court dates;
- Cost of food during time at court (many courts confiscate food as you enter)
- Cost of travelling to the health facility for examination;
- Cost of medicines to treat injuries;
- Reproductive health costs including possible termination of pregnancy, treatment for STIs etc.;
- Cost of seeking psychosocial care in the short and long term (counselling or psychiatry);
- Cost of loss of earning from days off work (both immediately after the incident and as a result of post-traumatic stress disorder);
- Relocation costs if moving out of their home away from an abuser;
- Temporary accommodation costs whilst looking for a new home;
- When children are involved costs include moving children, costs of childcare whilst involved in criminal justice processes, costs of psychosocial support for children, costs of healthcare for children where children are also the victim of violence; and
- Cost of lost living expenses where economically dependent on the perpetrator.

2.2. Costs to the South African Police Services

- Vehicle costs (including petrol and maintenance costs) involved in travelling to the site of the incident, notifying the respondent, serving protection orders;
- Paperwork and stationery required in the vehicle and in the community service centre and victim friendly rooms;
- Cost of maintaining the domestic violence register;
- Cost of debriefing staff and of days off work from exposure to trauma;
- Transport costs including costs involved in transporting victims to shelters/ places of safety, to the medical facility for examination, to the court for trial dates;
- Cost of telephonic communication and updates with victim regarding status of her/his case;
- Cost of ongoing training for police in the implementation of the relevant legislation;
- Cost of staff time in responding to incidents of domestic violence;
- Cost of equipping and maintaining victim friendly rooms (R500 000 per facility as of 2013/14)²;
- Cost of participation in Victim Empowerment Programme (VEP) forums;
- Cost of rape kits (R189 each according to responses by the SAPS in 2013)³;
- Cost of awareness posters and pamphlets relating to the Acts both internally and externally;
- Cost of research related to domestic and sexual violence;
- Costs of operational budgets for police stations;
- Further costs associated with the Criminal Law (Forensic Procedures) Amendment Bill;
- Costs of language and translation of documents;
- Cost of mobile/satellite stations in rural areas; and
- Costs of non-compliance via the Civilian Secretariat for police.

2.3. Costs to the Department of Justice and Constitutional Development

- Cost of dedicated staff including dedicated clerks and magistrates at sexual offences courts and related to domestic violence;
- Cost of legal aid to victims of violence against women (R4372.66 per case in 2013/14)⁴;

2. The Department of Justice and Constitutional Development (2013) *Responses to Questions from the Select Committee on Women, Children and People with Disabilities*.

3. Interview with Colonel Harri at the Mitchells Plain FCS unit.

4. The Department of Justice and Constitutional Development (2013) *Responses to Questions from the Select Committee on Women*,

- Cost of training specialised staff;
- Cost of ongoing training of staff including clerks, sheriffs, magistrates, interpreters and prosecutors;
- Cost of awareness posters and pamphlets relating to the Acts both internally and externally;
- Cost of research related to domestic and sexual violence;
- Cost of victim support services;
- Cost of specialised infrastructure (closed circuit TV, furniture, anatomical dolls) and staff (intermediaries, interpreters) at sexual offences courts;
- Cost of maintaining the National Register on Sexual Offenders;
- Cost of court support;
- Cost of 24 hour facilities to allow for protections;
- Through the NPA costs associated with Thuthuzela Care Centres (TCCs) including:
 - Staff including the Site Coordinator, Victim Assistance Officer, and Case Manager; and
 - Running costs including fax, groceries, clothing, internet access, telephone access, rentals, cell phones for staff, and travel costs (R359 000 per centre per month in 2013/14)⁵;
- Cost of servicing documents when the complainant cannot afford to pay;
- Cost of coordination of the Justice and Crime Prevention Services (JCPS) cluster; and
- Cost of representation of the accused.

2.4. Costs to the Department of Health

- Medicines and medical supplies used in the treatment of injuries related to violence;
- Forensic specialists for the collection of evidence from the victim's body in the case of a sexual offence (in some provinces this includes forensic nurses);
- Instruments and forms for forensic medical collection;
- Staff at TCCs including one forensic medical practitioner, four nurses, one professional nurse, cleaners, locum doctors, locum nurses, and overtime doctors;
- Consumables at the TCCs;
- Ambulances in life threatening cases;
- Post-Exposure Prophylaxis;

Children and People with Disabilities.

5. The Department of Justice and Constitutional Development (2013) *Responses to Questions from the Select Committee on Women, Children and People with Disabilities.*

- The cost of forensic pathology and DNA analysis;
- STI medicines;
- HIV and STI counselling; and
- Medical equipment.

2.5. Costs to the Department of Social Development

- Social workers for shelters;
- Lay counsellors for victim friendly rooms at some police stations;
- Partial funding of shelters and green door facilities (facilities that have been demarcated by the DSD as safe havens for abused women where they can receive counselling and can sleep over)⁶;
- TCC counselling services either directly or via funding an NGO;
- Costs of maintaining the Child Protection Register; and
- Partial funding of NGOs servicing victims of violence against women.

2.6. Cost to the Department of Correctional Services

- Transport costs from the court/SAPS station to the facility;
- The cost of incarcerating perpetrators;
- Rehabilitation programmes for offenders; and
- Medical costs for prisoners.

2.7. Costs to civil society

- Crisis counselling;
- Education and information on domestic violence and abuse;
- Costs of advocacy to engage with State on service delivery reform;
- Court processes and procedures such as:
 - Assistance with the completion of the application forms for a protection order;
 - Court preparation; and
 - Assistance with the writing of affidavits for the traumatised applicants;
- Referrals to other service providers, as needed;
- Information on sexual and reproductive health, HIV, and where to access these services;
- Legal and human rights education;
- Salaries for staff working at organisations that support victims of violence against women;

⁶ The challenges with the identification of these facilities as appropriate services include that women can only stay for a short period, and that many of the facilities do not meet the minimum standards in terms of shelters.

- Cost of awareness posters and pamphlets relating to the Acts both internally and externally;
- Cost of research related to domestic and sexual violence;
- Shelter costs; and
- Psychosocial care costs.

An estimate of the costs of gender-based violence would need to consider all of these costs. In addition, if the State were seeking to address gender-based violence holistically it would also need to include the costs of prevention programmes, and of exit housing for women who have been forced to leave abusive relationships. Although it is not possible to get these costing estimates at present, Section 3 presents some of the estimates received of the costs during the 2013/14 financial year.

3. ESTIMATING COSTS ACROSS GOVERNMENT DEPARTMENTS

3.1. Challenges with estimating costs across Departments

The primary challenge that arises when trying to estimate spending related to gender-based violence across Government Departments is that budgets for implementing legislation are not ring-fenced. As an example, the funding for the provision of shelters specifically for women who are victims of domestic violence comes from a more general 'victim empowerment' category of funding. The funding for the training of prosecutors on the Sexual Offences Act and the Domestic Violence Act is part of a general funding for training in the NPA. The funding for debriefing police officers after they assist with gender-based violence cases comes from the SAPS station's operational budget. As a result, when other priorities arise it is possible that funds are not spent on gender-based violence. It is also very difficult to track spending over time and to assess whether it has been sufficient, or where gaps in finances exist.

