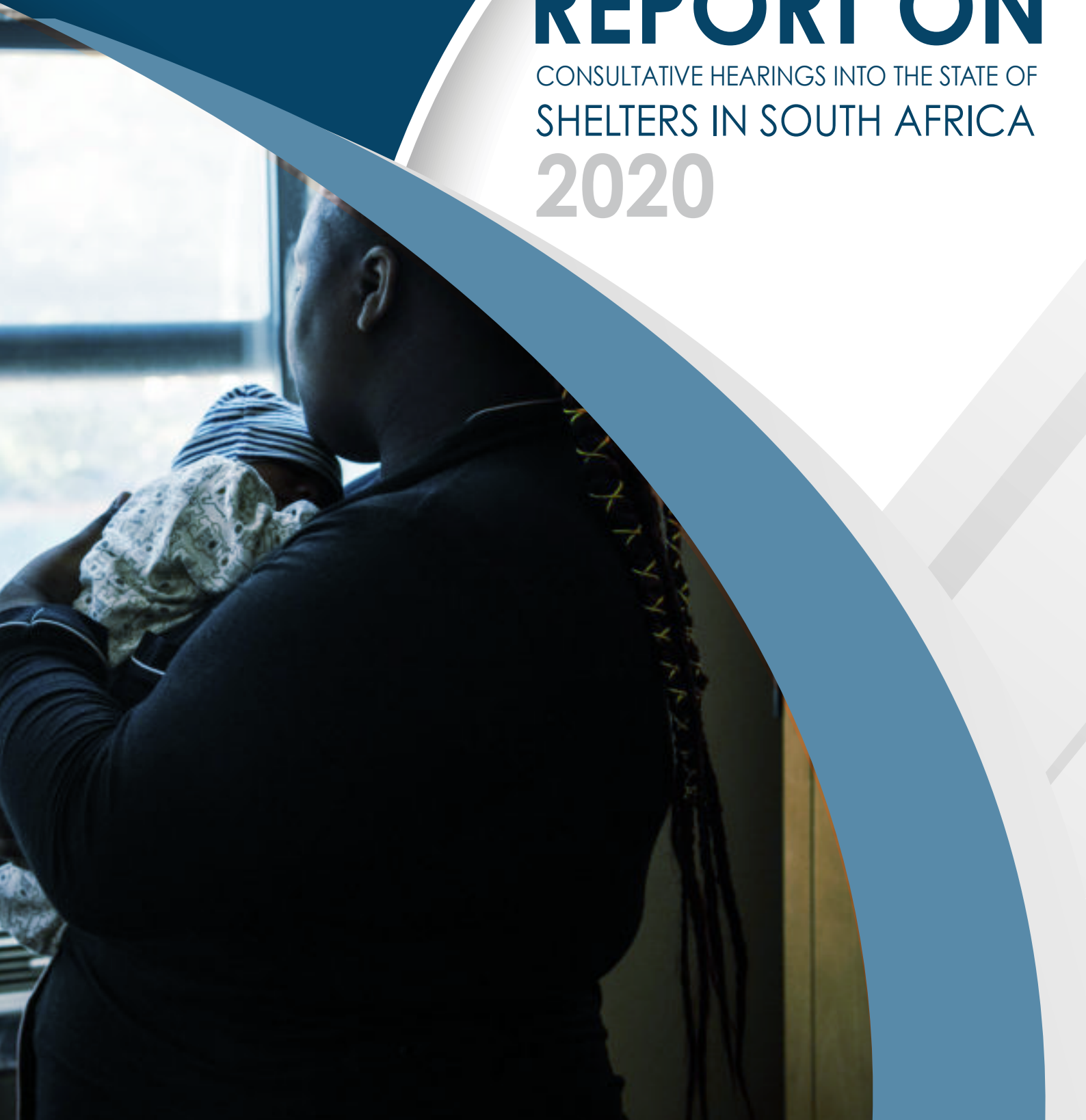




Commission for Gender Equality
A society free from gender oppression and inequality

REPORT ON

CONSULTATIVE HEARINGS INTO THE STATE OF
SHELTERS IN SOUTH AFRICA
2020





Commission for Gender Equality
A society free from gender oppression and inequality

**REPORT ON CONSULTATIVE HEARINGS
INTO THE STATE OF SHELTERS IN
SOUTH AFRICA**

Copyright: 2020 Commission on Gender Equality. All rights reserved. No part of this publication may be reproduced, photocopied or transmitted in any form nor part thereof be distributed for profit-making purposes without prior written consent of the Commission for Gender Equality.

Publisher: Commission for Gender Equality

ISBN: 978-1-920308-86-5

Copy Editor: Proof Africa

Design: Layout & Printing: JKMN Consulting

Content

Acronyms	3
1. Introduction	5
2. Objectives	9
3. National Department of Social Development	11
4. Department of Social Development - Gauteng	22
5. Department of Social Development - North West	28
6. Department of Social Development - Mpumalanga	38
7. Gauteng Community Safety	42
8. Department of Social Development - Free State	49
9. Department of Social Development - Western Cape	60
10. Department of Social Development - Northern Cape	78
11. Department of Social Development - Eastern Cape	83
12. Department of Social Development - KwaZulu-Natal	99
13. Department of Social Development - Limpopo	102
14. South African Police Service	109
15. National Department of Labour	115
16. Department of National Treasury	116
17. Department of Women, Youth and Persons with Disabilities	129
18. Department of Human Settlements	134
19. National Department of Health (NDOH)	142
20. Department of Public Works and Infrastructure	155
21. Overall findings	157
22. Overall Recommendations	158

List of Tables

Table 1: Gauteng overview	11
Table 2: Western Cape funding for shelters	13
Table 3: Shelters for Free State and budget allocations	14
Table 4: Number of shelters funded in South Africa	15
Table 5: Number of white door centres across provinces	15
Table 6. The 13 accredited shelters, disaggregated	16
Table 7: Budgetary spent on shelters	18
Table 8: Social workers per service point and post allocation	21
Table 9: Shelters in Gauteng	22
Table 10: Budget allocation of the Gauteng DSD	25
Table 11: Women and children accommodated	26
Table 12: Two North West shelters at a glance	30
Table 13: North West shelters' budget allocation	31

Table 14: NPOs rendering VEP services in North West	31
Table 15: Process flow and decision-making chain for NPO funding	33
Table 16: Overall budget of the North West DSD	36
Table 17: Budget allocations – Mpumalanga	38
Table 18: Mpumalanga DSD's overall budget	39
Table 19: Funding of shelters in the Free State	49
Table 20: Increase in the percentage of funding	52
Table 21: Tumahole Shelter overview	53
Table 22: Rea Phela Safe House overview	54
Table 23: Wepener Shelter overview	54
Table 24: Thusanang Shelter overview	55
Table 25: Tshepo Ya Rona Shelter overview	56
Table 26: Phelononofa Shelter overview	57
Table 27: Goldfields Shelter overview	58
Table 28: Western Cape shelters' overview	61
Table 29: Geographical spread of shelters	62
Table 30: Admission criteria and services rendered at shelters	72
Table 31: List of shelters in the Northern Cape	78
Table 32: Total budget for the Northern Cape DSD	80
Table 33: EC funding allocation and services of shelters and safe homes	86
Table 34: KwaZulu-Natal DSD budget allocations	101
Table 35: Limpopo DSD budget allocation and percentage spent on shelters	103
Table 36: List of unfunded VEP sites in Limpopo	105
Table 37: Expansion of shelter infrastructure in Limpopo	105
Table 38: SAPS training interventions and targets	112
Table 39: Reactive training interventions and targets	113
Table 40: Key selected findings from the SFP survey	119
Table 41: Selected findings from the process mapping exercise	119
Table 42: DSD current funding activities to address GBVF	122
Table 43: Housing subsidy beneficiaries across provinces	136
Table 44: Emergency housing projects and expenditure	137
Table 45: Funding for foster care scheme at Loop Street	139
Table 46: Summary – budget allocations and expenditure, 30 September 2019	139
Table 47: NGOs supported by institutional subsidy	140
Table 48: Needs register per province	141
Table 49: Properties identified thus far as possible shelters	156

List of Figures

Figure 1: Technical and political structures' reporting lines	125
Figure 2: Integrated Planning Framework	126

Acronyms

ADG	Acting Director-General
AENE	Adjusted Estimates of National Expenditure
AIDS	Acquired immunodeficiency syndrome
ARVs	Anti-retrovirals
CBWs	Community-Based Workers
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CGE Act	Commission for Gender Equality Act No. 39 of 1996, as amended
COGTA	Department of Cooperative Governance and Traditional Affairs
DG	Director-General
DHET	Department of Higher Education and Training
DoH	Department of Health
DPME	Department of Planning, Monitoring and Evaluation
DSD	National Department of Social Development
ENE	Estimates of National Expenditure
EC	Eastern Cape
FCS	Family, Child and Sexual Offences Unit
GBVF	Gender-Based Violence and Femicide
GRPBMEA	Gender Responsive, Planning, Budgeting, Monitoring, Evaluation and Auditing
HIV	Human immunodeficiency Virus
HOD	Head of Department
LGBTIQA+	Lesbian, gay, bisexual, transgender, intersex, queer, asexual and other diverse sexual orientations and gender identities
MEC	Member of the Executive Council
MinComBud	Ministers' Committee on Budget
MinMec	Ministers and Members of Executive Councils Meeting
MP	Mpumalanga Province
MRC	Medical Research Council

MTSF	Medium Term Strategic Framework
NDP	National Development Plan
NC	Northern Cape
NEDLAC	National Economic Development and Labour Council
NGO	Non-Governmental Organisation
NHI	National Health Insurance
NPA	National Prosecuting Authority
NPOs	Non-profit Organisations
NSM	National Shelter Movement
NSP	National Strategic Plan
NT	Department of National Treasury
NW	North West
PEP	Post Exposure Prophylaxis
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000.
PFMA	Public Finance Management Act No. 1 of 1999
PWDs	Persons with Disabilities
SANAC	South African National AIDS Council
SANC	South African Nursing Council
SAPS	South African Police Service
SDG	Sustainable Development Goals
SFP	Sector Funding Policy
SOP	Standard Operating Procedure
VEC	Victim Empowerment Centre
VEP	Victim Empowerment Programme
VESSB	Victim Empowerment Support Services Bill
WC	Western Cape

1. Introduction

The Commission for Gender Equality (the Commission) is an independent statutory body created in terms of Chapter 9 of the Constitution of the Republic of South Africa, 108 of 1996 (the Constitution). The Commission has a mandate to promote and protect gender equality in government, civil society and the private sector. To this end, the Commission for Gender Equality Act 39 of 1996, as amended (the CGE Act) gives the Commission the power to monitor and evaluate policies and practices of organs of state at any level, statutory bodies and functionaries, public bodies and authorities and private businesses, enterprises and institutions to promote gender equality, and make any recommendation that the Commission deems necessary.

In 2013, the Commission submitted a proposal for law reform, titled 'Combatting Domestic Violence Against Women and Children in the Western Cape by increasing Access to Shelters and improving the Quality of Services'¹, to the National Department of Social Development, Department of Social Development Western Cape (WC) and the Department of National Treasury.

Encapsulated in the proposal and resultant policy brief, the Commission identified the benefits of shelters to the state in that the structures reduce the impact of gender-based violence and femicide (GBVF) on the survivor from an economic and social perspective. Moreover, it affords survivors mechanisms to escape the cycle of abuse and to avoid self-destructive harm. Through skills development, survivors have greater access to possible job opportunities, increasing financial independence from the abuser. The sanctuary offered by shelters further extends to protecting the rights of minor children who are offered therapy to minimise the impact of abuse in the household².

In support of an effective sheltering system and with the aim of rectifying the reported issues faced by shelters, the Commission's proposal listed the plethora of challenges facing shelters within the Western Cape, with the main detrimental issue pinpointed as the inappropriate funding model deployed by the state:

"The State currently only provides a small percentage, (in most instances less than a third) of the cost per head per day of each woman and her children at a shelter. There is a need to engage in a cost-benefit analysis in this regard. As part of this exercise, government should conduct quantitative and qualitative research into the economic cost of domestic violence to the State. In addi-

¹ Stone, K., Watson, J., Thorpe, J. (2013). Proposal for Reform: Combatting Domestic Violence Against Women and Children in the Western Cape by Increasing Access to Shelters and Improving the Quality of Services Provided. Cape Town: Commission for Gender Equality.

² *Supra*, page ii.

tion, there is a need to ensure that adequate resources are appropriated for infrastructure, facilities, human resources with appropriate skills and training, the creation of supportive contexts and structures and all forms of practical support provided to survivors in the form of counselling, access to health care, etc.

“Currently, the appropriation of resources to survivor support, specifically the support provided by shelters, is generally inadequate and serious intervention is required if government is committed to addressing gender-based violence. To this end, there is a need to factor the different aspects of shelter-related costs into the budget votes of different government Departments. Gender-responsive budgeting initiatives need to therefore be adopted and institutionalised.

“One way of doing this is for the National Treasury to find ways of incorporating and making visible budgeting pertaining to both preventing and addressing gender-based violence into the planning and allocation of all votes. This should be reflected in the Estimates of National Expenditure, as well as in the strategic and annual performance plans of government Departments”³.

The Commission's identification of grossly inadequate and misaligned funding of shelters is echoed by numerous research studies⁴, media articles⁵ and its interaction with the National Shelter Movement (NSM)⁶.

Moreover, the Commission was prompted to undertake the systemic investigation into the state of shelters in South Africa, given specific complaints lodged against shelters.

In turn, an investigative report⁷ with detailed recommendations was finalised in the 2018/2019 period. The recommendations included the following:

³ Women's Legal Centre. Stone, I. K., Watson, J. (2013). Policy Brief: Combatting Domestic Violence Against Women and Children in the Western Cape by Increasing Access to Shelters and Improving the Quality of Services.

⁴ Vetten, L. What is Rightfully Due: Costing the Operations of Domestic Violence. .Shelters. (2018) provides a recent and detailed explanation of how shelters are poorly funded which is further worsened by the expanded definition of a shelter being used by the Department of Social Development to fund shelters not dedicated to abused women as defined in the DVA.

⁵ Examples include, <https://www.iol.co.za/weekend-argus/news/watch-womens-shelters-hamstrung-by-funding-challenges-13209151><https://za.boell.org/2013/06/26/Departmentdepartment-social-development-funding-shelters-abused-women-inadequate> <https://www.dailymaverick.co.za/article/2017-05-15-statistics-sa-one-in-five-sa-women-experience-physical-violence-young-women-hard-hit-by-hiv-aids/>

⁶ Meeting between CGE and NSM took place on 11 September 2018, with the following aspects highlighted regarding funding: lack of standardisation of salaries, for example not all social workers earn the same. The costing of shelters inadequate, specifically given the high rate of gender-based violence in South Africa. Shelters are not properly resourced and supported by the Department of Social Development. Late payment of monies by the department to shelters.

⁷ CGE: State of Shelters in South Africa <http://www.cge.org.za/wp-content/uploads/2014/05/State-of-Shelters-in-SA.pdf>

6.2 Recommendation(s):

Based on the Commission's observations and analysed information received from the sampled shelters and the Department of Social Development (DSD), it is evident that there are deep-rooted systemic challenges that need to be addressed at the highest level of institutions that are expected to offer services to survivors of violence. Accordingly, the Commission recommends as follows:

1. The Commission to call a Public Investigative Hearing within the 2019/2020 period wherein:
 - The Heads of the nine provincial DSDs;
 - The Director-General (DG) of the DSD; and
 - The DG of the National Department of Human Settlements

are called to fully account before the Commission and respond to questions regarding how shelters are allocated resources and any other aspects regarding the functioning and co-ordination of shelters, including the need for transitional housing.

Post the holding of the aforementioned Public Investigative Hearing, the Commission will release a further supplementary recommendation report in respect of the policy and practice with regards to the sheltering of survivors of violence.

2. The late payment of tranches severely undermines the functioning of shelters. In turn, the Commission recommends that urgent action on the part of the DSD is taken to instil safeguards within its contract management system wherein it provides clear pre-warning of required payments and in turn accountability of those officials responsible for effecting the payments who do so late. The DSD is afforded the ambit to devise its own safeguards. Albeit, it must be effective and able to be rolled out throughout the nine provinces. The safeguard including time frames for roll out to the nine provinces must be provided to the Commission within three months of release of this report.
3. The DSD to finalise its policy regarding GBV Prevention Programmes for LGBTIQ+ Persons within six months from the date of release of this report, including clear directives to shelters to comply and not unfairly disseminate against LGBTIQ+ persons, including a clearly communicated complaints process for survivors to report any discriminatory action on the part of a shelter.

4. The DSD after consulting key stakeholders to provide the Commission with:

1.1 A standardised policy detailing the manner and criteria to fulfil when survivors wish to apply for extension at a shelter. This should also include a costing analysis wherein the costs of extensions are forecast and budgeted for and a clear complaints mechanism for survivors to appeal any negative decision.

1.2 A standardised policy detailing the monitoring of survivors after exiting the shelter including clear indicators to determine if the survivor is adjusting favourably.

The two policies as per recommendations 4.1 and 4.2 must be provided to the Commission within six months after release of the investigative report.

5. The DSD in consultation with key stakeholders:

1.1 To standardise salaries and/or stipends of persons employed by shelters, including detailing criteria. Such standardisation must be taken into account during the budget allocation provided to shelters.

1.2 Detail and set the educational requirements and core skills needed for the requisite job roles in shelters.

2. Objectives

The report of the Commission on the state of shelters in South Africa highlights deep-rooted systemic challenges, including inadequate funding that needs to be addressed at the highest level of institutions expected to offer services to survivors of violence.

In the matter of *National Association of Welfare Organisations and Non-Governmental Organisations (NAWONGO) and Others vs the Member of the Executive Council for Social Development, Free State and Others*⁸ the court ruled that the state's partial funding policy for non-profit organisations (NPOs) is unfair and unreasonable and ordered the Free State DSD to review its policy and write a new one. The court held that:

*"...availability of resources is therefore an important factor in determining what is reasonable, but lack of funds cannot be used as a lame excuse. Resources must be provided as far as reasonably possible. Reasonableness must also be understood in the context of the Bill of Rights as a whole. Whilst the very nature of progressive realisation of rights entails that full realisation will only be achieved in time, those whose needs are the most urgent should not be ignored in the policy, nor should a significant segment of society be excluded. Progressive realisation means that the rights in question must over time be made accessible to a larger number of people and a wider range of people. The Department is obliged to take reasonable measures progressively to eliminate or reduce the deprivation of rights."*⁹

According to the NSM¹⁰, shelters play a significant role in providing abused women and children the opportunity for healing and rebuilding self-worth and breaking the cycle of violence. Such services require expertise, care and resources. The NSM highlights the following as challenges:

- a) No legislative provision for regulation of shelters for victims of violence against women and children.
- b) Transport facilities and distance between courts, the South African Police Service (SAPS) and hospitals, specifically in rural areas.
- c) Lack of services, more particularly for survivors of intimate partner violence.
- d) Funding.
- e) Inability to provide specialist services for women with disabilities and for undocumented migrants.

⁸ Case no: 1719/2010, Free State High Court, 2014

⁹ Case no: 1719/2010, Free State High Court, 2014

¹⁰ National Shelter Movement, Presentation at the Commission for Gender Equality on the 2nd December 2019, Parktonian Hotel, Braamfontein.

- f) Inability to provide specialist services for women with psychiatric conditions and for women with older boy children.
- g) Shelter maintenance and infrastructure.

Gender activist and Wits Doctoral Fellow, Lisa Vetten, observes that shelters need to support most women's needs in their entirety, including toiletries, food, clothing and travel to health centres and legal service centres. Vetten asserts that travel costs will need to be adjusted according to the shelter's location in either a rural/peri-urban area, or an urban area.¹¹

It is against this backdrop that the Commission's investigative hearings took place. The following departments were part of the hearings:

- Department of Public Works and Infrastructure;
- South African Police Service;
- Department of Health;
- Department of Human Settlements;
- Department of Safety Gauteng;
- National Treasury;
- Department of Labour;
- Department of Women, Youth and Persons with Disabilities;
- National DSD;
- Limpopo Provincial DSD;
- Eastern Cape Provincial DSD;
- Mpumalanga Provincial DSD;
- North West Provincial DSD;
- Western Cape Provincial DSD;
- Northern Cape Provincial DSD;
- Gauteng Provincial DSD;
- Free State Provincial DSD; and
- KwaZulu-Natal Provincial DSD.

These departments appeared before the Commission between the 2 and 6 December 2019.

¹¹ Vetten L, Presentation at the Commission for Gender Equality on the 2nd December 2019, Parktonian Hotel, Braamfontein.

3. National Department of Social Development

The DSD appeared before the Commission to account on the funding (or the lack thereof) of shelters in South Africa. It is critical that the department offers comprehensive social services to the poor and vulnerable members of society. Moreover, the DSD plays a significant role in the funding of non-governmental organisations (NGOs) and NPOs in South Africa. The NGOs and NPOs in South Africa offer an array of services such as shelters for abused persons. Against this backdrop, the Commission issued a notice to appear in terms of section 12 (4) (b) of the CGE Act to Mr Mzolisi Toni in his capacity as the Acting DG (Accounting Officer) of the DSD. The department appeared before the Commission on the 2nd of December 2019.

3.1 Analysis of information

The Commission requested the DSD to provide a list and names of shelters it funds for the financial years 2017/2018; 2018/2019 and 2019/2020. The DSD listed the following as shelters funded for the three financial years:¹²

Table 1: Gauteng overview

BP	Name of NPO	Region	Specification	No. of funded beneficiaries 2019/2020	2019/ 2020 Annual Budget allocated	2018/ 2019 Annual Allocated Budget	2017/ 2018 Annual Allocated Budget
1000003974	The House	JHB	104- Shelter for children	32	1 713 233	1 276 577	1 204 137
1000003233	Good Hope Community	Tshwane	104- Shelter for children	29	1 569 233	1 172 573	1 106 037
1000003514	Lerato House	Tshwane	104- Shelter for children	15	1 122 881	900 096	849 063
1000004429	Philani HIV/ Aids	West Rand	104- Shelter for children	16	967 145	744 259	704 759
1000382646	Bethany House Trust Shelter	West Rand	104- Shelter for children	39	2 022 065	1 493 622	1 408 856
100000554	Emfuleni Shelter for boys	Sedibeng	104- Shelter for children	14	1 025 729	824 153	771 537
1000000800	Vereeniging Alliance for street children	Sedibeng	104-Shelter for Children	12	929 729	754 817	706 137
1000007184	Mercy Haven	Ekurhuleni	105-Shelter for Woman	25	1 129 834	1 065 972	213 223

¹² The department only provided information for Gauteng and Western Cape. It was indicated during the hearing that other provinces have neglected to furnish similar information.

BP	Name of NPO	Region	Specification	No. of funded beneficiaries 2019/2020	2019/ 2020 Annual Budget allocated	2018/ 2019 Annual Allocated Budget	2017/ 2018 Annual Allocated Budget
1000007191	Amcare	Ekurhuleni	105-Shelter	20	1 592 730	1 513 290	1 391 479
1000007223	Theodora Ndaba	Ekurhuleni	105-Shelter for Woman	21	1 046 290	715 452	586 902
1000007480	Christian Teaching Centre	Ekurhuleni	105-Shelter for Woman	20	1 085 842	882 881	691 017
100000	Leratong place of love	Ekurhuleni	105-Shelter for Woman	20	1 017 154	959 652	752 574
1000007250	People Opposing Women Abuse	Ekurhuleni	105-Shelter for Woman	20	867 089	818 081	661 017
1000399602	NISAA Institute for Women's Development	Johannesburg	105- Shelter for Woman	22	876 241	824 401	564 676
1000429867	Eldorado park women's forum (Shelter)	Johannesburg	105-Shelter for Woman	12	755 489	712 769	458 505
1000001887	Carol Shaw Memorial Centre	West Rand	105-Shelter for Woman	10	860 482	811 812	701 934
1000001957	A Re Ageng Shelter	West Rand	105-Shelter for Woman	16	1 145 763	1 080 967	879 545
1000001959	People Opposing Women Abuse	Johannesburg	105-Shelter for Woman	10	891 377	842 316	643 203
1000001961	Wawa Toekoems Support Group	West Rand	105-Shelter for Woman	20	1 168 249	1 095 891	853 797
1000401138	SAVF Deurganshuis Carletonville	West Rand	105-Shelter for Woman	25	1 198 522	1 180 577	899 913
1000558672	A re ageng (Nithabeleng Safe Haven)	West Rand	105-Shelter for Woman	20	1 235 907	1 166 023	1 048 611
1000003188	Potters House	Tshwane	105-Shelter for Woman	35	1 326 493	1 254 517	972 652
1000003263	Mali Martin Polokeng Centre	Tshwane	105-Shelter for Woman	35	1 558 258	1 473 182	1 240 091
1000003518	Salvation Army FAM Beth Shan	Tshwane	105-Shelter for Woman	17	870 930	822 260	623 514
1000003525	Mercy House	Tshwane	105-Shelter for Woman	21	1 049 690	849 345	649 080
1000621837	Re-bafenyi Shelter	Tshwane	105-Shelter for Woman	47	1 711 314	1 615 580	1 401 302

BP	Name of NPO	Region	Specification	No. of funded beneficiaries 2019/2020	2019/ 2020 Annual Budget allocated	2018/ 2019 Annual Allocated Budget	2017/ 2018 Annual Allocated Budget
1000523529	Youth for Survival	Tshwane	105-Shelter for Woman	25	1 284 522	1 216 772	539 294
1000000802	Lifeline Vaal Triangle	Sedibeng	105-Shelter for Woman	11	664 265	626 705	408 441
1000406969	SAVF Vanderbijlpark Shelter	Sedibeng	106-Shelter for Adults	32	477 696	450 816	425 472
1000001438	Mercy Shelter for Homeless (Immaculata Hall)	Johannesburg	106-Shelter for Adults	100	1 581 417	1 492 401	1 408 468
1000003749	Mercy Shelter for Homeless (STRABANE CENTRE)	Johannesburg	106-Shelter for Adults	100	1 492 800	1 408 800	1 329 600
1000396859	Mercy Shelter for Homeless (TUDHOPE AVENUE)	Johannesburg	106-Shelter for Adults	21	313 488	295 848	279 216

The table highlights that a total of 32 NPOs in Gauteng are funded by the DSD. It is evident from the budget allocation provided in Table 1 that there is a slight increment every financial year.

For the Western Cape, the DSD reported that it is funding 20 shelters for the financial years 2017/2018, 2018/2019 and 2019/2020. Table 2 reflects the names of the shelters and the allocation of funds.

Table 2: Western Cape funding for shelters

Name of Shelter	2017/2018 Funding allocation	2018/2019 Funding allocation	2019/2020
ACVV Dysselsdorp	Not funded	R 289 300,00	R 466 704, 00
Athlone House of Strength	R 745 341,00	R 1 038 601,00	R 1 100 365,00
Carehaven Centre- The Salvation Army (South Africa Territory)	R 1 279 917,00	R 2 001 318,00	R 2 109 911,00
Creative Effective Families	R 873 189 ,00	R 1 183 136,00	1 334 952,00
Holy Cross St Clare Sanctuary		R 227 234,00	R 707 550,00
New World Foundation	Not funded	R 639 256,00	R 710 262,00
Philisa Abafazi Bethu Women's Centre	Not funded	R 335 040,00	R 509 130,00
Phambili Women's Shelter	R 1 009 893,00	1 274 206,00	R 2 199 360,00
Sisters Incorporated	R 857 440,00	R 1257 321,00	R 1 329 069,00

Name of Shelter	2017/2018 Funding allocation	2018/2019 Funding allocation	2019/2020
L'Abrie De Dieu Safehouse	R 576 474 00	R 822 541 00	R 1 074 601 00
Rural Institute for Education and Training	Not Funded for a shelter	R 329 360 (Shelter costs)	R 773 180 00 (Shelter cost and service organisation costs)
The Nonceba Family Counselling Centre Trust	R 1 901 803 00	R 2 234 614 00	R 2 199 360 00
Saartjie Baartman Centre for Women and Children	R 3 633 117 00	R 4 754 254 00	R 5 236 190 00
S Cape	R 401 341 00	R 770 521 00	R 5 236 190 00
Siyabonga Huis van Danksegging	R 764 433	R 1 038 601 00	R 1 100 365 00
Sizakuyenza	R 764 433 00	R 1 038 601 00	R 1 100 365 00
St Anne Homes Cape Town	R 783 525 00	R 1 065 941 00	R 1 128 953 00
The Safehouse	TPA 237 797	R 663 936 00	R 707 550 00
United Sanctuary Against Abuse	R 726 249	R 983 921 00	R 1 043 189 00
Worcester House of Hope	R 866 441 00	R 857 065 00	R 957 425 00

The funding allocations reflected in Table 2 shows that some shelters were not funded, particularly during 2017/18. The DSD did not provide an explanation for this. Notwithstanding, it is observed that there is increment for different financial years.

Table 3: Shelters for Free State and budget allocations

Name of Shelter	2015/2016	2016/2017	2017/2018	2018/2019
Tumahole victim support center	R 197 600.00	R 209 851.20	209 851.20	R 300 000.00
Goldfields Advice Family Organization	R 277 206 .00	R 294 392.77	R 294 392.77	-
Reaphela Safe House	R 127 000.00	R 134 874.00	R 134 874.00	R176 353.81
Thusanang Advice Center	R 215 588.00	R 228 954.46	R 228 874.00	R318 545 .52
Child-Welfare Bethlehem	R 216 243.00	R 229 650.07	R 229 650.07	R 319 337 .08
Philane	R 184 903.00	-	R 103 499.39	-
Wepener Child Welfare	-	-	-	R 287 720.10
Grand Total	R 1 218 540.00	R1 097 722.50	R 1 201 141.43	R 1 401 . 956.51

According to the DSD, there are 134 shelters funded in South Africa. The information is detailed in Table 4.

Table 4: Number of shelters funded in South Africa

Province	Number of shelters
Gauteng	25
Western Cape	15
Mpumalanga	22
KwaZulu-Natal	20
North West	22
Eastern Cape	13
Northern Cape	08
Limpopo	02
Free State	07

It is evident that Limpopo has only two shelters. This is a concern, considering the vast population of the province. The majority of victims of crime and violence may not be able to access the services provided by these shelters.

The DSD submitted that it has established 'white door safe spaces of hope', which are community based and open for people in need of shelters. Table 5 shows the number of white door centres (totalling 212) in the respective provinces.

Table 5: Number of white door centres across provinces

Province	Number of White Door Centres
Eastern Cape	146
Gauteng	44
KwaZulu-Natal	16
Mpumalanga	1
North West	1
Northern Cape	2
Free State	1
Limpopo	1

The DSD further submitted that it has established six Khuseleka One Stop Centres. These centres provide a place of refuge where victims of crime and violence can be offered a continuum of services from one central point, or under the same roof, from different stakeholders. Services are rendered by a multidisciplinary team to provide a victim with a basket of services to ensure that she/he is not subjected to secondary victimisation through lack of access to critical services needed. These include: reporting of a case to the police, receiving initial counselling, assessment by a professional social worker, being offered medico-legal services by a qualified nurse and doctor, placement in a shelter in case of a need for removal, access to on-going psycho-social support and counselling and being prepared for court hearings, exposure to capacity building and empowerment with skills development.

3.1.1 Trafficking in Persons Policy Framework

The DSD has a Trafficking in Persons Policy Framework in place. The Commission espouses that trafficking in persons is a serious crime and a grave violation of human rights, posing a serious challenge to communities and to society at large. The DSD submitted that there are measures in place for trafficked and abused persons aimed at improving their capacity to gain knowledge, skills and attitude to make self-determined choices.

According to the DSD there are 13 accredited facilities, as listed in Table 6.

Table 6. The 13 accredited shelters, disaggregated

Service Provider Name	Acc. No	Province and Town	State or NGO Run	Accreditation Status	Target Group	Period of Accreditation
1. KwaNo-buhle Outreach One Stop Centre	0001/06/18	Uitenhage, Eastern Cape	State	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Reintegration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victims and female victims in the company of children	1 July 2018- 30 June 2022
2. Maletsawi One Stop Centre	0002/06/18	Maletswai, Aliwal North, Eastern Cape	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration Section 26 (3) – Reception, Care and Development of a Child. 	Female victims and female victims in the company of children	1 July 2018- 30 June 2022

3. Carol Shaw memorial Centre	0007/06/18	Randfontein, West Rand Region, Gauteng	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child 	Male victim and male victim in the company of children	1 July 2018- 30 June 2022
4. Mercy House	0005/06/18	Capital Park, Pretoria, Tshwane Region, Gauteng	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child 	Female victim and female victim in the company of children	1 July 2018-30 June 2022
5. Polokwane Khuseleka One Stop Centre	0009/06/18	Polokwane, Limpopo	State	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victim and female victim in the company of children	1 July 2018 – 30 June 2022
6. Masisikumeni Women's crisis Centre	0006/06/18	Tonga, Mpumalanga	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victim and female in the company of children	1 July 2018 – 30 June 2022
7. L'Abrie de Dieu Safe House	0004/06/18	Stellenbosch, Western Cape	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victim and female victim in the company of children	1 July 2018 – 30 June 2022
8. S-Cape Shelter	0008/06/18	Muizenburg, Cape Town, Western Cape	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victim and female victim in the company of children	1 July 2018 – 30 June 2022
9. Saartjie Baartman Centre for Women and Children	0003/06/18	Athlone, Cape Town, Western Cape	NGO	Section 19 (5) (6) – Temporary Safe Care for Victims of Trafficking.	Female victim and female victim in the company of children	1 July 2018 – 30 June 2022

10. Abrina Esther House	0010/08/18	Pietermaritzburg, KwaZulu Natal	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victim and female victim in the company of a child/ren Male victim and male victim in the company of a child/ren	01 September 2018- 31 August 2022
11. Newcastle Crisis Centre	0014/08/18	Newcastle, KwaZulu Natal	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victim and female victim in the company of children	01 September 2018- 31 August 2010
12. Open Door Crisis Care Centre	0011/08/18	Pinetown, KwaZulu Natal	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victim and female victim in the company of a child/ren Male victim and male victim in the company of a child/ren	01 September 2018 – 31 August 2022
13. Ethembeni Crisis Centre	0013/08/ 18	Kwandengezi, KwaZulu Natal	NGO	<ul style="list-style-type: none"> Section 26 (1) (a) – Accommodation; Counselling; and Integration. Section 26 (3) – Reception, Care and Development of a Child. 	Female victim and female victim in the company of children	01 September 2018 -31 August 2010

3.1.2 Budgetary information per province

The DSD provided budgetary spent on shelters, broken down per province for the financial years 2015/2016, 2016/2017, 2017/2018 and 2018/2019. Accordingly, the budgetary information per province is as follows:

Table 7: Budgetary spent on shelters

Provinces:	2015/2016	2016/2017	2017/2018	2018/2019
Mpumalanga	R 10 192 000	R 11 055 000	R 12 634 000	R 17 426 120
KwaZulu-Natal	R 14 122 000	R 17 331 000	R 17 340 000	R 62 022 000
Eastern Cape	R 12 289 641	R 9 162 385	R 8 472 295	R 9 857 748
North West	R 10 603 000	R 8 930 000	R 10 871 881.45	R 10 260 000
Free State	R 1 218 540	R 1 097 722.50	R 1 201 141.43	R 1 401 956.51
Northern Cape	R 3 281 996.96	R 3 451 000	R 2 750 320	R 4 998 142

Limpopo

The DSD submitted that for the last three financial years the budget spent in this province was R14 602 500. These allocations were, however, not disaggregated in terms of different financial years. The DSD further indicated that for the current financial year the budget allocated is R4 617 500.

Gauteng and Western Cape information in terms of allocations has been dealt with earlier – refer to Tables 1 and 2, respectively.

3.2 Criterion used to determine the increase or decrease of funding in budget allocation per financial year

There is only one standardised criterion to determine amounts to be allocated on an annual basis. This is linked with the Consumer Price Index (CPI). The Commission observed that the DSD's decision to increase or decrease funding is informed by the planned activities contained in the respective business plans.

3.3 Steps taken to ensure that there are standardised accredited programmes and upskilling initiatives at the shelters in South Africa

The DSD submitted that women are linked with other support services that they need. The Commission observed through the submission of the DSD that there is an accredited nine-week Restoration and Healing Programme for shelters.

The DSD stated that professional staff have been trained and are implementing the programme in their dealings with the victims of crime and violence. Further, it highlights that it is working with the Health and Welfare SETA with a view to accredit the counselling course.

The Commission observed that a draft training and development framework has been developed that seeks to address capacity building plans across the sector as a systematic approach to training. The DSD highlighted the fact that the framework's focus will be over a period of three years. The framework will only be ready after consultation with the relevant stakeholders by the 31st of March 2020. The DSD emphasised that the framework will cover various thematic areas, such as training on gender-based violence (GBV), substance abuse, mental health, etc.

3.4 Standardised admission of the LGBTIQ+ at shelters in South Africa

The DSD asserted that current admission criteria and policies for shelters are not discriminatory to any victim. It is in constant engagement through dialogues and various forums with the LGBTIQ+ community to make inputs or changes in policy formulation. The Commission observed that the objectives of these dialogues are to make sure that the shelter admission policy is inclusive across South Africa and therefore not discriminatory to any group within society. The DSD indicated that plans are in place to identify three existing shelters and pilot the LGBTIQ+-friendly model.

3.5 Measures put in place to ensure independent oversight and monitoring of shelters run by the DSD

The DSD highlighted that shelters are managed by NPOs, but compliance with the minimum standards for service delivery in victim empowerment is monitored by the department. It is prudent that the DSD vigorously play its oversight role to ensure that NPOs comply with all the relevant norms and standards in terms of the services rendered to victims of violence and abuse. The Commission observes that without proper monitoring mechanisms, there would be a lack of accountability for non-performance of NPOs in terms of their services.