Hidden costs of gender-based violence to the State include the salaries of the officials during the time spent assisting victims and arresting perpetrators. At a station such as Mitchells Plain, where more than 12 000 complaints of domestic violence alone are responded to each year, this hidden cost will be significant. Section 4 deals with some of the hidden salary costs of a protection order.

Similarly, the State, through various Departments, partially funds a number of civil society organisations and non-governmental organisations to deliver services to survivors of violence. To create a total picture of spending on gender-based violence then, these Departments would need to clarify what funding they provide that is directly related to gender-based violence.

In July 2013 questions were sent by the Select Committee on Women, Children

and People with Disabilities to the SAPS, DOJ&CD, DOH and DSD related to their spending on gender-based violence. In addition to the questions, site visits were conducted at a Thuthuzela Care Centre, a police station, an FCS unit, and a court, to identify additional spending. At the time of writing this paper, the DOH and DSD had not responded to the Committee's request. The responses to the questions and from the site visits helped to begin to create a picture of spending from the SAPS and the DOJ&CD.

This section thus attempts to collate information about spending by Government as a whole in the 2012/2013 financial year. Information on the DSD and DOH was garnered from the visit to a TCC, but it remains incomplete pending their responses.

3.2. The 2013/14 financial year estimates

3.2.1. Reported spending by the DOJ&CD and the SAPS

Table 1 below provides a summary of the costs reported by the DOJ&CD to the Select Committee on Women, Children and People with Disabilities in 2013 related to spending on domestic and sexual violence. Table 2 below provides a summary of the costs reported by the SAPS. All costs in this section were derived from their responses. The reported costs derived from these responses are **R106 855 823** by the DOJ&CD and **R40 604 988.58** the SAPS. Thus a sub-total amount for spending by those two Departments during 2013/14 is **R147 460 811.58**

Table 1: Summary of costs reported by the DOJ&CD for the 2013/14 financial years

Financial year	Item	Cost
2013/14	Dedicated staff for domestic violence cases	R30 233 452
	Domestic violence research and programmes	R4 000 000
	Establishment of 42 sexual offences courts	R22 000 000
	Specialised sexual offences staff	R42 172 371
	Research on sexual offences	R450 000
	Maintenance of National Register on Sexual Offenders	R8 000 000
Total 2013/14		R106 855 823

Table 2: Summary of reported SAPS costs related to gender-based violence

Financial year	Item	Cost
2013/14	Training related to domestic violence and sexual offences	R14 730 000
	Vehicles related to the policing of sexual offences	R10 374 988.58
	Research and public awareness	R 4 500 000
	New Victim Friendly Rooms	R11 000 000
Total 2012/13		R40 604 988.58

As is clear from the description of the costs these Departments actually are responsible for in sections 2.2 and 2.3 of this paper, the reported costs in these responses do not cover the total costs to Departments. Thus, it is likely that the sub-total is in fact an under representation of spending.

3.2.2. Costs of Thuthuzela Care Centres 2013/14

TCCs are one-stop facilities that have been introduced as part of South Africa's anti-rape strategy. They aim to situate all Government role players in one venue in order to reduce the secondary trauma for the victim, and speed up the cycle time for finalising cases.⁷ Survivors of sexual offences can receive services related to reporting the rape such as opening a case, accessing healthcare, and receiving containment counselling.

The project is led by the National Prosecuting Authority (NPA) through their Sexual Offences and Community Affairs Unit (SOCA). In addition, the DSD and the DOH also have a role to play. This section deals with the reported costs associated with the TCCs in 2013/14.

THE NATIONAL PROSECUTING AUTHORITY

The TCCs are one-stop centres where the NPA is responsible for the posts of site coordinator, victim assistance officer, and case manager.

In South Africa, not all TCCs are fully operational. According to the NPA the difference between a 'fully operational' and a 'partially operational' TCC is that the fully operational TCC has at least two of the three posts that the NPA is responsible for filled. In addition, the centre should have a victim-friendly dedicated space with required equipment as specified in the TCC blueprint. Partially operational centres offer services to victims, but do not fully meet the operational standards or space requirements. As of August 2013, there were 35 fully operational TCCs distributed across provinces as follows:

7. The National Prosecuting Authority. "Thuthuzela: Turning Victims into Survivors." Available via <http://www.npa.gov.za/UploadedFiles/THUTHUZELA%20Brochure%20New.pdf>

- Eastern Cape: 4
- Free State: 3
- Gauteng: 7
- KwaZulu Natal: 4
- Limpopo: 2
- Mpumalanga: 2
- North West: 4
- Northern Cape: 4
- Western Cape: 5

In addition, as of August 2013 there were 16 partially operational centres, eight of which were in the process of becoming fully operational. In 2013/14 the NPA budgeted **R33 920 037** for running the TCCs. The NPA provided details on the running costs of an average TCC per month and per annum and these are detailed in Table 3, below.

Table 3: The NPA running costs of an average TCC per month and per annum in 2013/14

Cost	Cost per month in Rands	Cost per annum in Rands
Fax	3 500	42 000
Groceries	667	8 000
Clothing	2 500	30 000
3G	750	9 000
Telephone	2 500	30 000
Rentals	3 200	38 400
Cell phones (Victim assistance officer, Site Coordinator and Case Manager)	1 950	21 600
Travelling	15 000	180 000
Total Running Costs	R30 067	R359 000

In addition, the NPA is responsible for the salaries of the relevant staff they employ. The combined salary for the three staff members at an average TCC come to R83 525 per month, and **R1 002 303 per annum**. Thus the actual total running costs of a TCC per month are R113 592, and per annum stand at R1 361 303. When this figure is multiplied across the 35 fully operational sites, the total amount per annum spent by the NPA on the fully operational TCCs in 2013/14 is **R47 645 606**.

THE DSD

The DSD is responsible for the provision of counselling services at the TCCs. It either provides these services directly, or funds a non-governmental organisation to provide counselling. It is unfortunate that at the time of writing this paper, the response from the DSD on funding related to TCCs had not yet been received.

THE DOH

The Select Committee on Women, Children and People with Disabilities sent questions regarding domestic violence and sexual offences to the DOH in 2013, however at the time of writing this paper their responses had not been received.

However, in an interview with Dr Roy Chuunga from GF Jooste Hospital, some of the medical costs associated with running a TCC were established. The information in this section is based on that interview, and electronic correspondence with Dr Chuunga. It is important to note that TCCs exist specifically to render services in sexual offences cases, and it is far less likely that domestic violence cases will visit the centres. In addition, when domestic violence victims do visit a healthcare facility, the medical practitioner is not legally required to note domestic violence in their clinical notes, thus tracking the health-related costs of domestic violence is far more difficult.