The monitoring role is left to the DSD's provincial office when it comes to NGOs as per their annual plan. The DSD submits that the first tool is a three-day development quality assurance approach, which focuses on in-depth monitoring.

The DSD submitted further that there is also a two-day case audit where all files are checked and sites are visited, as well as a day programme to identify challenges and successes with a board member present. The development quality assurance is done at Trafficking in Persons shelters as well.

3.6 Sector Funding Policy

The DSD has a Sector Funding Policy. The policy is built on the foundation of the values, principles and rights as set out in the Constitution of South Africa and embedded in other government policies and legislation. These values, principles and rights provide the basis for government, represented by the national DSD and provincial departments, to partner with NPOs and other entities in the delivery of developmental social services, striving to provide equitable access to services across communities and geographic regions.

Chapter 4 of the policy deals with transformation and it provides as follows, “Transformation is about turning around the legacy of apartheid, equalising opportunities, building capabilities and making real the vision embodied in the Constitution of the Republic of South Africa.”

Further, the policy has a critical role to play in realising transformation by ensuring that it fulfils its constitutional mandate to guarantee that everyone has access to quality developmental social services, prioritising children, older persons, PWDs and those who are most vulnerable.

In terms of monitoring the implementation of this policy, it is submitted that in the past, transfers to NPOs and other entities have not been managed transparently. This has changed to ensure accountability for the allocation and use of public funds. The publication of information relating to transfers is an essential mechanism to improve transparency and accountability.

The policy requires the DSD to put in place appropriate mechanisms to monitor compliance with this policy both by its own NPO funding unit and by provincial departments.

The mechanisms include, among others, an annual analysis of the level at which provincial governments fund their provincial departments and how provincial departments allocate their budgets, reflecting comparative provincial information as set out in the policy guidelines.

3.7 Disaggregated data of social workers per service point and post allocation

Table 8: Social workers per service point and post allocation

Province	Service points	Post allocation
Gauteng	62	30
North West	19	10
Limpopo	72	20
Mpumalanga	100	18
Free State	24	16
KwaZulu-Natal	67	30
Western Cape	45	30
Eastern Cape	97	30
Northern Cape	56	16
Total	542	200

These statistics reflect the number of social workers recruited and deployed at different provinces. The DSD indicated in its submission that it has secured funding for the appointment of all 200 social workers. The funding will, however, reflect in the 2020/2021 allocation letters to provinces as a ring-fenced/special allocation.

4. Department of Social Development - Gauteng

The department appeared before the Commission on the 2nd of December 2019 and was duly represented by the Head of Department Ms Thembeni Mhlongo. The DSD was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the Gauteng DSD. Below is a full discussion of the salient issues found in the responses of the DSD and further issues aired during the hearing.

4.1 List the number of shelters, including the names in the province and the allocated budget for 2017/2018, 2018/2019 and 2019/2020 periods.

THE FIGURES PROVIDED BY THE GAUTENG DSD FOLLOW.

Table 9: ¹³ Shelters in Gauteng

NAME OF NPO	REGION	SPECIFICATION	NO. OF FUNDED BENEFICIARIES FOR 2019/2020 FY	2019/ 2020 ALLOCATED BUDGET	2018/ 2019 ANNUAL ALLOCATED BUDGET	2017/ 2018 ALLOCATED BUDGET
MERCY HAVEN	EKURHULENI	105- SHELTER FOR WOMEN	25	1 129 834	1 065 972	213 223
AMCARE	EKURHULENI	105- SHELTER FOR WOMEN	20	1 592 730	1 513 290	1 391 479
THEODORA NDABA	EKURHULENI	105- SHELTER FOR WOMEN	21	1 046 290	715 452	586 902
CHRISTIAN TEACHING CENTRE	EKURHULENI	105- SHELTER FOR WOMEN	20	1 085 842	882 881	691 017
LERATONG PLACE OF LOVE	EKURHULENI	105- SHELTER FOR WOMEN	20	1 017 154	959 652	752 574
PEOPLE OPPOSING WOMEN ABUSE	EKURHULENI	105- SHELTER FOR WOMEN	20	867 089	818 081	661 017
NISSAA INSTITUTE FOR WOMEN'S DEV	JOHANNESBURG	105- SHELTER FOR WOMEN	22	876 241	401 824	564 676
ELDORADO PARK WOMEN'S FORUM (SHELTER)	JOHANNESBURG	105- SHELTER FOR WOMEN	12	755 489	769 712	458 505
CARROL SHAW MEMORIAL CENTRE	WEST RAND	105 – SHELTER FOR WOMEN	10	860 482	811 812	701 934

¹³ Figures extracted from Gauteng DSD presentation as at 2 December 2019

NAME OF NPO	REGION	SPECIFICATION	NO. OF FUNDED BENEFICIARIES FOR 2019/ 2020 FY	2019/ 2020 ALLOCATED BUDGET	2018/ 2019 ANNUAL ALLOCATED BUDGET	2017/ 2018 ALLOCATED BUDGET
A RE AGENG SHELTER	WEST RAND	105 – SHELTER FOR WOMEN	16	1 145 763	1 080 967	879 545
PEOPLE OPPOSING WOMEN ABUSE	JOHANNESBURG	105 – SHELTER FOR WOMEN	10	891 377	842 316	643 203
WAWA TOEKOMSRUS SUPPORT GROUP	WEST RAND	105 – SHELTER FOR WOMEN	20	1 168 249	1 095 891	853 797
SAVF DEURGANGSHUIS CARLETONVILLE	WEST RAND	105 – SHELTER FOR WOMEN	25	1 198 522	1 180 577	899 913
A RE AGENG (NTAHBELENG SAFE HAVEN)	WEST RAND	105 – SHELTER FOR WOMEN	20	1 235 907	1 166 023	1 048 611
POTTERS HOUSE	TSHWANE	105 – SHELTER FOR WOMEN	35	1 326 493	1 254 517	972 652
MALI MARTIN POLOKENG CENTRE	TSHWANE	105 – SHELTER FOR WOMEN	35	1 558 258	1 473 182	1 240 091
SALVATION ARMY FAM BETH SHAN	TSHWANE	105 – SHELTER FOR WOMEN	17	870 930	822 260	623 514
MERCY HOUSE	TSHWANE	105 – SHELTER FOR WOMEN	21	1 049 690	849 345	649 080
RE- BAFENYI SHELTER	TSHWANE	105 – SHELTER FOR WOMEN	47	1 711 314	1 615 580	1 401 302
YOUTH FOR SURVIVAL	TSHWANE	105 – SHELTER FOR WOMEN	25	1 284 522	1 216 772	539 294

A detailed explanation on the process inherent in funding shelters within the province, including administration requirements to be met before funding is provided, follows.

- The shelter/NPO should be officially registered with the Gauteng DSD as an NPO.
- The shelter should be specialised or have experience in the implementation of the GBV basket of services and the developmental social services agenda as relevant to the partnership.
- The shelter should demonstrate good governance (regulations, approved and applied internal procedures, democratic practices, capable personnel in the administrative and technical areas necessary for the organisation to function, accountability and transparency of information exchange, and accounting systems).

- The NPO should have an office and effective communication channels.
- The shelter should have records of activities and achievements for the past two years.
- The shelter should have sound financial and accounting systems and provide approved financial records¹⁴.

4.2 What criterion is used to determine if a shelter is adequately resourced by the DSD?

THE GAUTENG DSD INDICATED THAT THERE ARE CONTINUOUS NEEDS ANALYSIS AND ENGAGEMENTS WITH THE SHELTERS. THESE ARE DONE DURING SITE VISITS AND PANEL DISCUSSIONS.¹⁵

4.3 What oversight does the DSD have in ensuring conformity and fairness in the determining whether a survivor is ready to exit a shelter?

The DSD has set up structures to support and monitor the shelters in the implementation of its programme. Oversight played by the DSD includes, but is not limited to, the following:

- The submission of monthly reports;
- Submission of financial and non-financial data;
- Submission of minutes of meetings between both entities;
- Scheduled and unscheduled on-site visits;
- Constructive and developmental feedback on all data collected from reports and on-site visits;
- Quarterly forum meetings;
- Capacity building for the social workers; and
- Shelters provide victims of crime and GBV with short-term accommodation, care and psychosocial support. Due to the changing socio-economic conditions in the country, shelters are often faced with challenges regarding the admission and exiting of clients. Some clients often stay longer at shelters because they do not have alternative accommodation. A social worker can recommend that the client's period of stay be extended to a maximum of 12 months based on his/

¹⁴ Response from Gauteng DSD on 27 November 2019

¹⁵ Response from DSD Gauteng on 27 November 2019

her review of the healing process and progress on programmatic interventions. To address long stays in shelters, there should be social workers' reports reflecting professional interventions and the motivation for extension of stay signed by the centre manager.¹⁶

4.4 Analysis of the information

4.4.1 Admission to and exit from shelters

Pursuant to the hearing, the Gauteng DSD was further requested to provide the admission and exit policy for victims at various shelters. The Gauteng DSD have provided the Commission with the Guideline for Admission, Readmission and Exiting of Shelters for Victims of Crime and Gender Based Violence: 2017 (the Guideline). According to the Guideline, it is stipulated that shelters can accommodate either males or females (depending on who the centre caters for) who are victims of crime and GBV. Shelters cannot accommodate both males and females in one facility. Victims who are admitted to the shelter can be accommodated for a period of three to six months. This is to assist with the therapeutic healing process and psychological support services. In the various shelters, women can only be admitted with their boy children who are not older than 12 years. The maximum age of daughters admitted with their mothers, is 18 years. Boy children who are between the ages of 12 and 18 years will only be accommodated in shelters if the shelter has family units. The Guideline provides that members of the LGBTIQ+ community will be accommodated with their biological specification and not sexual orientation.

Following is the Gauteng DSD budget allocation for the past three financial years: 2016/2017, 2017/2018 and 2018/2019.

Table 10: Budget allocation of the Gauteng DSD

Period	Programme	Final Appropriation R'000	Actual Expenditure R'000
2016/2017	Shelters for Women	22 977	18 080
2017/2018	Shelters for Women	18 900	17 175
2018/2019	Shelters for Women	16 248	22 473

The Gauteng DSD submitted that the allocation of funding is based on the number of beneficiaries. However, when carefully analysed, shelters do not obtain the same amount of funding, even those that have the same number of beneficiaries. Funding mechanisms come across as inconsistent.

¹⁶ Response from DSD Gauteng on 27 November 2019

The DSD was requested to provide the Commission with the statistics of how many women and children are accommodated in the shelter, and the monetary allocation per women and per child. The following data were submitted:

Table 11: Women and children accommodated

Category	Monthly Subsidy Rate - 2019/20 FY (Women and child both funded with the same rate)
Drop-in centre	1 462
24-Hour Aftercare	1 878

The information submitted does not provide a clear indication of how many children and women were admitted to the shelter and the commensurate monetary allocation. This presents a challenge for the Commission in properly determining the relation between the cost model funding and the monthly subsidy provided to children.

4.4.2 Data of services rendered to people with disabilities, per person, per type of disability

Gauteng DSD submitted that psychological support given to PWDs is no different from that given to others. It was submitted that the social workers are mindful and sensitive to the various needs of those with disabilities. In instances where the shelter does not have the capacity and/or specialities, NPOs are often engaged to assist and provide assistance. While the Commission applauded the Gauteng DSD on some of the developments concerning the sensitisation of staff working with persons with disabilities, it observed that the Gauteng DSD did not provide the specifications as requested.

4.4.3 Sensitisation training in issues of the LGBTIQA+

Gauteng DSD has indicated that it will have a roll-out plan to assist staff members on issues of the LGBTIQA+ community. There has further been an undertaking to accommodate members from the LGBTIQA+ community in all shelters. The DSD is already funding Badumetse Batho (Sedibeng) as from 1 April 2019. This is to assist with sensitising the community of Sedibeng. Funding is also being processed for two other NPOs in the West Rand and Ekurhuleni.

4.5 Findings

Against this backdrop, the Commission made the following findings to Gauteng DSD:

- The DSD has a funding model; however, budget allocation is inconsistent, and shelters are not funded equally, even those with the same numbers of beneficiaries.
- The DSD, on admissions and exit, does not provide adequate reasons for why the maximum age is applied in relation to children who are accommodated in shelters.
- The DSD's guidelines are not gender sensitive, as admission is based on biological specification and not an individual's sexual orientation.
- The DSD did not provide data in relation to PWDs and per disability.
- The information provided by the DSD in relation to the allocation of subsidy for women and children is not detailed and lacks specifications.

4.6 Recommendations

Consequent to the findings above, the Commission made the following recommendations:

- The DSD should review its funding model and budget allocation to ensure consistency with the funding and/or costing model.
- The DSD must review its guidelines to properly set out criteria employed for admission of children who do not meet standard criteria. The DSD must further review its guidelines to ensure that these are gender sensitive.
- The DSD must schedule sensitisation training for staff, to adequately sensitise staff on issues of the LGBTIQ+ communities.
- The DSD must review its costing budget in relation to the subsidy of women and children accommodated at shelters. The DSD must provide the reviewed costing within 30 days upon issuing of this report.

5. Department of Social Development - North West

The North West DSD appeared before the Commission on the 4th of December 2019 and was duly represented by the Acting Head of Department, Ms Masego Mekgwe. The department was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the North West DSD. The Commission experienced challenges in obtaining a completed questionnaire timeously from this department, despite numerous reminders sent. A full discussion of the salient issues found in the responses of the North West DSD follows as well as other issues raised during the hearing.

5.1 Defining a shelter

The DSD defines a shelter in the following terms:

“A residential facility for all victims of crime and violence, as well as their care dependants up to the age of 18 years providing short-term intervention in a crisis situation for two weeks up to approximately six months, as the need dictates”.

The intervention includes meeting basic needs (protection, food and clothing) as well as support, counselling and skills development, including victims' rights and capacity building.

With this definition in mind, the DSD submitted that there are two shelters in the province, namely:

- Khuseleka One Stop Centre (state run), which is located in Vryburg at the Naledi Service Point in the Dr Ruth Segomotsi Mompati District Municipality. The centre accommodates ten family units, each with four beds, which means an overall total of 40 beds.

Its services include a 24-hour crisis centre; a shelter for victims of domestic violence and GBV for a maximum period of six months, and provision of accommodation for victims of human trafficking. The facility is state run and is funded by the DSD from the Departmental Equitable share. It is indicated that a cost centre had been established and R1 400 00¹⁷ allocated for operational costs for the 2019/2020 financial year. A further R500 000 was added to the goods and service training budget adjustment to relieve the institution for the last four months of the financial year.

¹⁷ Refer to 5.2

- Grace Help Centre (funded NPO), which is located in Mooinooi at the Madibeng Service Point in the Bojanala Platinum District Municipality.

The centre has 30 beds. Its services include a 24-hour crisis centre, accommodation for victims of human trafficking, and a shelter for victims of domestic violence and GBV for a maximum period of six months. This facility is an NPO that has been funded by the DSD since 2006. For the past five years, funding for the facility were as follows: R1 150 000 for the 2015/2016 financial year; R900 000 for 2016/2017, R870 000 for 2017/2018, R1 000 000 for 2018/2019 and R1 200 000 for the 2019/2020 financial year.

It is indicated that both facilities are subject to the minimum norms and standards and are striving towards the progressive realisation thereof. Moreover, the DSD ensures adequate monitoring of compliance and capacitating implementors at both facilities through training and resource mobilisation.

5.2 Analysis

It is recorded that the DSD did not adequately respond to the Commission and only provided a response to a question on funding. To this end, the DSD stated that it had been allocated “R1 400 00” for operational costs and that a further R500 000 had been added to relieve the institution for the last four months of the year. It is not clear whether the department meant to state the amount as R1 400 000 or R140 000. Nonetheless, the DSD neglected to provide an explanation on the additional R500 000 that was added as a relief to the institution.

It is not clear why the facility needed the extra amount and the basis on which it was provided. The cardinal question is whether this was due to the fact that the initial funding provided was not enough. Moreover, this begs the question of whether there is a standard procedure that can be followed when a facility has run out of funds and needs more funding.

The DSD provided the amount of funding received for the Grace Help Centre for the past five years. However, there was no response from the department on the process inherent in funding shelters and as such the Commission is unable to draw a conclusion on this aspect. What is clear though, is that the funding fluctuates from one financial year to another. It is expected that funding will increase steadily from year to year, however, during the 2015/2016 financial year, the facility received R250 000 less than the preceding financial year. Similarly, during the 2017/2018 financial year, it received R30 000 less than the preceding financial year. It is therefore key to understand the different dynamics that influence the funding model at the DSD.

According to the DSD both facilities are subject to the minimum norms and standards. However, these norms and standards have not been provided and as such the Commission is unable to verify this assertion. Verification is critical when considering the inconsistent funding models; for example, one shelter is able to spend funds as planned when funds are provided, while other shelters in the Eastern Cape require additional consent to use the funds despite such being released to the shelter.

Resource mobilisation and an integrated referral system could be a good practice which would need to be strengthened as the DSD needs support from other stakeholders such as the SAPS, particularly in cases of sexual violence.

5.2.1 Submissions during the investigative hearing

The DSD acknowledged that it had failed to submit information timeously to the Commission. It justified this late submission by suggesting that its report had to go through a quality assurance process. Nonetheless, the Commission permitted the DSD to present. Unfortunately, it failed to provide relevant information.

5.2.2 Further particulars from the DSD subsequent to the investigative hearing

The DSD submitted that there are two shelters in the province for the financial years 2017/2018, 2018/2019 and 2019/2020. One shelter is state run and one an NPO. A table reflecting these follows.

Table 12: Two North West shelters at a glance

NO	NAME OF SHELTER	LOCATION	DISTRICT	CAPACITY	MODEL
1.	Khuseleka One Stop Centre (state run)	Vryburg town in Naledi Service Point	Dr Ruth Segomotsi Mompati District Municipality	10 Family units each with 4 beds (40)	One Stop centre with: <ul style="list-style-type: none"> - 24-hour crisis centre - Shelter for victims of domestic violence, inclusive of GBV, for maximum stay of six months - Provision of accommodation for victims of human trafficking
NO	NAME OF SHELTER	LOCATION	DISTRICT	CAPACITY	MODEL

2.	Grace Help Centre (funded NPO)	Mooinooi In Madibeng Service Point.	Bojanala Platinum District Municipality	30 beds	Non-Profit Organisation providing: <ul style="list-style-type: none"> - 24-hour crisis centre - Accommodation for victims of human trafficking - Shelter for victims of domestic violence, inclusive of GBV, for maximum stay of six months
----	-----------------------------------	--	---	---------	---

The table that follows reflects the budget allocated for both state-run and NPO-run shelters in the North West:

Table 13: North West shelters' budget allocation

NO	NAME OF SHELTER	STATUS		
		2017/2018	2018/2019	2019/2020
1.	Khuseleka One Stop centre	R1 000 000	R887 000	R1 900 000
2.	Grace Help Centre	R870 000	R1 000 000	R 1 200 000

The following table reflects funding of NPOs, including crisis centres rendering Victim Empowerment Programme (VEP) services in the North West from 2017 to 2019.