In instances where a criminal case is opened, a forensic specialist will need to collect evidence from the victim's body, and will need to refer victims for psychosocial support or counselling. Medical practitioners who receive training on screening patients for domestic violence are a valuable resource in that they may be able to refer women before the violence becomes worse. Forensic medical practitioners were identified as a scarce resource in the previous round of public hearings on the Act.⁸

Not all health facilities have a forensic medical specialist, but only those with forensic medical specialists are able to assist in presenting evidence collected relating to domestic and sexual violence in court. Forensic medical specialists also assist with the collection of evidence in other cases. In some provinces (Gauteng and the Western Cape) forensic nurses are recognised as specialists and are able to participate in the court process, but this is not standardised across all provinces.⁹

There are, however, a number of operational TCCs able to provide services at varying costs. Dr Chuunga was able to provide the operating costs for the service at GF Jooste Hospital, and these are detailed in Table 4 below.

8. Abrahams, K (2012).

9. Shukumisa press release. May 2012.

Table 4: DOH at TCC, GF Jooste Hospital, Western Cape, 2013¹⁰

Category	Full time equivalent	Cost Per Annum (Rands)
Forensic Medical Practitioner	1	720 000
Nurses x4	4	572 000
Professional Nurse	1	304 900
Counsellorsx6¹	4	Cost carried by DSD
Site Coordinator	1	Cost carried by NPA
Victim Assistance Officer	1	Cost carried by NPA
GA (i.e. cleaners etc)	0.4	25 515
Agency – 5568 hrs per year, Subtract equivalent of R48 000 in cover by commuted overtime per month.- Locum doctors	Agency rate @ R295 per hour	245 280
Agency- 672 hrs. Per year. Nurse locum, Sexual assault nurse examiner	Agency rate @ R133 per hour	89 376
Three doctors do commuted overtime in the centre	Approx.- R16 000 x 3 per month	576 000
Total		2 553 071

Dr Chuunga further notes that the expenditure on consumables is approximately R759 651. Thus the total cost of services at GF Jooste is approximately **R3 312 722 per annum**. GF Jooste is a fully operational TCC according to the NPA responses received in August 2013. Thus, if the cost of services at GF Jooste is multiplied across all 35 fully operational sites, the total cost to the Department of Health would be in the region of **R115 945 270 per annum** in 2013/14.

These figures are however only estimates, as the information from the Department of Health was not received, and the TCCs are at varying levels of infrastructural development and staff complement. In addition, facility costs do vary. As examples of this variance, the costs for the various facilities providing forensic medical services in the Western Cape appear in Table 5 below. Some facilities are ordinary hospitals with forensic units, and others are TCCs.

¹⁰. Table from Dr Roy Chuunga. 2013.

Table 5: Costs associated with forensic medical services in the Western Cape (in Rands)¹¹

Facility	Personnel cost	Consumable expenditure estimate	Total
GF Jooste	2 553 071	759 651	3 312 722
Karl Bremer	2 467 632	740 289	3 207 921
Victoria Hospital	4 513 798	300 000	4 813 798
Khayelitsha District Hospital Thuthuzela Centre	2 738 944	821 683	3 560 627

Services are also provided at Helderberg Hospital and Wesfleur Hospital but no separate budget is provided from the ordinary hospital budget.

Thus, the figures estimated include **R47 645 606** by the NPA and **R115 945 270** per annum by the DOH. Thus a sub-total amount for spending during 2013/14 at the TCC's in 2013/14 by these Departments is **R137 095 100**.

3.2.3. Combined reported costs of the SAPS and DOJ&CD, and the estimated costs of the NPA and the DOH

Thus, the State will spend at least **R311 051 687.58** during the 2013/14 financial year on services to victims of gender-based violence. This amount can be seen to be a minimum estimate, as it does not include all costs listed in Section 2. In addition, it doesn't cover the costs for the partially operational TCCs, nor does it include any of the costs incurred by the DSD

The absence of figures from the DSD is significant. Bhana et al (2012) estimate that "60% of social welfare services for women and children are currently being provided by non-governmental organisations."¹² Not all of these organisations receive funding from Government to assist them in providing these services.

Bhana et al (2012) investigated the spending on shelters by the Gauteng Provincial DSD. At the time of research, the DSD was funding 21 women's shelters at a total cost of R8 653 815.¹³ This worked out to an average of R412 000 per shelter.¹⁴ Bhana et al considered the costs associated with running five shelters in the Gauteng province.

Some of the expenses were covered by funding from the Provincial DSD, but other funding sources had to be secured in all five shelters. They thus found that the Gauteng DSD does not provide adequate funding of shelters, as the operating costs of all shelters far exceeded the contribution of the DSD.¹⁵ Their

11. Chuunga, Dr R. (2013). Email interview.

12. Bhana et al (2012).

13. Ibid.

14. Ibid.

15. Bhana et al (2012)

case studies revealed that 53% of women who accessed shelter services for the first time did not return to their abuser, and therefore that shelters are a critical tool in protecting women from domestic violence.¹⁶

In terms of the number of shelters that would need to be costed it is necessary to have clarity on the number of shelters in South Africa. According to the DOJ&CD presentation to Parliament in 2012, there are 60 shelters countrywide for victims of domestic violence, as well as 42 places of safety and 254 children's homes for children in need of care and protection.¹⁷ According to Linda Fugard,¹⁸ of Sisters Incorporated, there are 61 Shelters distributed across South Africa. The different numbers are indicative of differing definitions of what a shelter entails.

If all women who applied for a protection order in 2011 (217 987) required access to one of the 61 shelters, each shelter would need to house 3 573 women. It is unlikely that this is the case, and it is clear that despite a lack of specificity on the role of the DSD in implementing the Domestic Violence Act and the Sexual Offences Act, the Department would require a significant budget to ensure that women seeking a shelter are accommodated.

4. THE HIDDEN COSTS OF A PROTECTION ORDER

4.1. The 2005 Study

Additional hidden costs are also incurred by Departments. Gender-based violence occurs on a very high scale in South Africa, with over 60 000 sexual offences reported in 2012/13 alone. Domestic violence complaints often require significant police work in call out, and in processing claims. The time that State role players will spend on addressing these crimes is therefore significant, and the costs associated with that time are also significant. A hidden cost then is the cost in terms of the time taken for service providers (police, prosecutors and magistrates) in assisting the victim, and in completing the relevant paperwork when a protection order is applied for.

Vetten, Budlender and Schneider (2005) assessed the length of time that criminal justice system service providers spent with domestic violence victims and calculated the cost of the total time in order to determine an average cost per victim. This study did not assess any costs associated with psychosocial support or counselling services, or any costs associated with the provision of health services to survivors.