Table 14: NPOs rendering VEP services in North West

DISTRICT	SERVICE POINT	ORGANIZATION	2017/2018	2018/2019	2019/2020
Dr Ruth Segomotsi Mompoti	Mamusa	Amalia	R0.00	R340 000.00	R 0.00
	Kagisano Molopo	Sirologang Trauma Relief	R500 000.00	R500 000.00	R580 000.00
	Naledi	Life Line Khuseleka	R1 000 000	R887 000	R1 900 000
	Greater Taung	Pudimoe Crisis Centre	R400 000.00	R500 000.00	R580 000.00
DISTRICT	SERVICE POINT	ORGANIZATION	2017/2018	2018/2019	2019/2020

Bojanala	Rustenburg	Kitso Ke Lesedi	R550 000.00	R571 000.00	R650 000.00	
	Rustenburg	Phokeng trauma centre	R 600 000.00	R500 000.00	R550 000.00	
	Moretele	Thusego Safe House	R400 000.00	R500 000.00	R550 000.00	
	Moses Kotane	Botshabelo crisis centre	R 350 000.00	R400 000.00	R460 000.00	
	Moses Kotane	Madikwe Victim Support Forum	R400 000.00	R400 000.00	R0.00	
	Madibeng	Grace Help Centre	R870 000.00	R1 000 000.00	R1 200 000	
		Loago La Rona	R200 000.00	R300 000.00	R0.00	
Ngaka Modiri Molema	Ramotshere Moiloa	Dirisanang information and care giver	R200 000.00	R350 000.00	R 460 000.00	
	Mafikeng	Lifeline NW Mafikeng crisis centre	R700 000.00	R500 000.00	R 1 600 000	
		Men for Real	R 0.00	R670 461.88	R690 000.00	
	Ratlou	Home of Hope	R 350 000.00	R420 000.00	R620 000.00	
		Botshelo Jwa Rona	R 0.00	R 0.00	R 1300 000	
	Ditsobotla	Thusanang Trauma Centre	R400 000.00	R498 000.00	R 580 000.00	
		Fountain of Hope	R334 000.00	R400 000.00	R430 000.00	
	Tswaing	Leretlhabetse	R 0.00	R300 000.00	R1 974 000	
	Dr Kenneth Kaunda	Matlosana	Lifeline Klerksdorp (Kosh Crisis Centre)	R500 000.00	R500 000.00	R600 000.00
		Maquassi Hills	Lifeline Klerksdorp (Kgakala crisis centre)	R400 000.00	R500 000.00	R600 000.00
JB Marks in Tlokwe		Lifeline Tlokwe Crisis Centre	R400 000.00	R500 000.00	R600 000.00	
		Banna ba Kae	R 0.00	R400 000.00	R600 000.00	
Ventersdorp		Banna buang	R450 000.00	R567 277.40	R600 000.00	

5.3 Analysis of the submitted information

The Commission found that the figures provided in the first response and the figures provided after the investigative hearing are the same; there are no discrepancies.

The DSD provided the Commission with a breakdown of funding for NPOs between 2017 to 2019, including crisis centres rendering VEP services. It is not clear whether the increase in terms of funding follows the CPI-related increase.

The DSD submitted that there are processes inherent in funding shelters in the province. To this end, a cost centre has been created and a budget has been allocated through the equitable share at the Khuseleka One Stop Centre. The budget covers compensation for employees, and goods and services. Employees are said to be recruited in line with Department of Public Service and Administration requirements through advertisements. Pertaining to the NPO-run shelter, crisis centres and white doors, the DSD has an approved policy on the NPO funding process flow and decision-making chain, which is outlined as follows:

Table 15: Process flow and decision-making chain for NPO funding

NO.	ACTIVITY	DATE
1.	Budget cycle proposals	July
2.	Confirmation of indicative figures: Programmes	August
3.	Calling for proposals (Advert out)	1 st of August
4.	Closing date for submission by NPOs	30 th of September
5.	Acknowledgement of submissions by Service Point	October
6.	Service Points preliminary validation of business plans	October
7.	District validations and recommendation to province	November
8.	Submission of validated business plans and district validation reports to province.	15 th of December
9.	Compilation of motivations for approval of business plans by provincial programmes	January/February
10.	Signing of service level agreements with NPOs	31 st of March
11.	Release of 1 st tranche as per schedule of payment	April/ May
12.	Monitoring reports by the NPOs, district and province and release of the remaining tranches	September / October

The NPOs are expected to submit business plans before the closing date of the advertisement and the DSD is expected to release funding by the beginning of the financial year. During business plan validations, NPOs are expected to comply with the following requirements:

- Signed business plan with clear objectives;
- Copy of signed constitution (with NPO office stamp);
- Latest audited financial statement or affidavit if not previously funded;
- Copy of certified NPO certificate;
- Online NPO registration status report (printout);
- Banking details (cheque account);
- Printout of Central Supplier Database (National Treasury) registration;
- Signed copy of section 38 (1)(j)(a) or (b) of PFMA;
- Certified ID copies of three signatories;
- Signature specimen of three signatories; and
- Proof of landownership or lease agreement.

The North West DSD asserts that it is expected to release funds by the beginning of each financial year. However, the NSM and various shelters across the province have indicated that programmes suffer due to late funding by the DSD. Due to the increased vulnerability of survivors because of funds being released late, it is imperative that the DSD develop mechanisms to address this.

The DSD asserts that it has a cost centre that has been created and that the budget is allocated through the equitable share.

The Commission observes that shelters operate differently, particularly when it comes to funding as has been mentioned in the report. To this end, shelters do not have or operate according to uniform, standard operating procedures. It is expressed that:

“The equitable share formula is the formula that is used by National Treasury to decide how to divide the state revenue between the national government, provincial governments and local governments. Social development services for vulnerable groups are mainly delivered at a provincial level, it is therefore important that the provincial departments of social development receive adequate budget to enable them to fulfil their service obligations. However, evidence shows that social development services are not adequately budgeted for at provincial level. The formula does not have a component for social services to vulnerable groups.”¹⁸

¹⁸ <https://pmg.org.za/committee-meeting/12194>. Social Development Budgetary Review and Recommendation Report 2010.

It is clear that the funding model for shelters does not provide adequate funding – the formula itself does not even have a component for social services to vulnerable groups.

5.4 Criterion used to determine if a shelter is adequately resourced by the DSD

The DSD expressed that it ensures that shelters have key resources, which include household aids, a general worker, a security guard, a social worker, an administrator, a centre manager and trained victim supporters and/or social auxiliary workers. Furthermore, the DSD ensures that shelters have proper infrastructure with adequate space to accommodate survivors. There is adequate security, furniture and a budget to cater for administration costs, goods and services and the compensation of employees.

The Commission observes that shelters do not adequately provide for children. As such, women who seek the services of a shelter have to be concerned about the age of their children, especially boy children, as there seems to be an age limit to boy children who can access shelters. Moreover, women are forced to share a bed with their children as most shelters do not provide beds for children.

5.5 What oversight does the DSD play in ensuring conformity and fairness in determining whether a survivor is ready to exit the shelter?

According to the DSD, the norms and standards stipulate the creation of individual development plans, incorporating weaknesses and resources that are available for the survivor to exit. Additionally, there is a constant assessment of the survivor's readiness to exit the shelter, and the social worker administers an exit or disengagement interview.

The DSD further shared that monthly monitoring is conducted by the district and provincial programme managers, and follow-up and aftercare service by the centre-based social worker and the social worker based at the ward/area where the survivor resides.

The Commission acknowledges that there are norms and standards. However, its fundamental question is what happens when the stipulated period of stay is over, and the victim is not ready to leave the shelter. Does the shelter or DSD make alternative arrangements for the accommodation of the survivor? For example, does the DSD engage with the departments of Housing or Human Settlements to make arrangements to facilitate a smooth transition for the survivor from the shelter into society? It is submitted that failure to take these proactive steps places survivors in a predicament.

The DSD was requested to provide an overall budget for the financial years 2017/2018, 2018/2019 and 2019/2020. It was also requested to indicate what percentage thereof is for the funding of shelters.

Table 16: Overall budget of the North West DSD

FINANCIAL YEAR	OVERALL DEPARTMENTAL BUDGET	OVERALL DEPARTMENTAL BUDGET FOR VICTIM EMPOWERMENT SERVICES	NPO TRANSFARE BUDGET ALLOCATED (VEP, SHELTERS and CRISIS CENTRES)	PERCENTAGE
2017/ 2018	R 1 525 356 000.00	R41 982 000.000	R10 434 000.00	24.8%
2018/ 2019	R 1 608 750 000.00	R51 638 000.00	R14 094 000.00	27.2%
2019/ 2020	R 1 717 355 000.00	R57 962 000.00	R18 054 000.00	31.14%

Funding for shelters has had a steady increase from 2017. From 2017/2018 to 2019/2020, funding for shelters has increased by 6.34%. This is a very low increase compared to the demand for shelters, with South Africa having one of the highest incidents of GBV. The DSD must do a cost exercise and determine whether the funding given to shelters is really adequate.

5.6 Findings

Considering the information presented, the Commission finds that:

- The DSD has not properly advised the Commission on what informs the decrease of funding of shelters, etc.
- The DSD pays funding late and this affects the implementation of projects and programmes in shelters.
- The DSD did not submit the required information before and during the investigative hearing. Relevant information was only submitted after the hearing, as a result, the information has not been interrogated.
- The findings captured in the Commission's 2015 report titled, 'A ship without a captain' remain applicable to the DSD. An overview of the findings by the Commission in this report indicated again a lack of clarity between the Victims Charter and the VEP.
- The DSD has not developed a proper funding model to ensure it protects victims of crime, and as a result some shelters have been closed or were not receiving funding.

5.7 Recommendations

It is recommended that the cost centre model and the equitable share should be studied in detail to ascertain whether it works out fairly for all shelters. In addition, the DSD must provide a plan with proper timelines on how the late payment of funding will be addressed so that shelters and, in turn, survivors, are not adversely affected by late payment of funds.

6. Department of Social Development - Mpumalanga

The DSD appeared before the Commission on the 2nd of December 2019 and was duly represented by the Head of Department Mr X Mahlalela. The Mpumalanga DSD was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges at and funding model of the Mpumalanga DSD. A full discussion follows of the salient issues found in the responses of the DSD and other issues discussed during the hearing.

There are 22 shelters in Mpumalanga with allocated budget. Two new shelters, GRIP Mkhonto Shelter and Middelburg Shelter Movement, allegedly have not received funding. The budget allocated during the financial year 2017/2018 corresponds with the one provided by the national DSD. It is noted that there was an increase in budget allocation during 2018/2019 and 2019/2020.

Table 17: Budget allocations – Mpumalanga

	2017/2018	2018/2019	2019/2020
Badplaas Shelter	R 750 000.00	R 850 000.00	R 900 000.00
Grace Shelter	R 700 000.00	R 1 000 000.00	R 1 000 000.00
GRIP Shelter	R 995 000.00	R 995 000.00	R 1 000 000.00

Process of shelter funding, and administration are as follows:

The DSD advertises a call for proposals for funding in the local print media. Interested applicants must submit business plans to the district offices. The DSD has a business plan template with a basket of services that is budgeted for. Applications received by the DSD are adjudicated by the committee at district level, and thereafter recommendations for funding are made. Subsequently, a list of NPOs recommended for funding is forwarded to the provincial office for approval by the Head of Department. The allocation of budget to organisations is made after signing a service level agreement. The agreement is signed between the organisation and the Head of Department, and a copy thereof provided to the organisation. Disbursements are made on time per quarter after submission of reports by the successful applicants.

It is observed that the criteria used to determine if a shelter is adequately resourced by the DSD focus on the needs and business plan of the shelter. The latter also outlines the resources and programmes of the shelter. The DSD could not provide a clear answer on how it measures impact of the services rendered by the shelter to the community,

good governance and accountability, statistics of victims accommodated, and infrastructure.

The DSD must ensure conformity and fairness in determining whether the survivor is ready to exit the shelter. To this end, registered, qualified social workers and auxiliary social workers are to provide psychosocial support.

Additional exiting protocols include the DSD screening victims, and preparing a detailed assessment and development plan based on the needs of the victim. Aftercare and reunification services are provided and the state of readiness gauged.

The DSD submitted that complaints by the victim are referred to the centre manager, management board, monitoring supervisor and escalated to the district coordinator and programme manager, if not resolved. The victim's stay may be extended on the recommendations of the social worker. Oversight monitoring of shelters is done by local district social workers and focuses on services rendered such as accommodation and basic needs such as food, clothes and toiletries, counselling services, life skills development, vocational skills development, and reunification and aftercare services.

6.1 DSD's overall budget for the financial year 2017/2018, 2018/2019 and 2019/2020; and percentage allocated for funding.

Table 18: Mpumalanga DSD's overall budget

	2017/2018	2017/2018	2018/2019	2018/2019	2019/2020
	Final Appropriation	Actual Expenditure	Final Appropriation	Actual Expenditure	Main Appropriation
Compensation of employees	R 16 997 000	R 16 702 000	R 18 049 000	R 18 049 000	R 19 429 000
Goods and Services	R 1 829 000	R 1 822 000	R 1 992 000	R 1 972 000	R 3 553 000
Transfer and subsidies	R 12 694 000	R 12 694 000	R 18 189 000	R 18 189 000	R 21 958 000
Payment for capital budget	R 284 000	R 284 000	R 448 000	R 447 000	R 100 000
Total	R 31 804 000	R 31 502 000	R 38 678 000	R 37 657 000	R 45 040 000
Total Departmental Budget					
% of VEP against Total Departmental budget	R 1 484 438	R 1 474 275	R 1 538 468	R 4 523 906	R 1 656 599

6.2 Findings

The Commission made the following adverse findings during the hearings:

- That funding to Standerton Victim Empowerment Centre (VEC) for the year 2019 was stopped due to alleged financial mismanagement.
- Allegations of fraud, mismanagement, gross negligence and misappropriation of funds and theft were levelled against the former Chief Executive Officer, Chairman and Financial Manager of GRIP¹⁹. All of them were summarily dismissed and criminal cases of fraud and theft reported and registered at Nelspruit SAPS under CAS 131/06/2019.
- Proposed funding of the GRIP Mkhonto shelter by the provincial DSD, whereas it is not registered and/or does not appear on the national database of NPOs. GRIP responded that it has a head office established in Nelspruit at Simunye Building, 46 Anderson Street. Management from its head office provides support and oversight to care rooms established in police stations, hospitals and courts.

The Mkhonto shelter is registered under GRIP's NPO number and not a standalone shelter; and fully funded by the DSD.

- Amazing Grace Shelter in Malelane had its name changed to Uthandiwe Children's Home.
- There are no CCTV cameras installed in some shelters around Mpumalanga province.
- Shelters do not accommodate PWDs.

The DSD failed to submit the following requested information to the Commission:

- Standard Operating Procedures and policies;
- Code of Conduct;
- Skills programmes offered in the shelters;
- Reports on the status of some shelters; and
- Service level agreements.

The DSD has further failed to submit information in relation to bed capacity in every shelter per month, number of family rooms per shelter or SAPS, accessibility for people with disabilities (PWDs) and LGBTIQ+ in shelters, and number of female and male children admitted at the shelter for the past three financial years.

¹⁹ <https://lowvelder.co.za/501412/thousands-pilfered-grip/> accessed on 31 January 2020

The DSD has submitted data of shelters accredited for human trafficking in Mpumalanga. These are:

- Masikhulumeni Madoda;
- Hands Off Women and Children;
- Mpumalanga Shelter Movement;
- Siphephile Haven;
- Badplaas Shelter;
- Vuwiselo Victim Empowerment Shelter; and
- Schoemansdal Victim Empowerment Shelter.

In the NAWONGO judgment²⁰, the high court held that the state's partial funding policy for NPOs is unfair and unreasonable. As such the court ordered the Free State Department of Social Development to revise its policy on financial awards to NPOs. The NPOs play a major role in delivering social services to children, older PWDs and others.

The judgement notes that inadequate funding violates the rights of children and other vulnerable groups that are laid down in the Constitution and in other legislations such as the Children's Act 38 of 2005 and Older Persons Act 13 of 2006.

6.3 Recommendations

The Mpumalanga DSD has failed and/or neglected to submit the information requested during the investigative hearings held in December 2019. The DSD failed to submit this information, notwithstanding the Commission's correspondence dated 11 December 2019. The Commission expresses its concern in this regard and views the failure to submit this information as non-compliant with the its recommendations. As such, the Commission shall explore legal remedies encapsulated in terms of the CGE Act to compel Mpumalanga DSD to submit the requested information. To this end, the Commission is unable to comprehensively assess the state of transformation in the identified shelters within the province.

²⁰ [2010] ZAFSHC 73

7. Gauteng Community Safety

The Gauteng Department of Community Safety (GDCS) appeared before the Commission on the 2nd of December 2019 and was duly represented by the Head of Department Ms Yoliswa Makhasi. The GDCS was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the GDCS. A full discussion follows of the salient issues found in the responses of the GDCS and other issues aired during the hearing.

7.1 Coordinated efforts between the GDCS and SAPS when dealing with dealing with issues of GBV

The GDCS indicated that it is responsible for Victim Friendly Rooms (VFRs) in all 142 stations in Gauteng. Ikhaya LeThemba (IKL) is one of the shelters which the GDCS oversees, and it submitted that the SAPS is the main feeder for IKL. The GDCS works directly with the criminal justice value chain to track cases from their inception, while working with the investigating officers throughout the case to support the victims. Victims from other provinces who are due to testify in court by request from SAPS are also accommodated.

7.2 Measures put in place by GDCS when victims are integrated back into society

According to the GDCS, family support is the key resource that is utilised when returning the victim back to the community. When victims are integrated back into society, they are linked with the available community resources for continuation. These include the various programmes that have been established in communities, which further enhance rehabilitation. Shelters often provide for skills development, and victims are also encouraged to utilise the skills acquired while at the shelter. Contact is maintained between the shelter and victim in the first three months. The GDCS further submitted that the only challenges it experiences is when victims no longer want to engage with families.

7.3 Is there a management system incorporated into the various shelters which allows victims to formally lodge a complaint when faced with challenges around violence within the shelter and secondary victimisation?

IKL has established internal processes for managing complaints from clients through residential services which filter the complaints and assign relevant units for handling.

The GDCS has further established a complaint management system that allows for aggrieved citizens to lodge a complaint.

7.4 Was the GDCS aware of the various litigation matters against IKL on the eviction of victims, and what is the GDCS doing to rectify this?

The GDCS confirmed that eviction processes against some of its clients have been instituted. Reasons for evictions include refusal to exit by clients who have completed their programmes and are no longer participating in any of the services provided.

7.5 Why is the GDCS responsible for overseeing IKL and not the DSD?

IKL received its delegated functions from the Premier, to serve GBV victims as a one-stop provincial centre and assumes its coordinating function in the criminal justice system with the following stakeholders:

- Department of Social Development;
- Department of Health;
- National Prosecuting Authority;
- Family Violence Child Protection and Sexual Offences;
- Department of Justice and Constitutional Development; and
- Department of Basic Education.

7.6 Information subsequent to the hearing

Pursuant to the hearing, the Commission requested the following information from the GDCS:

- IKL policies;
- List of SAPS stations with which the GDCS is involved;
- Complaint management system, and evidence on how the system functioned during the previous financial year;
- Admissions policy;

- Statistics in relation to survivors with disabilities and the assistance they receive;
- Statistics on the LGBTIQ+ community, and how such members are being assisted; and if service providers are sourced, a list of those service providers;
- The admission and eviction process;
- VEP centres – the minimum functionality and the functioning stations;
- Evidence provided by Gauteng DSD indicating that boys over 12 should not be allowed in these shelters;
- List of the NGOs that provide therapeutic services and their qualifications;
- Submission of the Memorandum of Understanding between the GDCS and DSD;
- List of accredited courses provided by IKL as at 2019/20 and those that are yet to be accredited;
- Current arrangement of LGBTIQ+ within the shelter;
- Number of beds in the shelter for the children;
- Cases that have been ring-fenced; and
- Programme offered for drug abuse.

7.7 Policies

7.7.1 Sexual Harassment Policy

In terms of this policy, the legislative framework does not make any provision for the Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 2005. It is essential that the GDCS refers to this code, as one of the main objectives of the code is to:

Encourage and promote the development and implementation of policies and procedures that will lead to the creation of workplaces that are free of sexual harassment, where employers and employees respect one another's integrity and dignity, their privacy, and right to equity in the workplace²¹.

Applying these principles as provided by the code will not only assist in ensuring governing rules relating to sexual harassment, but will further assist those of the LGBTIQ+ community who are subjected to incidents of this heinous behaviour. It has been noted

²¹ Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 2005, clause 1

that the policy lacks gender neutrality, and it is therefore imperative that in reviewing sessions, gender neutrality is reflected in the policy. Although the policy was previously developed for the GDCS, it is not clear whether this may also be applicable to IKL staff members and clients of IKL.

7.7.2 IKL Policy

Relevant to this investigation and highlighted during the hearings, were issues around housing and exit plans. The policy does indicate that IKL will provide housing to its survivors, this is to ensure that clients undergo holistic therapeutic services, while residing at the shelter.²² Accommodation at IKL may be provided for a period not exceeding six months.²³ In terms of the exit plan as contained in clause 7.4, clients may exit the shelter on the following basis:

- (a) Upon completion of six months' therapeutic services;
- (b) Self-release at any time during the six-month period; and
- (c) Expulsion due to contravention.

Victims who are allowed at IKL include victims of domestic violence, sexual offences, rape, compelled or induced indecent acts, child prostitution, child abuse and neglect, and victims of human trafficking. The policy is silent in relation to the people IKL admits. One of the prevailing questions was whether IKL makes provision for members of the LGBTIQ+ community, and the policy is silent in this regard. Although the GDCS refers to the Guidelines for Admission and Readmissions by Department, it is stipulated therein that admission will be per biological specification and not by sexual orientation or by the gender they identify with.²⁴ The problem worth noting is that the policy is silent on issues of LGBTIQ+ communities, and this may be a cause of concern especially when approached by clients who belong to this community. An argument may surface that IKL follows the DSD's guidelines on admissions and readmissions; however, the content of the clause contained therein only allows admittance by biological specification. In cases where an individual is gender non-conforming, this clause can be viewed as discriminatory. According to Prof. Ilyayambwa Mwanawina, Associate Professor of Law at North-West University, human rights are afforded to all people, regardless of their status or whether they are a majority or a minority. The legal system of a nation or a region must accommodate the changes that are occurring in society.²⁵

²² See clause 7.3 (a) of the IKL policy

²³ See Clause 7.3 (b) of the IKL policy

²⁴ Clause 7.2.3 of the Guidelines for admission, readmission, transfer and exiting of shelters for victims of crime and gender-based violence.

²⁵ Ilyayambwa, Homosexual Rights and the Law: A South African Constitutional Metamorphosis, *International Journal of Humanities and Social Science*, Vol. 2 No 4 [special issue- February 2012]

Policies and procedures are an essential component of any organisation. Policies are important because they address pertinent issues, such as what constitutes acceptable behaviour by employees.²⁶ Notably so, IKL has provided only one policy, which is a cause of concern for the Commission.

7.8 Statistics on the LGBTQIA+ and statistics on survivors with disabilities

IKL provides no specific register for LGBTQIA+ clients. All clients are recorded the same, there is no specific category. It has further been noted from the response that there has been no sensitisation workshop scheduled with clients on issues around LGBTQIA+.

In relation to victims with disabilities in the 2018/2019 and 2019/2020 financial years, it has been recorded that there has been one child, an 11-year-old boy, who attends a special needs school and receives treatment as a child with special needs.

7.9 The Draft Memorandum of Understanding between Gauteng DSD and GDCS

The Gauteng DSD and the GDCS are in the process of entering into a Memorandum of Understanding. The document is not a final document and remains silent on issues around the admission of the LGBTQIA+ community and those with disabilities. Reference is however made to the types of victim who will be accommodated by shelters. It is imperative that the two entities consider issues of the LGBTQIA+ and PWDs when finalising the draft. An explanation should also be provided regarding the relationship between the Gauteng DSD and the GDCS, in as far as which documents the GDCS will adopt when dealing with issues at IKL. Currently it is difficult to examine to what extent the relationship exists.

7.10 List of NGOs and their qualifications

The GDCS has indicated that IKL works with the following NGOs:

- Ithemba Rape and Crises Centre;
- Teddy Bear Clinic; and
- Life Line Benoni.

The GDCS has provided the qualifications of social workers, and the Commission has satisfied itself with such. However, it would be prudent for IKL to provide a proper breakdown of its staff composition and the qualifications and/or skills acquired by the vari-

²⁶ <https://www.convercent.com/blog/the-importance-of-policy-procedure>

ous workers. This is key to ascertain the skills of the staff members to ensure that proper and professional services are rendered by the shelter.

7.11 Victim Empowerment Centres and ring-fenced cases

Based on the information provided to the Commission, the GDCS has provided a status report on police stations with a VEC and a VFR. According to the report, these sites are declared functional if they comply with the SAPS National Instruction to feature the following:

- Have a dedicated space or office for reporting victims;
- Office consist of private receiving/counselling room;
- Accessible to victims of crime 24/7;
- Staffed or trained volunteers;
- Linkage of funded VEP NGO to provide therapeutic services;
- Assigned SAPS member;
- Office/room and victim-friendly space fully furnished, i.e. bed/couches, chairs and desk as well as a waiting area and children play area – if space is available;
- Register of recorded intake of victim located at VFR; and
- Centre to also have an update referral matrix.

According to the report, 143 stations have these VECs, but it has been noted that a considerable number of these stations are not funded. In Ekurhuleni North, none of the stations are funded. This raises concerns, as one of the requirements stated earlier is that these stations must have a linkage to a VEP NGO to provide therapeutic services. If the majority of these stations are not funded, it means that a considerable number of victims who turn to these stations are not offered adequate services. As such, it can be assumed that the majority of these VECs are not fully functional.

In terms of the ring-fenced cases, the GDCS reported that there are 550 ring-fenced cases in the 2019/2020 financial year. What is evident from these cases is that a significant number of them are still pending and under investigation, more than what is to be expected at this time.

7.12 Findings

- The Commission finds that the GDCS sexual harassment policy in its legislative framework does not refer to the Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 2005.
- The GDCS sexual harassment policy is not gender neutral, as it fails to accommodate and/or refer to members of the LGBTIQ+ community.
- The IKL policy fails to make provisions for members of the LGBTIQ+ community upon admission to the shelter.
- IKL does not have adequate policies, such as a Grievance Policy and Employee Wellness Policy.
- Majority of VECs and VFRs are not funded and as a result, not fully functional.

7.13 Recommendations

- The GDCS must review its sexual harassment policy to ensure that it follows the standards of the Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 2005.
- IKL must review its policies to ensure that it does not discriminate against those living with disabilities and members of the LGBTIQ+ community.
- IKL must provide a proper breakdown of the various NGOs it works with and their staff compositions. Proper qualifications and/or skills must be properly set out in this breakdown.
- IKL must conduct sensitisation workshops with the clients on issues of the LGBTIQ+ community within six months of issuing this report, and further furnish the Commission with the training content and registers within two months of completing the workshops.
- IKL should develop a standard operating procedure in relation to the intake and accommodation of the LGBTIQ+ and those victims with disabilities.

8. Department of Social Development - Free State

The Free State DSD appeared before the Commission on the 2nd of December 2019 and was duly represented by the Chief Director: Social Welfare Services, Ms Makgotso Motsemme Moseitlhe. The DSD was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the Free State DSD. A full discussion follows of the salient issues found in the responses of the DSD and further issues raised during the hearing.

8.1 Number of shelters, including the names of shelters in the province and the allocated funding per shelter for the 2017/2018, 2018/2019 and 2019/2020 period.

The total number of shelters in the Free State is seven, including safe houses (short-term accommodation of 72 hours). The DSD highlighted that the number of shelters covers all the districts within the Free State province; however, it admitted that some of the shelters are overstretched due to the demand. This marks an important aspect which the DSD needs to improve on.

Table 19: Funding of shelters in the Free State

Funding of shelters as percentage of total Departmental budget						
		2017/2018	2018/2019		2019/2020	
Departmental Budget Allocation		1 197 009 000	1 316 131 000		1 375 324 000	
District	Name of Shelter	Equitable Share	Equitable Share	VAWC Ear-marked ES	Equitable Share	VAWC Ear-marked ES
Fezile Dabi	Tumahole Shelter	209 851	220 973		319 103	
Mangaung	Rea Phela Safe House	134 874	142 022		195 374	274 250
Mangaung	Wepener Shelter		256 763	1 233 783	275 716	1 000 000
Thabo Mofutsanyane	Thusanang Shelter	228 954	318 545		328 052	274 250
Thabo Mofutsanyane	Tshepo Ya Rona Shelter	229 650	319 843		328 843	274 250
Lejweleputswa	Phelononofa Shelter			1 233 783		1 000 000
Lejweleputswa	Goldfields Shelter	294 392				650 000
Xhariep	Philani	103 499				
		1 201 220	1 258 146	2 467 566	1 447 088	3 472 750
Total allocation to shelters		1 201 220	3 725 712		4 919 838	
Funding of shelters as % of total budget		0,10%	0,28%		0,36%	

8.2 Analysis

The DSD indicated that the Shelter Strategy and Trafficking in Persons (TIP) Act²⁷, provide for the minimum norms and standards which guide the DSD in terms of funding.

The DSD submitted that the equitable share is the normal budget allocation from the provincial department to the respective shelters. It conceded that funding of shelters did not improve, which it also finds worrisome. Further reference was made to VAWC (Violence against Women and Children) funds. This is earmarked funding received from the national DSD, VEP, as additional funding to strengthen the services. The additional funding was only available from the 2018/2019 financial year, hence only two shelters benefited from said funds.

The VAWC funds were allocated for a three-year period of which the 2020/2021 financial year will be the last. The DSD reported that one of the deliverables is to establish and strengthen shelters. This was partially achieved with the opening of the eighth shelter in Wepener.²⁸ It was further submitted that from VAWC funding the DSD recruited an additional seven social workers.

The Commission expressed its dissatisfaction at the DSD's inadequate response to fulfil its obligation regarding funding, as stipulated in the NAWONGO judgment²⁹ where the court ordered the DSD to review and develop its funding policy. The Commission is also concerned that using the mentioned documents as a guiding tool, may not effectively make provision for programmes addressing GBV in the broader sense.

8.3 Explanation of funding process for shelters

The DSD submitted that it provides funding in line with business plans and available budget. The following are considered:

- The shelter has to be registered as an NPO and should be in possession of an NPO certificate.
- The organisation should have a board of directors, committee, and a constitution.
- The DSD advertises for service plans whereby the organisations apply for what they deem to be competent in according to service specifications.

²⁷ Prevention and Combating of Trafficking in Persons Act 7 of 2013

²⁸ The launch of the Wepener Shelter took place on 5 December 2019.

²⁹ National Association of Welfare Organisations and Non-Governmental Organisations and Others v Member of the Executive Council for Social Development, Free State and Others (1719/2010) [2014] ZAFSHC 127 (28 August 2014)

- Appraisals are conducted jointly by provincial and programme officials. If an organisation qualifies, a submission for funding will be compiled for approval by the Head of Department.
- The shelter will then be allocated funding pending availability of funds, subsequent to which a Memorandum of Agreement is signed.
- The agreement stipulates the conditions under which funding will be utilised. Should a need arise for the shelter to deviate, it must submit a request for deviation to the DSD.

8.4 Analysis

The Commission observed that the DSD does not have a proper funding model in place. This renders structural and financial inadequacies in the process followed by the Free State DSD. In a recent social media post the DSD indicated that it will not call for service plans from NPOs for funding in the 2020/2021 financial year, since no additional funds were received and no additional services are required as the current services provided by NPOs are sufficient. NPOs already receiving funding in the current financial year will continue to receive funding in the next financial year. When considering issues raised in the NAWONGO judgment, it was clear that less funding was provided to NPOs than what was needed for rendering proper services.

8.5 Standard used to determine if shelter is funded adequately

The DSD submitted that in the absence of a funding policy, the unit cost is determined based on the number of beds and the budget allocated for the financial year. The Shelter Strategy and TIP Act³⁰ further provides for the minimum norms and standards which further guide funding allocations.

The DSD indicated that it has since engaged KPMG to assist with the development of a costing model; however, this could not be implemented due to insufficient budget. The DSD referred to its statutory services that require funding, but which cannot be addressed by its budget allocation.

The response from the DSD is of great concern as funding directly impacts on the survivor as well as the integration process back into society. Considering that 1) funding is consistent and not increased, and 2) there is still non-compliance with the NAWONGO Judgment, the burden of insufficient funding will continue. Funds should be linked to

³⁰ Act 7 of 2013

the needs of the victims and ultimately the resource requirements for shelters to operate effectively, which is not currently the status in the Free State.

8.6 Oversight of the DSD to ensure conformity and fairness in determining whether a survivor is ready to exit the shelter

The social worker renders the following services to ensure conformity and readiness of the survivor to exit the shelter:

- Psychosocial support services;
- Reunification services to ensure that the survivor is reintegrated back with the family; and
- Referral for aftercare services.

The DSD submitted that it provides certain services to the survivors to ensure their readiness to be reintegrated into society. The response lacks information as to what process is followed to identify the needs of the survivor and whether the mentioned services adequately address all needs to successfully adapt and sustain themselves after exiting the shelter. The referral to aftercare service is also very vague and it is not clear what the impact and/or value of this service is.

8.7 Funding allocation for shelters

A notable increase in the percentage of funding can be seen from the table that follows. From 2017 to 2019 the DSD has increased its allocation for shelters from R1 201 220 to R4 919 838 through its equitable shares as well as earmarked funding.

Table 20: Increase in the percentage of funding

Financial Year	Department Overall Budget (NPI)	Percentage for Funding of Shelter
2017/2018	R7 412 000	16%
2018/2019	R9 879 566	37.7%
2019/2020	R 11 988 000	41%

8.8 Additional information

The DSD was requested to submit additional information in respect of unit costs and number of beneficiaries per shelter. The DSD's response indicated that the unit cost includes all the overheads and cost drivers for the shelters to provide their services. It was

also indicated that the DSD is aiming to expand services in the Phuthaditjhaba area, inclusive of the Xhariep area. Considering the recent media reports on the water shortage in the Phuthaditjhaba area, it is advisable that the DSD, in its budget preparations for the next financial year, also proactively addresses issues pertaining to the lack of water supply.

The DSD further indicated that children are being accommodated in shelters; however, only as secondary victims when their mothers are admitted. It was submitted that children are accommodated in terms of housing, food and a bed, while the Department of Education provides for teaching and learning programmes. Where children are the main victims of abuse, they are accommodated in terms of a court order in Youth Care Centres that provide relevant programmes.

a) TUMAHOLE SHELTER: Bed Capacity – 06

The following table suggests that this shelter mostly accommodates female victims.

Table 21: Tumahole Shelter overview

District	Funds Awarded	Beneficiaries accommodated from April 2019 to October 2019
FEZILE DABI	R319 103 Shelter Manager: R84 000 House Mother: R40 000 Administration: R10 000 Groceries: R60 000 Garden Services: R15 000 Rent and Maintenance: R60 000 Transport: R50 103	Total = 36 <ul style="list-style-type: none"> • 25 Women • 06 Boys. • 05 Girls

b) REA PHELA SAFE HOUSE: Bed Capacity – 10

According to the submitted information this shelter only accommodated female victims. The allocated funding will possibly be less in the next financial year due to the once-off allocations as stated in the following table. The DSD did not provide any breakdown of what constitutes shelter management.

Table 22: Rea Phela Safe House overview

DISTRICT	Funds Awarded	Beneficiaries accommodated from April 2019 to October 2019
MANGAUNG	R469 624: Breakdown as follows: Once off: Ramp for person with disabilities: R24 000.00 CCTV, alarm system: R200 000 Play equipment for children: R20 000 Shelter Management: R225 624	Total = 26 <ul style="list-style-type: none"> • 17 Women • 09 Girls.

c) WEPENER SHELTER: Bed Capacity – 14

This is a newly launched shelter with the majority of funding comprising once-off allocations.

Table 23: Wepener Shelter overview

DISTRICT	Funds Awarded	Beneficiaries accommodated from April 2019 to October 2019
Mangaung Metro	The shelter received R1M Breakdown as follows: Renovation and Maintenance: R150 000 Installation of CCTV: R300 000 Shelter provision: R200 000 Furniture: R60 000 Development toys of programmes: R65 000 Shelter Managers: R24 500 Social Workers: R84 000 Office Administration: R23 000 House Mothers: R43 400 Part time Bookkeeper: R7000 Telephones, Fax. Photocopy: R18000	No beneficiaries yet. Admission will commence from 1 December 2019.

d) THUSANANG SHELTER: Bed Capacity – 10

This shelter is situated in the Phuthaditjhaba area. This shelter accommodated the most victims, which speaks volumes about the GBV and similar cases in the area. Considering the number of victims recorded in the following table further aligns with the suggestion by the DSD to expand services in this area. It is noteworthy that this shelter accommodated more boy victims than girl victims. It is not clear what the amount for remuneration includes since there is already allocated budget for the staff at this shelter.