To calculate costs, Vetten et al assumed that the lowest level of employee in the

16. Ibid.

17 The Portfolio and Select Committee on Women, Children and People with Disabilities (15 February 2012). *Domestic Violence Act implementation: Department of Justice briefing*. Meeting minutes available at <http://www.pmg.org.za/report/20120215-department-justice-constitutional-development-implementation-domestic>

18 Fugard, L (2013). Email interview.

criminal justice system provided the assistance to the survivor. The assessment of how long it took to assist a survivor was provided through interviews with criminal justice system role players. In addition, they excluded costs of stationery, rental and various support staff. Applying this cost to the length of time employees spent, and to the proportion of cases where the activity was likely to happen, resulted in an amount of **R245.03 per case** of domestic violence in terms of staff costs alone.¹⁹ This is illustrated in Table 6 below.

Table 6: Calculating the cost of a single protection order in Rands in 2005

	Minutes	Worker	Mins*Cost ²	Proportion of cases ³	Cost per case in Rands
Application	43.6	Clerk	19.82	0.5	9.91
Application	37.4	Police	38.01	0.5	19.01
Certify Form 2	21.1	Magistrate	58.56	1	58.56
Notify respondent	55.1	Police	55.71	1	55.71
Return admin	9.3	Clerk	4.23	0.8	3.38
Hear return case	22	Magistrate	61.05	0.8	48.84
Serve final order	55.1	Police	55.71	0.6	33.43
Assign breach case	25	Control Prosecutor	20.51	0.06	1.23
Handle breach case	101	Prosecutor	82.85	0.06	4.97
Hear breach case	60	Magistrate	166.51	0.06	9.99
Total per case (Rands)					R245.03

4.2. The 2013 financial year estimates

In 2013, Parliament's Research Unit conducted site visits with the Mitchells Plain Police Station and court to assess expenditure related to domestic violence and sexual offences. Using the data they supplied, Table 7 indicates the current (2013/14) annual and per minute salaries of State officials involved in the issuing and provision of protection orders, and Table 8 indicates the expense in terms of average staff time involved the provision of a protection order.

19 Vetten et al (2005).

Table 7: Annual and per minute cost of different employees in 2013 in Rands²⁰

	Annual salary 2013	Per minute salary 2013 ⁴
Magistrate	708 136	5.59
Prosecutor	401 799	3.17
Clerk	125 413	0.99
Police (warrant officer)⁵	229 000	1.81

Table 8: Calculating the cost of a single protection order in Rands in 2013.

	Minutes	Worker	Mins x Cost per minute	Proportion of cases ⁶	Cost per case in Rands
Application	25	Clerk	R24.75	1	R24.75
Certify Form 2	12	Magistrate	R67.08	1	R67.08
Notify respondent	10	Police	R18.10	1	R18.10
Serve interim protection order	20	Police	R36.20	1	R36.20
Serve summons	20	Police	R36.20	1	R36.20
Return admin	25	Clerk	R24.75	1	R24.75
Hear return case	20	Magistrate	R111.8	1	R111.8
Assign breach case	25	Prosecutor	R79.25	0.03	R2.38
Handle breach case	75	Prosecutor	R237.75	0.03	R7.13
Hear breach case	75	Magistrate	R419.25	0.03	R12.57
Total per protection order (Rands)					R340.96

Thus, if the expense of staff salaries is considered per protection order, the amount comes to **R340.96 per protection order**. This cost excludes the paperwork, petrol, car maintenance and other operational costs involved in the delivery.

Although the SAPS does not report publicly on the number of instances of domestic violence annually, they did respond to a 2012 request for information on protection orders issued between 2009 and 2011. Table 9 details the numbers of new protection orders granted, finalised, and breached.

²⁰ Appears as Table 2 in Vetten et al (2005). Calculated according to 22 working days per month.

Table 9: Protection orders types 2009 - 2011²¹

	2009	2010	2011
New Interim Protection Orders Granted⁷	226 402	224 486	217 987
Protection Orders Finalised⁸	79 098	80 714	87 711
Warrants of arrest issued for breach⁹	15 359	19 426	31 397

If 2011 is used as the most recent example of the number of applications, and the 2013 salaries are used to illustrate the cost implications, the annual cost for protection orders can be estimated. Until the 2012/13 or 2013/14 figures on protection orders granted, finalised and breached are provided, this will remain an estimate. Table 10 indicates these estimated costs.

Table 10: Estimated staff cost of issuing protection orders in 2013 in Rands.

	Number	Cost per order	Total cost
New interim protection orders	217 987	146.13 ¹⁰	31 854 440.31
Protection orders finalised	87 711	172.75 ¹¹	15 152 075.25
Warrants of arrest issued for breach	31 397	736.25 ¹²	23 116 041.25
Total (Rands)			70 122 556.81

Thus the annual total staff cost for issuing protection orders in 2013 based on the 2011 figures for the incidence of protection orders can be **estimated to be** at least **R70 122 556.81**. The SAPS has not reported on spending on protection orders, instead stating that it is unable to disaggregate spending.²² It is clear that the labour costs involved in implementing the Act are substantial, and that sufficient budgeting is required to ensure that staff capacity is available.

In order to estimate the impact of this amount across South Africa, it would be necessary to establish how many protection orders are issued annually. This is difficult because the SAPS do not report on the number of domestic violence complaints, or protection orders issued annually in the crime statistics because domestic violence is in itself not a crime category. Instead, these figures are incorporated under figures for assault, murder etc. This is despite the fact that each station is required to record the number of complaints of domestic violence and their outcomes in a domestic violence register at station level, and according to the National Instructions on the Domestic Violence Act, must submit these monthly to both the provincial and national office.

21. Watson, J. (2012).

22. The SAPS (2013). *Responses to the questions of the Select Committee on Women, Children and People with Disabilities, 14 August 2013.*

During the site visit to Mitchells Plain Police Station it was possible for the research team to consider the domestic violence registers, and whether it would be feasible for the police to submit monthly statistics as required. The domestic violence registers are quite detailed. At the front of the register each incident/complaint of domestic violence is classified into one of 11 categories of domestic violence in full. Each incident across the whole country should thus be able to be listed according to the 11 categories, and detailed statistics on the nature of abuses should be easy for the SAPS to produce if they kept registers carefully. However, previous submissions in Parliament have indicated that this is often not the case.²³ The categories in the register are numbered as follows:

1. Physical abuse
2. Sexual abuse
3. Emotional, verbal or psychological abuse
4. Economic abuse
5. Intimidation
6. Harassment
7. Stalking
8. Damage to property
9. Entry into residence when parties do not share a residence
10. Any other controlling behaviour
11. Contravention of a protection order.

4.3. Mitchells Plain estimates 2013

The actual costs of protection orders arising out of the Mitchells Plain Police Station are possible to assess based on the data provided during the site visit. Between 1 April 2012 and 31 March 2013, 3 552 protection orders were applied for at the station, and 552 breached cases took place. What is also significant is that there were 12 505 domestic violence complaints. This indicates that only around one quarter of all complaints results in the issue of a protection order.

Table 11 thus applies the costs involved in staff time for the Mitchells Plain Police Station and Court related to these cases. More than R1.5 million was spent in a single financial year on staff time related to protection orders at one station alone. This does not include the operational costs involved in the outstanding 8 953 cases where protection orders were not issued, despite SAPS staff having to respond to the crime.

²³. Thorpe *et al* (2014).

Table 11: Cost of protection orders in Rands at Mitchells Plain police station and Court in 2011/12

	Number	Cost per order	Total cost
New interim protection orders	3 552	146.13 ¹³	519 053.76
Protection orders finalised	3 522	172.75 ¹⁴	631 608
Warrants of arrest issued for breach	552	736.25 ¹⁵	406 410
Total (Rands)			1 557 071.76

The expense for the SAPS station is thus likely to be much higher than Table 11 estimates, especially when operational costs such as petrol are taken into account.

What is clear is that the scale of complaints of domestic violence as well as the number of protection orders issued and breached requires significant staff capacity, and a suitable budget is required. Without clear acknowledgement of these staff costs by Treasury, through conditional grants or ring-fenced funding, the reporting on the incidence of these crimes by the SAPS, and the requisite financial allocation of financial and human resources to stations, stations will not be able to implement the Act adequately. The next section considers the funding model to address gender-based violence in existence at present.

5. A PROBLEMATIC FUNDING MODEL AT PRESENT

Parliament, Government Departments and civil society organisations have consistently identified that a lack of an inter-sectoral budgeting model creates challenges in implementing legislation related to gender-based violence. This section addresses some of the challenges that were raised during the fourth Parliament.

The lack of ring-fenced funding for gender-based violence has the result of making these amounts invisible in the Estimates of National Expenditure in many cases. It is difficult to consult Government reports and assess what is actually being spent in total on gender-based violence.

The failure to budget inter-departmentally has significant impact on victims of crime. It results in differing services at different places, a lack of services in rural areas, and a failure to ensure that sufficient specialised staff is available and trained. In essence, it means that the Government cannot ensure that women reporting sexual or domestic violence receive services that do not cause further trauma.

5.1. Parliament made aware of challenges in the existing funding model during the fourth Parliament.

A number of challenges with the existing model of funding for implementation of these pieces of legislation were raised over the fourth Parliament. In addition, further challenges as a result of lack of funding were also raised. These are listed below.

Lack of specificity on the roles of Departments, thus a lack of allocated budget

In 2009 The Centre for the Study of Violence and Reconciliation presented to the Portfolio Committee on Women, Children and People with Disabilities, and noted that the Domestic Violence Act did not adequately specify the roles of all Departments, and thus this resulted in a problematic implementation of the Act.²⁴

The DOH noted that despite the fact that many women suffer injuries as a result of domestic violence, the Domestic Violence Act does not specify a clear role for the DOH. Doctors and health practitioners are not required or obliged to compile a report on the signs that indicate that the case was domestic violence related. As a result, many women could present at a health facility a number of times and nothing would be done to assist them.²⁵ In addition the Act does not make provision for psycho-social support to victims. The policy framework of the Domestic Violence Act did not adequately link it to the Victim Empowerment Programme (VEP). The fragmentation of policy thus hindered the effectiveness of support to victims.

The DOJ&CD argued that the shortage of social workers to implement legislation was attributed to the fact that Departments were required to approach Treasury separately for budgets, rather than approaching collectively regarding the implementation of multi-sectoral legislation.²⁶ In addition, they noted in a separate meeting that the

result of this that was that often Departments had an obligation to implement a piece of legislation, but did not have an allocated budget for implementation because they were not the lead Department.²⁷

In November 2013, the Civilian Secretariat for Police noted that legislative gaps meant that the DSD was not obliged to provide shelters by the Domestic Violence Act and

24. The Portfolio and Select Committee on Women, Children and Persons with Disabilities (2009). *Public Hearings on the 11-year implementation of the Domestic Violence Act*. Minutes accessible via <http://www.pmg.org.za/report/20091029-11-year-implementation-domestic-violence-act-public-hearings>. Accessed 17 February 2014.

25. Ibid.

26. The Portfolio Committee on Women, Children and Persons with Disabilities (2009). *Violence Against Children and Women and related issues: Department of Justice and Western Cape Network Briefing*. Minutes accessible via <http://www.pmg.org.za/report/20090902-violence-against-children-women-and-related-issues-department-justice>. Accessed 17 February 2014.

27. The Select Committee on Women, Children and Persons with Disabilities (2009). *Child Protection, violence and abuse against children, ukuthwala practices, virginity testing, initiation: Department of Justice and Molo Songololo briefings*. Minutes accessible via <http://www.pmg.org.za/report/20090828-child-protection-violence-abuse-against-children-ukuthwala-practices>. Accessed 17 February 2014.

that this resulted in a continued lack of access to services for women, and women left without assistance.²⁸

Inadequate resources allocated to DSD, in particular to the VEP programme

During public hearings on domestic violence by the Portfolio and Select Committees on Women, Children and People with Disabilities in 2009, the Legal Resource Centre and People Opposing Women Abuse raised the issue of a lack of adequate resources allocated to address crimes against women and children. They noted in particular that resources from the DSD were inadequate to provide support to women and children affected by domestic violence. At many shelters no provision for children was made at all.²⁹ The Saartjie Baartman Centre reported that, on average, shelters only received funding towards basic services, counselling, legal advice, life skills and jobs skills. No funding was provided from the Government to provide food, accommodation, counselling, medical services and legal assistance. These services were desperately needed by domestic violence survivors.³⁰

In response the DSD noted that budgetary constraints impacted on efforts to strengthen services.³¹ Furthermore, the DSD acknowledged that the decision to allow provinces to fund differently had resulted in challenges to ensuring adequate funding for shelters.³²

In its report on the public hearings the Portfolio Committee on Women, Children and People with Disabilities found that the VEP was inadequately resourced, both in terms of human and financial resources and that a lack of guidelines impeded service delivery.³³ The Committee further highlighted that a lack of co-ordination in the violence prevention sectors, and a lack of an overarching framework and implementation strategy to deal with domestic violence holistically negatively impacted the ability of Departments to adequately perform their tasks. In addition, it resulted in haphazard referrals which ultimately disservice victims of violence.³⁴

In 2010 a number of NGOs based in the Free State province took the provincial DSD to court on an issue relating to its financial policy.³⁵ NGOs in the province had struggled to secure VEP funding for the essential services they provided. As a result of this case, all

28. The Portfolio and Select Committee on Women, Children and People with Disabilities (2013). Domestic Violence report: Civilian Secretariat for Police, Minister and Department on Second Quarter Performance 2013. Minutes accessible via <http://www.pmg.org.za/report/20131106-domestic-violence-report-civilian-secretariat-for-police-minister-department-second-quarter-2013-performance> Accessed 17 February 2014.