Table 24: Thusanang Shelter overview

DISTRICT	Funds Awarded	Beneficiaries accommodated from April 2019 to October 2019
<p>THABO MOFUTSANYANA</p>	<p>R602 302.02</p> <p>Renovations: R274 250 (Once off)</p> <p>Shelter Managers: R21 600</p> <p>House Mothers: R38 400</p> <p>Administrations: R10 000</p> <p>Groceries: R130 052.02</p> <p>Awareness and Information: R55 800</p> <p>Maintenance: R6000</p> <p>Adults: R35 000</p> <p>Bank changes: R35 00</p> <p>Personal Development: R 8000</p> <p>Part-time counselling: R36 000</p> <p>Remuneration: R7000</p> <p>Empowerment Programme: R8 200</p>	<p>Total = 131</p> <ul style="list-style-type: none"> • 61 Women • 39 boys • 31 Girls.

e) TSHEPO YA RONA SHELTER: Bed Capacity – 06

The information for this shelter highlights the same issues as those of the Thusanang Shelter. For this shelter there is also various once-off payments which will directly impact the budget allocation of the following financial year.

Table 25: Tshepo Ya Rona Shelter overview

DISTRICT	BED CAPACITY UNIT COST	Beneficiaries accommodated from April 2019 to October 2019
THABO MOFUTSANYANE	R603 093.59 Centre Managers: R11 000pm Social Auxiliary Workers: R7000pm Admin Support: R35000 Groceries: R5 333 Audit Fees: R2000 House Mothers: R2000 Transport: R5000 Furniture: R60 000 once off Renovations: R70 000 once off Security System: R20 000 Garden service: R 1000pm Rent: R4166 Admin cost	Total = 36 <ul style="list-style-type: none"> • 23 Women • 8 Girls • 5 Boys

f) PHELONONOFA SHELTER: Bed Capacity – 12

It is submitted that the funding in the next financial year will be less due to the once-off allocation for renovations. Victims accommodated are equal in terms of gender representation.

Table 26: Phelononofa Shelter overview

DISTRICT	Funds Awarded	Beneficiaries accommodated from April 2019 to October 2019
LEJWELEPUTSWA	R1m Breakdown as follows: Renovation and Maintenance: R300 000 Installation of CCTV: R35 000 Furniture: R150 000 Development of programmes: R10 000 Shelter Managers: R200 000 Social Workers: R60 000 House Mothers: R40 00 Administration: R10 000 Groceries: R60 000 Garden Service: R15 000 Rent and Maintenance: R60 000 Transport: R60 000	Total = 12 <ul style="list-style-type: none"> • 04 Women • 05 Boys • 03 Girl

g) GOLDFIELDS Shelter: Beds Capacity – 16

Table 27: Goldfields Shelter overview

DISTRICT	Allocated Funds	Beneficiaries accommodated from April 2019 to October 2019
MATJHABENG	The shelter is allocated R650 000 Renovation and Furniture: R150 000 R500 000 will be for service and the lines items are the following: Centre Managers: R 132 000 Social Auxiliary worker: R84 000 Admin Support: R42 000 Groceries: R64 000 Audit Fees: R3000 House Mothers: R48 000 Transport: R60 000 Garden: R10 000 Rent and Maintenance: R50 000 Admin Cost: R7000 Once-off Furniture: R60 000 Renovations: R70 000 Security System and Maintenance: R20 000	Total = 31 <ul style="list-style-type: none"> • 17 Women • 09 Girls • 5 Boys

Concerns were raised during the hearing in respect of the Goldfields Family Advice Centre, particularly related to the fact that the centre has not received funding for three years. The DSD indicated that the shelter unilaterally withdrew from funding, while the challenges cited by the shelter related to, among others, the delayed transfer of funds as well as the delay in receiving the accreditation certificate from the DSD.³¹ The DSD in its report conceded to the late transfer of funds to all shelters and recorded

³¹ Report submitted by Provincial DSD dated 23/04/2018

same as a departmental challenge. It submitted that all challenges has since been resolved and the shelter was funded from the earmarked funds.

A general observation in terms of funding is that all shelters received specific amounts on a once-off basis for renovation and/or maintenance and safety. The concern in this regard is linked to the media post that the DSD will not request business plans for the coming financial year and that the funded NPOs will continue to receive funding. The funding allocation will therefore be the same. It is thus questionable as to how the DSD will be able to justify the allocation, or what the respective shelters will do with the additional available funding and how it will align with the budget allocation by the national DSD.

8.9 Findings

- The Commission observed that the shelters within the Free State are not functioning optimally.
- It noted that the number of available shelters within the province is insufficient. The Commission found that the DSD is therefore failing in its duty of care in respect of the vulnerable victims within the province.
- The information provided suggests that the DSD had thus far failed to implement the NAWONGO judgment³², resulting in a costing model not being implemented for 11 years since the judgement.
- The current costing model in place does not show progressive realisation.
- The Commission noted the untruthful response from the DSD in terms of reasons for not funding shelters, with specific reference to the Goldfields Shelter.
- It further observed that the DSD deliberately attempted to obscure the amount of funding allocated to shelters in its report to the Commission.

8.10 Recommendations

The Commission will write to the Auditor-General with specific reference to the implementation of funds in relation to the impact of how same was spent.

³² National Association of Welfare Organisations and Non-governmental Organisations and Others vs The Member of the Executive Council for Social Development, Free State and Others. Case no: 1719/2010. Free State High Court]

9. Department of Social Development - Western Cape

The DSD appeared before the Commission on the 2nd of December 2019 and was duly represented by the Head of Department Mr Robert MacDonald. The DSD was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the Western Cape DSD. A full discussion follows of the salient issues found in the responses of the Western Cape DSD and additional issues raised during the hearing.

9.1 List the number of shelters, names and funding allocations from 2017 to 2020

The DSD submitted that victim empowerment services, inclusive of shelters, increased rapidly over the past 10 years. The listed shelters reside in the areas where the service is mostly required, considering accessibility and safety. Reference was also made to the Department of Housing: White Paper – A New Housing Policy and Strategy for South Africa.³³

Paragraph 3.3.8 of said document refers to sociological issues, stating the following: *“Special needs housing: prevalent social problems in South Africa have increased the need for special needs housing, such as old age homes, homeless shelters and frail care facilities.”*

The Western Cape DSD funds a total of 20 shelters, of which 16 can accommodate clients for three months or longer, and four are emergency safe shelters³⁴.

The transfer funds make up approximately 50% of the Western Cape DSD budget. In support of this statement the DSD stated that the departmental budget allocation grew from R7 million in 2009, to R46 052 million, with a total of R25.9 million for shelters specifically in 2019.

The DSD submitted that the budget allocation is solely derived from the National Treasury allocation, leaving the DSD to comply with internal policies as well as the needs of each individual shelter. It was further recorded that the Western Cape DSD was

³³ Department of Housing :White Paper - A New Housing Policy and Strategy for South Africa (http://www.dhs.gov.za/sites/default/files/legislation/Policies_Housing_White_Paper.pdf)

³⁴ As per response from the Western Cape DSD: Emergency safe space is a short-term safe space and the victim should not remain on the site for more than 14 days. The site operates as a local reception/assessment/referral (RAR) site. The site is linked to the closest professional facility.

requested to decrease its budget with R70 million due to the decrease in national revenue from the South African Revenue Services, failing state-owned enterprises, and a public sector wage bill that is growing above inflation.

Table 28: Western Cape shelters' overview

Name of shelter		2017/2018 Funding allocation	2018/2019 Funding allocation	2019/2020 Funding allocation
1.	ACVV Dysselsdorp	Not funded	R 289 300,00	R 466 704,00
2	Athlone House of Strength	R 745 341,00	R 1 038 601,00	R 1 100 365,00
3	Carehaven Centre – The Salvation Army (South Africa Territory)	R 1 279 917,00	R 2 001 318,00	R 2 109 911,00
4	Creating Effective Families	R 873 189,00	R 1 183 136,00	R 1 334 952,00
5	Holy Cross St Clare Sanctuary		R 227 234,00	R 707 550,00
6	L'Abrie De Dieu Safehouse	R 576 474,00	R 822 541,00	R 1 074 601,00
7	New World Foundation	Not funded	R 639 256,00	R 710 262,00
8	Philisa Abafazi Bethu Women's Centre	Not funded	R 335 040,00	R 509 130,00
9	Rural Institute for Education and Training	Not funded for a shelter	R329 360 (shelter cost)	R 773 180,00 (shelter cost and service organisation cost)
10	The Nonceba Family Counselling Centre Trust	R 1 901 803,00	R 2 234 614,00	R 2 199 360,00
11	Phambili Womens Shelter	R 1 009 893,00	R 1 274 206,00	R 1 499 085,00
12	Saartjie Baartman Centre for Women and Children	R 3 633 117,00	R 4 754 254,00	R 5 236 190,00
13	S-Cape	R 401 341,00	R 770 521,00	R 817 309,00
14	Sisters Incorporated	R 857 440,00	R 1 257 321,00	R 1 329 069,00
15	Siyabonga Huis van Danksegging	R 764 433	R 1 038 601,00	R 1 100 365,00
16	Sizakuyenza	R 764 433,00	R 1 038 601,00	R 1 100 365,00
17	St Anne's Homes Cape Town	R 783 525,00	R 1 065 941,00	R 1 128 953,00
18	The Safehouse	TPA 237 797	R 663 936,00	R 707 550,00
19	United Sanctuary Against Abuse	R 726 249	R 983 921,00	R 1 043 189,00
20	Worcester House of Hope	R 866 441.00	R 857 065,00	R 957 425,00

The following table relates to the geographical spread of the listed shelters indicative of the number of survivors assisted:³⁵

³⁵ Table supplied by the Western Cape DSD in its response submitted on 6 December 2019

Table 29: Geographical spread of shelters

Name of shelter	Type of shelter	Region	Geographic Location	Needs/Vulnerability of communities
ACVV Dys-seldorp	Emergency shelter	Eden Karoo	Dysselsdorp (Oudtshoorn is surrounding area)	<p>Verified statistics of NPO: 715 persons assisted with applications for protection orders at Oudtshoorn Court in period April-July 2019.</p> <p>Oudtshoorn identified in Top 30 stations for common assault; crime and drug-related crimes: SAPS Crime Statistics 2018/2019.</p>
Athlone House of Strength	Shelter	Cape Winelands/Overberg	Paarl (Paarl East is surrounding area)	<p>Verified statistics of NPO: 536 persons assisted with application orders at the Paarl Court in period April-July 2019.</p> <p>Paarl East identified in Top 30 stations for contact-related crime; malicious damage to property; burglary; theft out of or from motor vehicle: SAPS Crime Statistics 2018/2019.</p>
Carehaven	Shelter	Metro South	Bridgetown (based in broader Athlone area)	<p>Verified statistics of NPO working in the area: 146 clients assisted with legal and court support in period April-July 2019.</p> <p>Athlone identified in Top 30 stations for all theft; crime detected as result of police action; drug-related crimes: SAPS Crime Statistics 2018/2019.</p>
Creating Effective Families	Shelter	Eden Karoo	Mossel Bay	<p>Verified statistics of NPO working in the area: 207 clients assisted with protection orders in period April-July 2019</p>

Name of shelter	Type of shelter	Region	Geographic Location	Needs/Vulnerability of communities
Holy Cross St Clare Sanctuary	Shelter	Metro North	Atlantis	<p>Verified statistics: 43 clients assisted at Atlantis TCC in period April-July 2019</p> <p>Atlantis identified in Top 30 stations for drug-related crimes; crime detected as result of police action; common assault; illegal possession of firearm and ammunition; contact-related crime; malicious damage to property: SAPS Crime Statistics 2018/2019.</p>
L' Abrie De Dieu Safehouse	Shelter	Cape Winelands/Overberg	Stellenbosch	<p>Stellenbosch identified in Top 30 stations for contact-related crime; community reported serious crimes; arson; malicious damage to property; property-related crimes; theft out of or from motor vehicles; other serious crimes ; all theft: SAPS Crime Statistics 2018/2019.</p>
New World Foundation	Emergency Shelter	Metro South	Lavender Hill (Steenberg; Grassy Park are surrounding areas)	<p>Verified information: 439 clients assisted at Victoria Hospital Forensic Unit, from Wynberg and broader catchment areas in period April-July 2019</p> <p>Steenberg and Grassy Park identified collectively in Top 30 stations for common assault; contact-related crimes; drug-related crimes; malicious damage to property; crime detected as result of police action; attempted murder; illegal possession of firearm and ammunition; all theft not mentioned elsewhere: SAPS Crime Statistics 2018/2019.</p>

Name of shelter	Type of shelter	Region	Geographic Location	Needs/Vulnerability of communities
Philisa Abafazi Bethu Women's Centre	Emergency Shelter	Metro South	Wynberg (Grassy Park is surrounding area)	<p>Verified information: 439 clients assisted at Victoria Hospital Forensic Unit, from Wynberg and broader catchment areas in period April-July 2019</p> <p>Wynberg and Grassy Park identified collectively in Top 30 stations for common assault; contact-related crimes; malicious damage to property; all theft not mentioned elsewhere; crime detected as a result of police action; drug-related crimes; theft out of or from motor vehicles; SAPS Crime Statistics 2018/2019.</p>
Rural Institute for Education and Training	Emergency Shelter	Cape Winelands / Overberg	Caledon	Only shelter to service large peri-urban to urban area.

Name of shelter	Type of shelter	Region	Geographic Location	Needs/Vulnerability of communities
<p>Nonceba Family Counselling Centre Trust</p>	<p>Shelter</p>	<p>Metro East</p>	<p>Khayelitsha (Mfuleni, Harare are surrounding areas)</p>	<p>Verified statistics: 187 clients assisted at Khayelitsha TCC in period April-July 2019.</p> <p>Verified statistics: 693 persons assisted at Khayelitsha Court support in period April-July 2019.</p> <p>Verified statistics: 478 clients assisted at Blue Downs Court support in period April-July 2019.</p> <p>Verified statistics: 68 clients assisted at Khayelitsha sexual offences court in period April-July 2019.</p> <p>Khayelitsha, Mfuleni and Harare identified collectively in Top 30 stations for rape; sexual offences; murder; contact-related crime; arson; malicious damage to property; attempted murder; common assault; robbery with aggravating circumstances; trio crimes; carjacking; robbery at residential property; truck jacking; contact-related crimes; illegal possession of firearms and ammunition; community reported serious crimes: SAPS Crime Statistics 2018/2019</p>

Name of shelter	Type of shelter	Region	Geographic Location	Needs/Vulnerability of communities
Phambili Women's Shelter	Shelter	Eden Karoo	George (Thembaletu is surrounding area)	<p>Verified Statistics: 375 clients assisted with protection orders at Thembaletu Court and 460 clients at George Court in period April-July 2019</p> <p>Verified statistics: 42 clients assisted at George Thuthuzela care centre (TCC) in period April-July 2019</p> <p>George identified in Top 30 stations for burglary at non-residential premises. Thembaletu for arson: SAPS Crime Statistics 2018/2019.</p>
Saartjie Baartman Centre for Women and Children	Shelter	Metro South	Heideveld/Manenberg	<p>Verified statistics of NPO working in the area: 146 clients assisted with legal and court support in period April-July 2019.</p> <p>Verified statistics: 579 cases assisted in period April-July 2019.</p> <p>Athlone and Manenberg identified in Top 30 stations for collective issues of: contact-related crime; attempted murder; all theft not mentioned elsewhere; crime detected as result of police action; drug-related crimes; malicious damage to property; illegal possession of firearm and ammunition: SAPS Crime Statistics 2018/2019.</p>
S-Cape	Shelter	Metro South	Muizenberg	Dedicated shelter for high-risk clients

Name of shelter	Type of shelter	Region	Geographic Location	Needs/Vulnerability of communities
Sisters Incorporated	Shelter	Metro South	Kenilworth	<p>Verified information: 439 clients assisted at Victoria Hospital Forensic Unit, from Wynberg and broader catchment areas in period April-July 2019.</p> <p>Wynberg identified in Top 30 stations for drug-related crimes; theft out of or from motor vehicles: SAPS Crime Statistics 2018/2019.</p>
Siyabonga Huis van Danksegging	Shelter	West Coast	Vredenburg	Only shelter to service large peri-urban to urban area on the West Coast.
Sizakuyenza	Shelter	Metro South	Philippi (Philippi East; Nyanga; Gugulethu are surrounding areas)	<p>Philippi; Philippi East; Nyanga; Gugulethu identified collectively in Top 30 stations for rape; sexual offences; murder; attempted murder; kidnapping; assault with intent to inflict grievous bodily harm; common assault; common robbery; robbery with aggravating circumstances; contact-related crime; contact crimes; drug-related crimes; crime detected as result of police action; illegal possession of firearm and ammunition; trio crimes; robbery at residential premises; malicious damage to property; arson; community reported serious crimes; car-jacking; SAPS Crime Statistics 2018/2019.</p>

Name of shelter	Type of shelter	Region	Geographic Location	Needs/Vulnerability of communities
St Anne's homes	Shelter	Metro North	Woodstock	<p>Verified Statistics: 83 clients assisted in sexual offences court at Cape Town court in period April-July 2019.</p> <p>Woodstock and Cape Town Central identified collectively in Top 30 stations for drug-related crimes; crime detected as result of police action; contact crimes; common robbery; robbery with aggravating circumstances; other serious crimes; community reported serious crimes; theft out of and from motor vehicles; commercial crime; all theft not mentioned elsewhere: SAPS Crime Statistics 2018/2019.</p>
The Safe-house	Shelter	Metro South	Noordhoek	<p>Verified information: 439 clients assisted at Victoria Hospital Forensic Unit, from Wynberg and broader catchment areas in period April-July 2019</p> <p>Only shelter in the Deep South catering for Ocean View and Masiphumelele areas.</p>
United Sanctuary Against Abuse	Shelter	Metro North	Atlantis	<p>Verified statistics: 43 clients assisted at Atlantis TCC in period April-July 2019</p> <p>Atlantis identified in Top 30 stations for drug-related crimes; crime detected as result of police action; common assault; illegal possession of firearm and ammunition; contact-related crime; malicious damage to property: SAPS Crime Statistics 2018/2019.</p>

Name of shelter	Type of shelter	Region	Geographic Location	Needs/Vulnerability of communities
Worcester House of Hope	Shelter	Cape Winelands/ Overberg	Worcester	<p>Verified statistics: 281 clients assisted at Worcester TCC in period April-July 2019</p> <p>Worcester identified in Top 30 stations for drug-related crimes; common reported serious crimes; crime detected as result of police action; common assault; contact-related crime; malicious damage to property; arson; all theft not mentioned elsewhere: SAPS Crime Statistics 2018/2019.</p>

The statistics in this province are worrisome as these paint a clear picture of GBV being prevalent. The information further suggests a close relationship between the Thuthuse-la Care Centre and the shelters, which is commendable since addressing and limiting GBV require a joint effort by all relevant stakeholders.

9.1.1 Analysis

The Commission observed that the Western Cape province has 20 functioning shelters that are all funded. The information submitted suggests that during 2017, five shelters were not funded. However, this status changed in the subsequent financial years. Although the funding increases substantially every financial year, the amounts allocated to shelters in the province are still not uniform. The possible budget cut will have a negative impact on the functionality of the shelters and is noted with great concern. The DSD conceded that disability access at shelters currently poses a challenge and was flagged to receive urgent attention. The Commission welcomes the proactive approach by the DSD in addressing this issue since it was submitted that funds were allocated to shelters to ensure that these are more accessible.