29. The Portfolio and Select Committee on Women, Children and Persons with Disabilities (2009). Public Hearings

30. Ibid.

31. The Portfolio Committee on Women, Children and Persons with Disabilities (2009) Domestic Violence Act, Child Justice Act and Children's Act implementation: briefing by the Department of Social Development Department; Department of Health services to victims of domestic violence and abuse. Minutes accessible via <http://www.pmg.org.za/report/20090916-department-social-development-status-implementation-domestic-violence> Accessed 17 February 2014.

32. Ibid.

33. Portfolio Committee on Women, Children and People with Disabilities. (2009). *Report on public hearings on Domestic Violence 2009*.

34. Ibid.

35. The Portfolio Committee on Social Development (2010). Department of Social Development Annual Report 2009/10 and 1st quarter 2010 performance: Research Unit analysis and Department's Report. Minutes accessible via <http://www.pmg.org.za/report/20101013-presentation-researcher-content-advisor-performance-financial-analysis>. Accessed 17 February 2014.

provinces are allowed to develop their own financial policy. However, the impact of this decision was that amounts per province or per client vary dramatically from province to province, resulting in dramatically different services available to women who have been victims of violence. The impact of this is that not all women have equal access to shelter, or freedom from violence. The Children's Institute presented to the Committee in late 2010 on the shortage of funding to NGOs and Non-Profit Organisations (NGOs). They noted that 60 percent of services for vulnerable groups were delivered by NGOs and Non Profit Organisations (NPOs), and yet the DSD elected to only provide 'partial funding' for these services.³⁶ As an example, almost all shelters across the country in 2010 were provided by NGOs.³⁷ However, when the DSD provides the same services directly they fund them fully, and when a private organisation provides the service, the DSD pays them cost plus profit.³⁸ A clear inequality in the allocation of funds for the same services had thus arisen.

In 2011 the DSD briefed the Committee on the implementation of the Domestic Violence Act. In this meeting they expressed concern that the sustainability of the VEP was dependent on international donor funding.³⁹ In addition, they noted that there was insufficient staff numbers to implement the programme and that a lack of budget for raising awareness about domestic violence hindered their progress in combating this problem.⁴⁰

Problematic statistics resulting in an inability to estimate the number of victims needing services

In 2009 the DOJ&CD noted that statistics on gender-based violence from one Department might not match the statistics from another, because not all Government services were automated.⁴¹ In essence, the SAPS may register a case with one number, the DOJ&CD with another, and the DOH with yet another. Despite all providing services to the same victim, these will reflect as individual and sometimes unrelated cases. As a result it became difficult to track cases, and to budget appropriately across Departments.

The Women's Legal Centre noted in 2013 that it was extremely difficult to find out the status of a case between various points in the justice system, or to find out details about particular cases. They noted that this made it difficult for Departments to adequately budget, plan or allocate funds for the provision of services for survivors.⁴²

36. The Portfolio Committee on Social Development (2010). Social Development Budgetary Review and Recommendation Report 2010. Minutes accessible via <http://www.pmg.org.za/report/20101021-adoption-committee-report-budgetary-review-recommendation-process>. Accessed 17 February 2014.

37. <http://www.pmg.org.za/report/20100817-programmes-and-services-rendered-improve-lives-women-and-children-dep>

38. The Portfolio Committee on Social Development (2010). Social Development Budgetary Review and Recommendation Report 2010.

39. The Select Committee on Women, Children and Persons with Disabilities (2011). Domestic Violence Act implementation: Briefing by the Department of Social Development. Minutes available at <http://www.pmg.org.za/report/20110831-department-social-development-implementation-domestic-violence-act>. Accessed 17 February 2014.

40. Ibid.

41. The Select Committee on Women, Children and Persons with Disabilities (2009). Child Protection, violence and abuse against children, ukuthwala practices, virginity testing, initiation: Department of Justice and Molo Songololo briefings.

42. The Portfolio and Select Committee on Women, Children and People with Disabilities and the Multi-Party Women's Caucus (2013). National Roundtable: Multi-Sectoral Interventions and Actions on Gender Based Violence. Minutes accessible via <http://www.pmg.org.za/report/20130422-national-roundtable-multi-sectoral-interventions-actions-gender-based-violence> Accessed 17 February 2014.

Lack of budget further isolates vulnerable groups

In 2011 Major General Susan Pienaar, Head of the Crime Protection unit at the SAPS noted that there were significant challenges in assisting people with disabilities at police stations. Challenges included the fact that many police officials could not perform sign language.⁴³ The DOJ&CD echoed these statements and noted that within the allocated budget it was not possible to make courts more accessible for people with disabilities. In 2012 R80 million had been allocated to the development of ramps in existing courts.⁴⁴

Where Government doesn't provide services, NGOs and CBOs pick up the slack

On a 2011 site visit to the Saartjie Baartman Centre by the Select Committee on Women, Children and People with Disabilities, it was noted that the demand for services for women who were the victims of violence had increased but the number of NGOs was dwindling.⁴⁵

This placed a significant burden on Saartjie Baartman Centre, as both the SAPS and the DSD referred clients to them but the DSD had not increased their funding between 2002 and 2011.⁴⁶ In addition, the Saartjie Baartman Centre was forced to pay rent to the DSD for the building they used, and to maintain it themselves.⁴⁷

In 2013, The Rape Crisis Cape Town Trust explained that many European donors fund the Government for services to gender-based violence survivors rather than civil society organisations, and that Government allocations underestimate the costs of services to civil society organisations fulfilling essential roles and thus do not provide sufficient funding.⁴⁸

In 2013 the Budget Review and Recommendation Report of the Portfolio Committee on Justice noted that a number of NGO's have apparently been forced to withdraw their services (for example Lifeline, Childline) from TCC's because of a lack of funding. Provision of services to victims of sexual offences without psycho-social support cannot claim to be victim-centred.⁴⁹

43. Multi-Party Women's Caucus (2011). Domestic Violence Act implementation: Department of Police briefing (2011). Minutes accessible via <http://www.pmg.org.za/node/29975> Accessed on 17 February 2014.

44. The Portfolio and Select Committee on Women, Children and People with Disabilities (2012). Domestic Violence Act Implementation: Department of Justice Briefing. Minutes accessible via <http://www.pmg.org.za/report/20120215-department-justice-constitutional-development-implementation-domestic> Accessed 17 February 2014.

45. Report of the Select Committee on Women on the visit to the Saartjie Baartman Centre (2011).

46. Ibid.

47. Ibid.

48. The Rape Crisis Cape Town Trust (2013). Challenges and successes in addressing violence against women. Presentation at the National Roundtable on Gender Based Violence. 22 April 2013.

49. Ibid

No disaggregation of budget

The 2011 Budget Review and Recommendation Report of the Portfolio Committee on Justice noted that it has been an ongoing challenge to methodically evaluate how much money is being spent or its impact in terms of the implementation of legislation for vulnerable groups because there is no separate reporting on dedicated budgets.⁵⁰

In 2013 a lack of disaggregated budget data was raised as a challenge by the SAPS. The SAPS was unable to report on their budget for implementation of specific pieces of legislation such as the Domestic Violence Act and Sexual Offences Act.⁵¹ This made it difficult for the Select Committee on Women, Children and People with Disabilities to assess how much was spent on these Acts and whether the budget was sufficient or not.

Legislation not costed before it was passed

In 2012 the DOJ&CD noted that the lack of costing of the Domestic Violence Act was a major challenge to its successful implementation.⁵²

Funding to respond to gender-based violence is not ring-fenced

The establishment of the National Council on Gender Based Violence (NCGBV) in 2011, and its inauguration in 2012 was highlighted as an achievement of the Department of Women, Children and People with Disabilities. However, concern over the budget, inclusivity of the council, impact and hold at a provincial level, and the council's function was raised in 2013 by the Select Committee on Women, Children and People with Disabilities.⁵³ At the end of 2013 the NCGBV still had not secured funding to complete the programmes it planned to complete in the 2013/14 financial year.

In respect of the 'revived' sexual offences courts, the NPA informed the Portfolio Committee on Justice and Constitutional Development in March 2013 that it was in "crisis" and had a budget shortfall of R200 million.⁵⁴ With the current budget challenges, it is concerning that neither the NPA, Legal Aid South Africa or the DOJ&CD will be in a

50. Report of the Portfolio Committee on Justice and Constitutional Development on Budget Vote 24: Justice and Constitutional Development, (2 June 2011) <http://www.pmg.org.za/docs/2011/comreports/110606pcjusticereport.htm>

51. <http://www.pmg.org.za/report/20130814-saps-response-committee-questions-domestic-violence-sexual-offences-department-justice-purported-response>

52. The Portfolio and Select Committee on Women, Children and People with Disabilities (2012). Domestic Violence Act Implementation: Department of Justice Briefing.

53. <http://www.pmg.org.za/report/20130603-national-council-gender-based-violence-responses-questions-departments-budget-vote>

54. Report of the Portfolio Committee on Justice and Constitutional Development on Budget Vote 24: Justice and Constitutional Development, (28 May 2013) <http://www.pmg.org.za/print/report/20130423-national-prosecuting-authority-strategic-and-annual-performance-plans-2013> referenced in Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014 forthcoming) A review of the work of committees on gender-based violence between 2009 and 2013. Research Unit: Parliament of South Africa.

position to provide the necessary support for these courts.⁵⁵ The National Treasury in the Adjusted Estimates of National Expenditure (AENE) in October 2013 did not make any provision for additional funding for the sexual offences courts so funds will have to be found within already stretched baselines.⁵⁶

A 2014 review of the work of Committees on gender-based violence noted that the reliance on donor funding for TCCs is problematic.⁵⁷ A significant portion of the TCC budget is donor-funded. Technically, this means that although these centres are part of Government's strategy for addressing gender-based violence, if donor funding is withdrawn, the Government will not have covered this cost.

5.2. Responses to the issues raised, and recommendations made for future funding models

During the course of these meetings in Parliament, recommendations about ensuring better budgeting were made by Parliament, Departments and civil society. These included:

Funding of NGOs

- That funding criteria for VEP grants to civil society organisations is reassessed and that grants be made available to shelters given that they provide a critical service to victims of domestic violence.⁵⁸
- That the DOJ&CD should look into ways that it can help NGOs who assist the criminal justice system by providing psychosocial services to access the necessary funding.⁵⁹

Funds not taken into account by Departments

- That where the State should be liable for costs of servicing a protection order where complainants cannot afford it, this amount should be taken into account by the annual budget of courts.⁶⁰

55. Budgetary Review and Recommendation Report of the Portfolio Committee on Justice and Constitutional Development, (5 November 2013) <http://www.pmg.org.za/atc131105-budgetary-review-and-recommendation-report-portfolio-committee-justice-and-constitutional-development> referenced in Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014 forthcoming) A review of the work of committees on gender-based violence between 2009 and 2013. Research Unit: Parliament of South Africa.

56. Vote 24 Adjusted Estimates of National Expenditure (October 2013)

57. Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014 forthcoming) A review of the work of committees on gender-based violence between 2009 and 2013. Research Unit: Parliament of South Africa.

58. The Portfolio Committee on Women, Children and People with Disabilities (2009) Report on the Public Hearings on the Domestic Violence Act.

59. Report of the Portfolio Committee on Justice and Constitutional Development on Budget Vote 24: Justice and Constitutional Development, (28 May 2013) <http://www.pmg.org.za/files/doc/2013/comreports/130528pcjusticereport.htm>

60. Ibid.

Parliamentary Oversight

- That a mechanism should be developed in Parliament to ensure the implementation of the Domestic Violence Act was overseen between all Committees concerned.
- That Parliament denies support to certain budget votes as a way of applying pressure for an allocation to be made in favour of the gender portfolio.⁶¹
- The Rape Crisis Cape Town Trust⁶²
 - That the Portfolio Committee on Women, Children and People with Disabilities monitor the progress of the VEP through the DSD's allocation of budget to this programme annually.
 - That the Portfolio Committee on Women, Children and People with Disabilities should monitor additional allocations from Treasury to the Department of Social Development provided in order to meet the need of cash strapped NGOs; and that the Portfolio Committee on Women, Children and People with Disabilities monitor the collaboration of Treasury and DSD in developing a more appropriate model of funding for NGOs.

Improved DSD funding

- That the National DSD comes up with funding guidelines to bring a level of uniformity to the funding of shelters.⁶³
- That the DSD consider ways of increasing funding for NGOs as it was clear that Government was unable to do all of the work on its own.⁶⁴
- The Women's Shelter Movement recommended that a proper costing model be done for best practice at a shelter (to include facilities, services, programmes and salaries) to ensure that the DSD was able to correctly assess the costs of running a shelter.⁶⁵

Improved inter-sectoral collaboration and relationships

- The Committee recommended that the relationship between the Department of Human Settlements and the DSD be improved, and that women from shelters who did not wish to be reunited with their husbands should be prioritised in terms of housing allocation.⁶⁶

61. The Portfolio Committee on Women, Children and Persons with Disabilities (2009) Domestic Violence Act implementation: 10 year review by Tshwaranang Legal Advocacy Centre and the Gender Advocacy Programme, RAPCAN on the impact of legislation in preventing violence against children. Minutes accessible via: <http://www.pmg.org.za/report/20090909-tshwaranang-legal-advocacy-centre-outcome-study-pertaining-10-year-re>. Accessed 17 February 2014.

62. The Rape Crisis Cape Town Trust (2013).

63. The Portfolio Committee on Women, Children and People with Disabilities (2009) Report on the Public Hearings on the Domestic Violence Act.