It was noted that the Ilitha LaBantu shelter was not included in the list of active shelters in the province. The Western Cape DSD VEP asserts that it does not fund Ilitha LaBantu (a national NGO that deals with violence against women and children), and therefore does not monitor activities at the organisation. The DSD indicated that the national DSD funded the organisation through CARA funds. It will, however, be prudent for this office to at least take note of the activities and report and/or note best practices or challenges. It is recorded that the Western Cape had the highest proportion of house-

holds that experienced assault compared to other provinces³⁶. It is thus evident that the situation of violence is rife in the Western Cape and cuts across race, class, gender, religion and culture.

9.2 Explanation of funding process for shelters

The Western Cape DSD submitted that funds for NGOs are allocated according to the NGO Funding Policy, guided by strategic priorities and legislative mandates. The department further submitted that after submission of business plans, the Western Cape DSD and the respective NGO embark on a negotiation process to evaluate the actual funds needed by the shelter against available funds from the DSD. The DSD substantiated this statement and indicated that funding to NGOs is subsidy based and therefore not supposed to cover 100% of funding required. The DSD submitted its intention to provide increased funding to already funded shelters in line with inflation.

The funding process entails³⁷:

- Call for Proposals is advertised in media.
- Business plans in a prescribed format are submitted by shelters by due date.
- Shelter must be registered as an NPO, Trust or NPC to qualify for funding.
- Additional information that is required for shelters includes a population and fire certificate issued by the local municipality.
- Policy developers assess business plans with special focus on governance, financial management and the ability of the NPO to render the service.
- The monitoring and evaluation team conducts a pre-funding visit. Governance and financial management systems are scrutinised, and a social worker assesses if services are compliant with norms and standards.
- Submission is drafted with funding recommendation to be signed off by the Executive.
- The Transfer Payment Agreement is signed.
- The NPO submits reports using the approved Quarterly Progress Report format, including registers of newly admitted victims for the quarter.
- Policy developers analyse information submitted, and a funding approval grid is sent to the Funding Unit for approval of funding.

³⁶ Stats SA 2018-2019, p29

³⁷ As per the response from the DSD

It is observed that due processes are being followed in the allocation of funding for shelters and this is done through requests for business plans and assessments of services. Moreover, processes are being guided by a provincial policy, which is said to be aligned with the funding policy underway by the national DSD.

The pre-funding visit suggests active involvement by the DSD and not mere documents being submitted without consideration of all critical aspects to make an informed decision. The DSD is applauded for its endeavour to provide funded NGOs with inflation-related increases annually. The statement that discussions around funding also takes place is found to be a positive contribution in the realisation of the NAWONGO Judgment.³⁸

9.3 Criterion used to determine if shelter is funded adequately

The DSD indicated that it has been following a process that lists the items to assist with the running of the shelters and ultimately determining the required budget per shelter:

- Unit cost: 2019/2020 allocation is R2 174 per bed per month
- House mothers: 2019/2020 allocation is for three house mothers per shelter @ R4 000 per month
- Security: 2019/2020 allocation is R2 500 per month
- Skills development: 2019/2020 allocation is R2 500 per bed per shelter
- Social workers: 2019/2020 allocation is R16 511 per month, additional 25% admin cost of R4 128 per month
- Social auxiliary worker (if shelter has more than 10 beds): 2019/2020 allocation is R7 129 per month, additional 25% admin cost of R 1 782 per month.

In addition, the DSD confirmed that all funded shelters accommodate children. It was further submitted that shelters have their own admission criteria, especially with regards to age and admission of boy children. This is mainly as a result of shelters not having family units. Social workers also reported that they work with the DSD or designated child protection organisations to place children in safety if required. See following breakdown.³⁹

³⁸ National Association of Welfare Organisations and Non-Governmental Organisations and Others v Member of the Executive Council for Social Development, Free State and Others (1719/2010) [2014] ZAFSHC 127 (28 August 2014)

³⁹ Table provided by the WC Provincial Department for Social Development submitted on 06 December 2019

Table 30: Admission criteria and services rendered at shelters

	Name of shelter	Children admission criteria	Services rendered
1.	ACVV Dysselsdorp	Boys and girls admitted up to the age of 16 years. Works with DSD if children must be placed in place of safety	Therapeutic services (provided by DSD, or DSD-mandated social worker) Facilitates access to early childhood development (ECD)/school
2	Athlone House of Strength	Admits girls up to 12 years Admits boys up to 10 years	Therapeutic services Facilitates access to ECD/school
3	Carehaven Centre – The Salvation Army (South Africa Territory)	Admits boys and girls up to 7 years	Therapeutic services Facilitates access to ECD/school
4	Creating Effective Families	Admits girls up to 18 years Admits boys up to 12 years	Therapeutic services Facilitates access to ECD/school
5	Holy Cross St Clare Sanctuary	Admits girls child up to 10 years Admits boys child up to 6 years	Therapeutic services Facilitates access to ECD/school
6	L'Abrie De Dieu Safehouse	Admits boys and girls up to 10 years Admission criteria does make provision for special circumstances to extend the age of the child	Therapeutic services Facilitates access to ECD/school
7	New World Foundation	Admits girls up to 18 years Admits boys up to 12 years	Therapeutic services Facilitates access to ECD/school
8	Philisa Abafazi Bethu Women's Centre	Admits girls up to 18 years Admits boys up to 12 years	Therapeutic services Facilitates access to ECD/school
9	Rural Institute for Education and Training	Admits boys and girls up to 18 years	Therapeutic services Facilitates access to ECD/school
10	The Nonceba Family Counselling Centre Trust	Admits girls up to 18 years Admits boys up to 12 years	Therapeutic services Facilitates access to ECD/school
11	Phambili Women's Shelter	Admits girls up to 18 years Admits boys up to 12 years	Therapeutic services Facilitates access to ECD/school
12	Saartjie Baartman Centre for Women and Children	Accepts all children up to the age of 18 years	Therapeutic services Facilitates access to ECD/ school
13	S-Cape	Accepts all children up to age of 18 years	Therapeutic services Facilitates access to ECD/school
14	Sisters Incorporated	Admits boys up to 10 years Admits girls up to 18 years	Therapeutic services Facilitates access to ECD/school
15	Siyabonga Huis van Danksegging	Admits boys up to 10 years	Therapeutic services Facilitates access to ECD/school
	Name of shelter	Children admission criteria	Services rendered

16	Sizakuyenza	Admits girls up to 18 years Admits boys up to 10 years	Therapeutic services Facilitates access to ECD/school
17	St Anne's Homes Cape Town	Admits boys and girls 0 – 5 years old	Therapeutic services Facilitates access to ECD/school
18	The Safehouse	Admits girls and boys up to 18 years	Therapeutic services Facilitates access to ECD/school
19	United Sanctuary Against Abuse	Admits girls up to 10 years Admits boys up to 10 years	Therapeutic services Facilitates access to ECD/school
20	Worcester House of Hope	Admits girls up to 18 years Admits boys up to 10 years	Therapeutic services Facilitate access to ECD/school

9.3.1 Analysis

It is observed that a structured process is being followed by identifying actual expenses (specific unit costs) for shelters, informed by daily operations and services rendered. In terms of the provincial policy, it was noted that the shelter must also provide quarterly reports that include the number of victims per shelter etc. This approach followed by the provincial DSD is found to be reasonable and enables justification of the budget allocation and/or the increase thereof. The Commission, despite the reasonable costing model used, found that the funding allocation were insufficient.

From the earlier table, a clear distinction was observed in terms of the different ages of boys and girls accommodated in shelters, leaving the boy child with further disruption and possible trauma. A further notable factor is the unit cost of R2 174 per bed received by a shelter. The DSD recorded that this amount stays the same irrespective if the victim is a child.

The DSD highlighted its partnership with the Triangle Project since the 2016/2017 financial year. The project's main objective is to assist with sensitisation of departmental social workers as well as shelters in terms of LGBTIQ+ victims. The DSD stated that in the Transfer Payment Agreement with the Triangle Project there is a specific output that requires Triangle to assist with sensitisation of social workers. The initiative was well received by the Commission.

The DSD submitted that the Saartjie Baartman Centre provides accommodation to victims of the LGBTIQ+ community in a room that has two beds and a separate bathroom. The social workers reported that a need assessment is done once a victim is admitted to the shelter, and the therapeutic programme for the victim is then agreed upon based on the needs identified. The shelter reported that LGBTIQ+ victims often choose to be part of the group sessions with other residents and work closely with the Triangle Project to address any challenges.

9.4 Oversight of the DSD to ensure conformity and fairness in determining whether a survivor is ready to exit the shelter

According to the DSD, shelters are managed by NPOs, but compliance with the minimum standards for service delivery in victim empowerment is monitored by the DSD. Service delivery standards indicate that all victims who enter a shelter must have an individual development plan and a reintegration plan that will assist the victim and her/his family to successfully reintegrate back into the community. It is asserted that all social workers in shelters are required to go through the Restoration and Healing Programme training that guides the social worker on what areas to cover (therapeutic and practical) while the victim is at the shelter.

Social workers are part of the monitoring team that conducts an onsite visit, as per the approved Monitoring Plan, and will go through files of victims to assess compliance with standards. After the monitoring visit, the social worker will develop a Service Delivery Improvement Plan to address any service delivery gaps that were identified onsite, including a recommendation about the exit plan of residents.

The DSD asserts that the VEP requested FAMSA Western Cape to facilitate a workshop in October 2019 to develop uniform templates for shelters. The form will guide the process from intake to reintegration and aftercare plan. The reintegration plan must include safety plans for the victim and the children.

9.4.1 Analysis

There is a formal process followed to assess the state of survivors before they are reintegrated back in society. Reference was made to a monitoring plan, but said plan was not provided. The individual development plan is commended as this mechanism can assist to identify strong/positive skills of the survivor and how same can be used to his/her advantage. This also creates an opportunity to identify gaps where development is required. The DSD relayed its own displeasure with the services rendered to victims, specifically subsequent to shelter support. The Commission supports the intentions of the DSD to address this matter in the collaborative effort with FAMSA Western Cape. The safety plan referred to by the DSD suggests a combined effort by the Department of Justice and Constitutional Development, the NPA and the National House of Traditional Leaders (NHTL). The said document assists victims to identify the various forms of abuse and what steps to follow, inclusive of details of nearby police stations.

9.5 Funding allocation for shelters

Funding for the VEP has increased significantly over the past five years. In 2013/2014 the transfer funding allocation was R15 560 million and in 2019/2020, R46 052 million.⁴⁰

9.6 Additional information submitted

The DSD submitted its skill development plan for shelters. The Commission observed that the shelters provide both accredited and non-accredited programmes to victims. It should be noted that the programmes differ between shelters and in all instances the non-accredited programmes are in the majority. Some shelters did not provide any programmes and cited time limitations as the reason.

The programmes listed suggest skills development with the view to reintegrate the survivor back in society, skilled and ready to enter the labour market. The challenges identified relate to funding (cost of courses), educational requirements for admission to courses and language. Where educational requirements are not met, the DSD should explore the possibility of reaching out to the Department of Education.⁴¹

The Commission further requested insight on the evaluation report on psychosocial services funded by DSD at selected Thuthuzela Care Centres (TCCs). The aim of the project was, among others, to make recommendations to improve services rendered to victims of sexual offences. The study found that the majority of the victims are females with low socio-economic status, lack of safety etc. One of the key findings was the referral pathway between service providers, which was found to be confusing, creating long waiting lists and possible further trauma for the victim. A further concern was that many referred cases were identified to be children and only TCCs in the metro were funded. The recommendation to this finding was that services be expanded inclusive of strengthening after-hour child-protection services and accessibility.

9.6.1 The report on evaluation of shelter services for victims of crime and violence in the Western Cape

At the time, the evaluation focused on the 13 NGOs funded by the provincial DSD and aimed to assess the services available at the shelters, identifying shortcomings and possible resolutions.

⁴⁰ As per response from the DSD

⁴¹ Specifically, in instance where survivors may not have completed Gr 12, which is the basic requirement for most programmes and employment opportunities.

Some of the main gaps in shelter service delivery were found to be:

- Limited time allowed at the shelters, which poses a challenge when referring to skills development plans.
- The lack of inter-departmental and inter-sectoral collaboration.
- The gap in emphasis on the family in shelter services and the subsequent importance of a family-approach to shelter services. The DSD submitted that currently shelters do not make provision for family rooms.
- Male children over 10 years old are neglected in shelter services. This matter was addressed to some extent as some shelters accommodate boys until the age of 12 years. The majority of the shelters still only accommodate boys until the age of 10 and in some instances not at all.

The main recommendations relate to strengthening of strategic partnerships with national and provincial departments of Human Settlements.

9.7 Findings

The Commission found the following:

- The DSD is applauded for its effort to respond to the Commission. Its response included a number of supplementary policy documents which assisted with the response, despite the gaps identified in the current national policies.
- The DSD conceded that although the current cost model implemented is commendable, the actual allocation of funding remains insufficient.
- The DSD further conceded that access to shelters for PWDs were not initially a considered standard; however, its response indicated that it had commenced with a process of funding allocations based on the outcome report by the Commission on the State of Shelters.
- The DSD highlighted the challenges it faces in terms of supervisors for newly appointed social workers, their tools of trade and office space. The possible budget cuts in the new financial year might further hinder the DSD to adequately address this matter.
- The Commission enquired if the DSD and/or shelters make provision for training of staff, specifically focusing on members of the LGBTIQ+ community and their respective needs.

9.8 Recommendations

The Commission recommended that training for staff, focusing on members of the LGBTIQA+ community and their respective needs, be implemented within six months following the hearing.

10. Department of Social Development - Northern Cape

The DSD appeared before the Commission on the 3rd of December 2019 and was duly represented by the Head of Department Ms Hendrina Samson. The DSD was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the DSD.

10.1 Shelters in the Northern Cape

Table 31: List of shelters in the Northern Cape

Name of Shelter	District	Budget 2017/2018	Budget 2018/2019	Budget 2019/2020
1.Bopanang Shelter	Upington, ZFM District	VEP BUDGET 5 420 000.00 (0.265% of the VEP Budget is spend on shelters)	VEP BUDGET 11 048 000.00 (0.265% of the VEP Budget is spend on shelters)	R890 000.00 (together with Princess Pofadder)
2.Princess Pofadder	Keimoes, ZFM District			
3.Bankhara White Door	Kuruman, JTG District			R250 000.00
4.Seoding White Door	Kuruman, JTG District			R700 000.00
5.Kimberley Shelter	Kimberley, Frances Baard District			R450 000.00
6.Colesberg Shelter	Colesberg, Pixley ka Seme District			R575 000.00
7.Ethembeni Shelter	De Aar, Pixley ka Seme			R540 000.00

The Northern Cape province is the biggest province in the country geographically, but it has only seven shelters across the four districts. The only district without a shelter is Namakwa. The Northern Cape DSD engaged NGOs to partner and establish a shelter in Namakwa to no avail. Pursuant to the Shelter Investigative Hearing of the Commission, the Northern Cape DSD initiated a process of establishing a shelter in Port Nolloth, Namakwa district.

The Postmasburg Shelter is not operational but received funding of more than R500 000 for establishment over two financial years. The Northern Cape DSD cited property transfer challenges/disputes as the reason for the shelter not being operational.

The Northern Cape DSD could not account for the contradicting and insufficient infor-

mation regarding the fund allocation to shelters from 2017 to 2020. It provided an unconditional apology to the Commission for its discrepancies regarding the amounts of funding allocated to shelters. The conduct of the Northern Cape DSD is likely contrary to the provisions of the Public Finance Management Act 1 of 1999 regarding accountability.

10.2 Processes inherent in funding shelters

Shelters should comply with the legislation and policies that regulate services to victims in shelters and according to the VEP mandate. One of the most important requirements for shelters managed by NPOs is to comply with the Nonprofit Organisation Act 71 of 1997 as amended, and with the Public Finance Management Act 1 of 1999. It must provide annual audited financial reports if funded by the Northern Cape DSD. Six out of the seven shelters are government managed. These shelters are paid out of the goods and services budget of the VEP.

The VEP support services is still a Bill; it affirms that facilities will be registered, and programmes will be accredited. The national DSD is in consultation with the SETAs to seek assistance with the accreditation of the programmes to ensure readiness once the Bill is enacted.

The Northern Cape DSD acknowledged that there is a lack of norms and standardised regulation for shelters in comparison to the practices of other provincial DSD.

10.3 Criteria for adequately resourced shelters

While minimum norms and standards for operating shelters exist, the information obtained illustrates inconsistent funding and resource allocations to shelters.

The DSD uses the DSD Minimum Standards on Shelters for Abused Women as a yardstick to determine if the shelters are adequately resourced. It is of the view that Northern Cape shelters are in fact adequately resourced. However, the same cannot be said when comparing the allocation of funds and resources to shelters in other provinces. The Northern Cape allocation is considerably lower. The percentage spent on shelters by the Northern Cape DSD is 0.0027% of the VEP budget.

The Northern Cape DSD is offering a stipend of R1 600 per month to house mothers. It will assess the availability of the funds to attempt to comply with the minimum wage allocation of R3 500 per month.

10.4 Shelter access for PWDs and the LGBTIQ+

The Northern Cape DSD is in the process of upgrading the two shelters and purchasing furniture to equip them for PWDs and the LGBTIQ+. The Northern Cape DSD will conduct an accessibility assessment for persons with disability at all shelters in conjunction with the Department of Public Works.

10.5 Oversight in ensuring conformity and fairness for survivors exiting the shelters

Social workers from the DSD are providing survivor support services to survivors and their families. Pre-preparation services are provided to survivors before exiting the shelters. Once a survivor leaves the shelter, district social workers provide aftercare services.

10.6 Overall budget

The overall victim empowerment budget for the Northern Cape DSD is R9,4 million for the 2019/2020 financial year. Of this, R2.5 million is spent on shelters. The percentage spent on shelters by the Northern Cape DSD is 0.0027%. The Commission observed that the Western Cape DSD has a budget of about R23 million for shelters, which is more than double the Northern Cape's entire VEP budget.

10.7 Northern Cape DSD overall budget

Table 32: Total budget for the Northern Cape DSD

	Budget 2017/2018	Budget 2018/2019	Budget 2019/2020
Department's overall budget (not only victim empowerment but for DSD)	R870 316 000.00	R870 916 000.00	R920 594 000.00
Percentage spent on shelters	0.0049%	0.0052%	0.0027%

Despite the slight increase in the overall budget of the Northern Cape DSD, the budget allocated to shelters in the financial year 2019/2020 decreased by approximately 50% compared to the previous financial year. It is a concern because the rate of GBV has actually increased in the country and more survivors might not be accommodated.