64. Ibid.

65. The Women's Shelter Movement (2013).

66. The Portfolio Committee on Social Development (2012). Social Development Budgetary Review and Recommendation Report 2012. Minutes accessible via: <http://www.pmg.org.za/report/20121025-budget-review-and-recommendation-report-brrr-adoption>. Accessed 17 February 2014.

Better reporting on spending and budgets

- That the DOJ&CD should report quarterly on its spending plan for vulnerable groups. This should include details of what was spent on the implementation of the Domestic Violence Act and Sexual Offences Act.⁶⁷
- During the 2013/14 Budget process, the DOJ&CD suggested that a restructuring of its Court Services programme as a result of the migration of certain sub-programmes under to the Office of Chief Justice, might make it possible for it to consider including a programme for vulnerable groups. The Committee supported this as it will assist to make spending under vulnerable groups more transparent.⁶⁸

Ring fenced funding for crimes against women and children, and for the FCS units

- There should be a ring-fenced budget for crimes against women and children within the SAPS.⁶⁹ The Committee recommended that a costed strategic plan should be presented to the Committee and that resources be actively reprioritised to combat crimes against women and children, including ring-fencing money for the following purposes including:
 - Ensuring effective resourcing of all FCS units, both in terms of physical and human resources.
 - Ensuring that all members of FCS units are fully trained and competent in performance of their functions.
 - Ensuring that all members of the Community Service Centre and the volunteers, who are the first point of call for the public, should be trained to respond effectively to victims.
 - Ensuring that all members of FCS units are obliged to attend trauma debriefing sessions with trained social workers/psychologists.
 - Establishing of all Victim Friendly Rooms
 - Utilizing outside resources and experts to understand trends in particular areas/provinces and initiate concerted interdepartmental and inter-sectoral efforts to prevent these crimes.
 - Prioritizing these crimes in the Forensic Science Laboratories and the Criminal Record Centres to ensure fast turnaround times for analysing reports in these cases.
- Ensuring that crime intelligence personnel at station, cluster and provincial level are focused on intelligence gathering and sharing initiatives to prevent and detect these crimes.

67. Ibid

68. Ibid

69. Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014 forthcoming) A review of the work of committees on gender-based violence between 2009 and 2013. Research Unit: Parliament of South Africa. Information from The Budgetary Review and Recommendation Report of the Portfolio Committee on Police, dated 24 October 2013. <http://www.pmg.org.za/atc131028-budgetary-review-and-recommendation-report-portfolio-committee-police>

- Expanding units in problem areas including in the Northern Cape and Western Cape. The Department should report to the Committee on this issue within 30 days of tabling of this report.

The introduction of legislation ensuring inter-sectoral budgeting and planning

- The Civilian Secretariat for Police recommended legislative changes to the Domestic Violence Act that ensured that all Departments have specific budgets for implementing the Domestic Violence Act, and that the DSD was legislatively mandated to provide shelter for victims of domestic violence. They further suggested that multi-lateral agreements be drawn up between all departments playing a role in the DVA implementation.⁷⁰
- Responsibility and resource requirements for service of protection orders should be clearly defined. The legislation should designate one department i.e. either the DOJ&CD or SAPS to be responsible for this service. Both SAPS and the DOJ&CD should be obliged to develop a service protocol that will clearly defined the process of receiving and serving the order.⁷¹

Many of the recommendations thus pointed to a need for a holistic model that ensured that all Departments were clear on their roles, and that they had sufficient budget to implement them.

5.3. The need for an improved funding model

It is clear from the difficulty of estimating costs in 2013/14, and from the numerous challenges that were raised in Parliament, that a new and improved funding model for gender-based violence is required.

Whilst developing such a model is beyond the scope of this paper, it would be useful to assess how such a model could be implemented in an inter-sectoral fashion. Such a model would require clarity on the roles of the National Council on Gender-Based Violence, the Inter-Ministerial Committee on Violence against Women, the South African National AIDS Council, and the National Task Team on Hate Crimes. It would also require detailed and accurate statistics on domestic and sexual violence so that Departments can ensure that they provide sufficient services for those who need them.

70. Ibid.

71. Ibid.

6. CONCLUSION

This paper does not estimate what *should* be spent on implementing the Domestic Violence Act or Sexual Offences Act. This is a question that would require substantial further research. Not all of these costs have been estimated in this paper. What is significant is that despite the high costs of responding to gender-based violence, few of the Departments assessed have invested any finances in investigating prevention mechanisms. It is not clear that they have questioned what *should* be spent on the Acts in order to implement them fully.

What this paper does make clear is three things – first, that there is often a lack of clarity within Departments on exactly what is spent on the implementation of these pieces of legislation; second that gender-based violence has significant cost implications for the State and for civil society; and third that an improved funding model for addressing gender-based violence that includes prevention funding is essential if the State is to adequately respond to this challenge.

Without a holistic State funding model, gaps in funding and State services place a significant burden on civil society. Civil society organisations support many survivors of gender-based violence each year, and as international donors leave South Africa, many of these organisations operate under financial crisis.

Essentially what we are left with is a series of estimates that cannot help us to assess whether funding is sufficient, and do not provide a holistic picture of the spending related to gender-based violence.

7. RECOMMENDATIONS

- That Treasury develops a cohesive funding model to address violence against women that involves the costing of legislation and the provision of conditional grants to Departments based on their estimations of funding required specifically related to domestic violence and sexual offences.
- That Parliament develop a mechanism to ensure the implementation of the Domestic Violence Act and the Sexual Offences Act are overseen between all Committees concerned on a quarterly basis. This needs to be done in a fashion that encourages inter-sectoral collaboration from all relevant Departments. This mechanism should require quarterly inter-sectoral meetings by the relevant Committees, where Departments are required to report to the relevant Committees, as well as Treasury, on the use and impact of that funding.

- That the Department of Social Development reviews its partial funding policy to ensure that it meets its responsibilities in terms of adequately funding services related to domestic violence such as shelters, and the provision of counsellors at Thuthuzela Care Centres.
- That the budget for sexual offences courts is ring fenced so that it remains a priority, and the process of establishing courts be expedited.

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(Footnotes in tables)

- 1 Some are full time and some are part time
- 2 Where * refers to multiplication
- 3 Based on the occurrence in the 25 976 cases examined in the study in 2005.
- 4 Calculated according to 22 working days per month.
- 5 The SAPS informed me that the most likely level would be a warrant officer
- 6 April 2012- March 2013
- 7 Ibid.
- 8 Ibid.
- 9 Ibid.
- 10 Cost of application, form certification and respondent notification, and serving the interim order.
- 11 Cost of serving the summons, return admin and hearing the return case.
- 12 Cost of assigning breach case, hearing breach case and handling breach case.
- 13 Cost of application, form certification and respondent notification, and serving the interim order.
- 14 Cost of serving the summons, return admin and hearing the return case.
- 15 Cost of assigning breach case, hearing breach case and handling breach case.

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PARLIAMENT
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