10.8 Findings

- The District of Namakwa does not have a shelter.
- The Postmasburg Shelter is not operational despite being funded for two financial years.
- The Commission unearthed major discrepancies regarding allocation of funding to Northern Cape shelters between the national DSD and Northern Cape DSD.
- The Northern Cape DSD lacks and/or displayed a lack of consistent, effective and efficient mechanisms to accurately record funding allocation to shelters as required by the PFMA.
- Some Northern Cape DSD shelters are not uniformly and adequately resourced in comparison to other Northern Cape shelters and to other provinces, due to a lack of minimum standards addressing resource allocations.
- The Northern Cape DSD is offering a stipend of R1 600 per month to house mothers, which is less than 50% of the minimum wage.

10.9 Recommendations

- The Northern Cape DSD should establish shelters in the Namakwa District.
- The Northern Cape DSD must ensure that the Postmasburg Shelter becomes operational. This should be achieved by June 2020.
- The Commission will engage the Auditor-General of South Africa, the DSD Minister and other relevant authorities regarding the major discrepancies on the allocation of funding between national DSD and Northern Cape DSD, as well as possible auditing or investigation of the discrepancies.
- The Northern Cape DSD must develop, within six months, effective and efficient mechanisms to accurately record funding allocation to shelters.
- The Northern Cape DSD should adequately and uniformly resource shelters. As such, a uniform policy for shelter funding must be in place and implemented.
- The Northern Cape DSD should at least offer the minimum wage to house mothers.

In its 2016 report, the National Minimum Wage Panel recognised that the non-profit social welfare sector faced a very particular set of challenges in funding its staff and activities. It thus recommended that an expert panel be established to find means of addressing the low wages in the sector that are the consequence of low levels of government subsidy.

It is distressing that the National Economic Development and Labour Council (NEDLAC) does not allow for the representation of the NPO social welfare sector. This is a serious omission that also limits the ability of the sector to engage with the Minimum Wage Commission that is to be based at NEDLAC. It is crucial that a way be found to recognise and include this sector within NEDLAC so that its particular work circumstances are adequately considered when decisions are made that affect wages, employment and working conditions.

11. Department of Social Development - Eastern Cape

The DSD appeared before the Commission on the 3rd of December 2019 and was duly represented by the Head of Department Ms Ntombi Baart. The DSD was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the Eastern Cape DSD. A full discussion follows of the salient issues found in the responses of the DSD and further issues discussed during the hearing.

11.1 Analysis of information

For the past three financial years the DSD has funded 16 safe homes (shelters) and four one-stop centres. The Commission observed that, in certain cases, the allocation of funding for the past three financial years increased while in other cases the funding remained the same.

The Eastern Cape DSD funding process and administrative requirements that a shelter must meet prior to receiving funding do not exist. The DSD referred to the national DSD's policy on financial awards to service providers. The Commission noted that the policy is a generic policy that the national DSD developed to assist with funding service providers that work with the national and provincial DSDs. The policy does not set out specific requirements that a shelter should comply with prior to receiving funding from the DSD.

The DSD does not have criteria to determine if a shelter is adequately funded to execute its services.

In terms of exiting a shelter, the DSD conducts an assessment to determine the nature and readiness of a survivor to exit a shelter. This is considered with the intervention that the survivor required from the shelter. A plan is then developed in conjunction with the survivor's family. Ultimately, the readiness of the survivor to exit a shelter is informed by the progress in changing the survivor's situation.

The Commission requested the DSD to provide a budget for the past three financial years to track the DSD's commitment towards supporting shelters. The DSD provided the Commission with a budget for the VEP and not with the DSD's overall budget. Hence, the Commission was not able to compare the budget that is allocated to shelters with the DSD's budget for other programmes.

11.2 Investigative hearing

The DSD submitted that the Eastern Cape shelters are funded adequately for the services that they render and for the number of beds in each shelter. The Commission observed that the DSD is funding three shelters with three beds, namely Mqanduli Safe Home, Maclear Community-based Care and Safe Home, and the Soul Winner's children's home and women support centre, but each is allocated a different amount. Maclear Community-based Care and Safe Home received R525 530.00 while Soul Winner's children's home and women support centre received R108 517.00 for the financial year 2019/2020. The DSD funds shelters for the following:

- Programmes;
- Therapeutic services, including contracted psychological services;
- Stipend;
- One programme coordinator/manager for both shelter services and community-based programme;
- UIF contribution;
- Two full-time house mothers; and
- Skills development.

The DSD has a 10-stage process according to which a shelter is scrutinised before it can receive funding. The DSD conducts a needs assessment and/or profiling followed by the development of a service specification. Subsequent to this, the DSD calls for proposals to be submitted by interested organisations for funding. The DSD will then proceed with the assessment of the applications, which includes onsite inspection, area and district assessment.

The DSD conducts a costing of assessed applications, including programmes' cost applications based on formulae and available budget. Once the costing of the project is completed, the DSD proceeds with the approval stage which encompasses the submission of district master lists to the provincial office. This is then consolidated for the approval by the Head of the Department.

Subsequent to the approval stage, the DSD starts with the contracting stage. This includes the signing and dispatching of allocation letters, preparation of service level agreements and signing of the same. The DSD then conducts capacity building programmes for the shelters, which includes a skills audit, pre-implementation of workshops and confirmation of training. This leads to the DSD's disbursement of funds to the shelters. The DSD conducts monitoring and reporting on the expenditure of the funds allocated to the shelters.

The DSD does not have a funding policy for shelters to determine whether a shelter is adequately funded. Shelters for women and children are not registered because no legislation exists that guides shelters, except for accreditation of shelters for provision of services and programmes to victims of trafficking in persons, in line with the Prevention and Combating of Trafficking in Persons Act 7 of 2013. However, shelters are expected to comply with norms and minimum standards. The funding of shelters is determined by the availability of funds that are provided to the DSD by National Treasury. The DSD also makes provision for funding shelters that operate from leased properties.

The DSD submitted its overall budget for the three past financial years for funding of shelters. It indicates an increase for each financial year starting from 2017/2018 (R35 174 001.00), 2018/2019 (R38 719 000.00) and 2019/2020 (R37 686 000.00).

The DSD currently works with ten TCCs in the Eastern Cape. The DSD has deployed 14 social workers to provide psychosocial support services at the TCCs. The social workers are placed through a referral arrangement. The DSD has also acquired 30 additional social workers who will assist at the TCCs. The social workers are employed to aid the government's call against GBV.

The DSD submitted that there are four one-stop centres that are run by the government:

- Ezibeleni Khuseleka; and
- The Maletswai, Umtata and KwaNobuhle Khuseka centres are run by government and the property is rented from private owners.

The government subsidises 16 safe homes (shelters) in the Eastern Cape. These are owned by civil society organisations.

In respect of shelters for young women who are victims of ukuthwala (abduction of young girls to force them into marriage), the DSD submitted that all shelters admit women who are victims of crimes and violence. Children are also admitted at child and youth care centres in terms of the Children's Act. The centres provide services and programmes in the form of therapeutic services (psychosocial support), skills development, life skills and aftercare services. All the victims' developmental needs are considered. As a result, the shelters develop an individual development plan for victims. The following table indicates the allocation and service provided by a shelter:

Table 33: EC funding allocation and services of shelters and safe homes

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
Chris Hani	Ezibeleni One Stop Centre	R715 911.00	Ezibeleni One Stop Centre admits victims in all the areas of Chris Hani District including those referred or transferred by other districts due to danger or risk assessment per individual victim. The district had incidences that involved killings in the areas of Ngcobo and Cofimvaba. Ngcobo had a church incident that led to a huge demand for placement of victims who were not even from that area or district. Capacity building for shelter staff has to be continuous to strengthen services and programmes provided. Skills development for survivors empowering them with the means to be financially independent.	Shelter services and programmes Therapeutic services – including contracted psychological services Stipend 1 Programme Co-ordinator/ Manager for both shelter services and community-based programme (To pay 1% contribution towards UIF, i.e. R34.00 per month for 12 months) Centre to pay 1% UIF contribution in terms of the ministerial regulation (Expanded Public Works Programme issued by the Department of Labour) 2 full-time house mothers (each to pay 1% contribution towards UIF i.e. R27.00 per person per month) Centre to pay 1% UIF contribution NB. Budget constraints: Arrangements for alternate shifts - one house mother can work on part time basis depending on the admissions of victims in the safe home/ shelter. Skills development Income generation initiatives (economic empowerment 80% for survivors and 20% for field workers/care givers)

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
Joe Gqabi	Maletswai One Stop Centre	R1,000 000.00	Maletswai One Stop Centre has just been accredited to accommodate victims of trafficking (partial accreditation for two years). That is an additional responsibility that needs a highly secured facility as it is a high safety risk – to victims as well as guards – to admit victims of trafficking. Maletswai One Stop Centre is a rented facility and the funding also caters for rentals. A social worker placed at the centre is paid from the funds allocated through transfer payments. This includes all other staff, as highlighted in the next column, first entry.	

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
Nelson Man- dela Metro	KwaNobuhle Out- reach Centre	R3 277 750.00	<p>KwaNobuhle Outreach Centre is a specialised facility with social workers with significant expertise. It has just been accredited to accommodate victims of trafficking (full accreditation for four years). That is an additional responsibility that needs a highly secured facility for reasons stated earlier.. The centre had to secure an additional house (rented house) to cater for victims of trafficking. This was done for security reasons. Skills development programme provided in the centre as part of treatment: Educational programme for children who can't go to school due to circumstances at home – children who came with parents; a salon for adult survivors and young girls as a means to equip them with skills; a gym for adults to keep healthy as well for anger management; and -body talk therapy. House mothers who are placed at the centre are qualified social auxiliary workers. Laundry personnel, kitchen staff, gardeners and filed workers for prevention programmes are paid from the funds allocated through transfer payments. This includes all other staff, as highlighted in the next column, first entry. Shelter services correspond with services in other shelters. This shelter accommodates victims of trafficking from the entire province.</p>	

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
OR Tambo	KSD One Stop Centre	R722 644.50	The shelter is in an area where there are incidences of ukuthwala and where the rate of sexual offences is very high. There are three TCCs in the district and they all refer to this shelter. The shelter then refers to KwaNobuhle One Stop Centre for long-term stay. This is the only shelter in the Mthatha area with a high demand due to the high crime rate in the area. All staff members are paid from shelter funds.	

SAFE HOMES				
DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
Alfred Nzo	Mtshazi Safe Home	R280 000.00	Mtshazi is a safe home that is in a rural area without safe homes or shelters. It has no social worker to provide therapeutic services; survivors are referred to DSD social workers for psychosocial support. Funds allocated are only used for meals, developmental programmes and payments of staff, including house mothers and field workers.	Shelter services and programmes Therapeutic services – including contracted psychological services Stipend 1 Programme Co-ordinator/Manager for both shelter services and community based programme (To pay 1% contribution towards UIF i.e. R34.00 per month for 12 months) Centre to pay 1% UIF contribution in terms of the ministerial regulation (Expanded Public Works Programme issued by the Department of Labour) 2 full-time house mothers (each to pay 1% contribution towards UIF i.e. R27.00 per person per month) Centre to pay 1% UIF contribution in terms of the Ministerial Determination (Expanded Public Works Programme issued by the Department of Labour) NB. Budget constraints:- Arrangements for alternate shifts - one house mother can work on part-time basis depending on the admissions of victims in the safe home/shelter. Skills development Income generation initiatives (economic empowerment 80% for survivors and 20% for field workers/care givers)
Amathole	Ikhwezi Women Support Centre	R422 000.00	This centre services all villages around Cathcart and Stutterheim which have incidences of violence against women and children.	

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
Amathole	Centane Women Support Centre	R200 000.00	This is an overnight crisis centre that was initiated due to several killings in the area. There is no social worker in the shelter; they refer to DSD social workers for counselling, and to other shelters for long stay.	
Amathole	Butterworth Safe House	R320 000.00	The nearest TCC refers only to this shelter. There is no social worker in the shelter; they refer to DSD social workers.	
Buffalo City Metro (BCM)	Khanyisa Victim Empowerment Centre	R347 362.25	This shelter is in BCM but also caters for victims from Amahlathi, such as Keiskammahoek, Middledrift and Peddie, who are referred to the centre. It is the nearest shelter to Grey Hospital TCC.	
BCM	CMR (Victory House)	R347 709.25	CMR is a new shelter in the East London area funded by DSD with BCM reported to have high statistics of abused women and children. It caters not only for BCM but admits victims from other areas including the nearest local municipalities of Raymond Mhlaba and Peddie where there are no shelters at all. A social worker employed by this organisation is paid from funding provided by DSD as well as house mothers and field workers.	
Chris Hani	Khuseleka Support Centre	R300 000.00	This centre accommodates victims from Lady Frere, Cofimvaba and surrounding areas.	

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
Joe Gqabi	Maclear Community Based Care and Safe Home	R525 530.00	<p>Maclear Community Based Care and Safe Home is a safe home is the only save home/ shelter in that rural area. It has no social worker for provision of therapeutic services; survivors are referred to DSD social workers for psychosocial support. Funds allocated are used for shelter services (meals, developmental programmes, referrals to psychologists) and payments of staff, including house mothers and field workers. Victims of sexual offences attended to at Sinawe Thuthuzela Care Centre in Mthatha coming from this area are referred to this centre, victims of abuse, domestic violence and GBV in the whole Elundini Local Municipality and nearby areas like Matatiele, Maluti, are also accommodated when there is a need as there are no nearby shelters in this area. This safe home started as a community-based initiative that only focused on prevention programmes in the area, but the need for a shelter was identified. The nearest shelter is in Aliwal North and the other one in Mt Frere in the Alfred Nzo District. The demand for shelter services in this area is high.</p>	

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
Nelson Mandela Metro	Bet Sheekoom	R563 000.00	Bet Sheekoom is the only shelter in the metro (Port Elizabeth) funded by the DSD for provision of shelter services to victims of crime and violence, second to KwaNo-buhle (KNB) Outreach Centre. This metro has the second highest statistics for abused women and children after BCM. This results in a high demand for the KNB to provide services and programmes to victims of trafficking as well. There is a TCC at Dora Nginza Hospital, which utilizes both the outreach and Bet Sheekom. In terms of sexual offences, the metro takes second place to the OR Tambo District. That calls for additional resources and facilities in the area. A social worker employed by this organisation is paid through funding provided by the DSD. House mothers and field workers are also paid from DSD funds.	
Nelson Mandela Metro	Doxa Youth Programmes (men's shelter)	R200 000.00	This is the only shelter that accommodates male victims in the province. It also conducts prevention and awareness programmes for men and boys at schools and the townships in the metro.	

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
OR Tambo	Mqanduli Safe Home and Survivor Support Centre	R313 500.00	This centre accommodates victims from Mthatha, Mqanduli, Coffee Bay and surrounding areas. Some victims come as far as Elliotdale and are referred by the TCC.	
OR Tambo	Tsolo Safe Home and Community Based	R240 000.00	This centre accommodates victims from Mhlontlo District which include Qumbu and surrounding villages. Qumbu has high levels of crime and violence which leave women and children vulnerable as families are often displaced.	
OR Tambo	Soul Winner's Children and Women Support Centre	R108 517.00	This centre accommodates victims from Nyandeni, Libode and surrounding areas. It serves as a crisis centre and overnight shelter for referrals of TCC. The minimum amount allocated is based on funds they had from previous funding.	
OR Tambo	Rise Up Trauma	R240 000.00	This centre accommodates victims from Nyandeni, servicing Port St Johns, Ngqeleni and Lusikisiki.	
Sarah Baartman	Makana Rape Survivors Support Group	R128 264.00	This centre accommodates victims from Grahamstown, Port Alfred and Alexandria. The allocation was influenced by left-over funds from previous funding.	

DISTRICT	NAME OF SHELTER	ALLOCATION	FUNDING MOTIVATION	HOW ALLOCATION WAS MADE
Sarah Baartman	On Eagle's Wings Centre	R653 054.50	This centre accommodates victims from Kouga and Koukamma areas and it is the only shelter in the area. It also conducts prevention and awareness programmes in all the small towns in the area. There is a high rate of substance abuse, crime and violence, which leaves women and children vulnerable. They also offer a skills development programme for women due to high illiteracy levels in the area.	

The preceding table highlights the shelters that are funded by the government and the work that each shelter conducts. The funding that the DSD provides to the shelters is in proportion to the work of a shelter. Further, the DSD submitted the criteria that it uses to fund the shelters. Criteria include:

- The shelter should be a legal persona and registered in terms of the Non-Profit Organisation Act, 1997.
- Proof that the applicant organisation has taken reasonable steps to apply for such registration and has proof of such application.
- Registration in terms of any other prescribed service-specific legislation such as the Children's Act, 2005, or the Prevention and Treatment of Substance Abuse Act, 2008. Both legislations require service providers to be accredited to provide and render statutory services.
- The shelter should have a Constitution.
- The shelter should be able to demonstrate the ability to provide effective and efficient services.
- Promote inclusiveness and representativity in the management and organisation of service, including the establishment of management committees.
- The shelter should be able to account for the utilisation of financial awards made by the DSD in an acceptable manner and in terms of the prescripts of the PFMA.

The DSD has additional selection criteria when it considers financial decisions:

- The shelter should align with the DSD's mandate and key strategic priorities.
- The shelter should be able to demonstrate the ability to manage and implement the proposed services in terms of service delivery expertise, trained human resource capacity, and compliance to service delivery norms and standards.
- The shelter should practice good governance and should be able to account for the utilisation of financing made by the DSD and in terms of the PFMA.
- The shelter should have effective monitoring and evaluation processes and criteria that are relevant to the expected outcome. (The Commission is unclear how this is measured by the department.)
- Social integration, diversity and equity.
- The integration of special development areas in all services levels. (It is however unclear how this is assessed by the DSD.)
- Provide services that help in the re-allocation of resources to ensure more equity between and within the province.
- Provision of developmental social services in rural areas.

The DSD's Gender Based Violence Action Plan is still in a draft format, therefore the DSD could not share it with the Commission; the plan will be shared with the Commission once it is approved by the Executive Council of the province.

The DSD explained that the use of requisition forms is a departmental practice that seeks to control financial mismanagement by civil society organisations experienced in the past. The requisition form is reviewed annually by the DSD to address discrepancies identified in consultation with its districts. The Standard Operating Procedure for Payment of Transfers and NPO Management, aligned with the application of its existing Policy on Financial Awards to Service Providers, guides the DSD.

The DSD over the years has been inundated with cases of men being suspected victims of GBV and trafficking in persons. The Eastern Cape, in 2018, had seven men and twenty-four boys who were identified as suspected victims of trafficking in persons, and whom the DSD and other role players struggled to accommodate in a shelter. This emphasises the need to pilot a men's shelter.

11.3 DOXA services

The shelter provides prevention programmes and counselling, support and shelter services to male victims of domestic and GBV, crime, abuse and human trafficking.

DOXA started the programme as a prevention programme that focused on motivating and educating men to refrain from abusing women and girls. The movement was called 'Singamadoda'⁴² ('Not in our name'), and was thus called because it wanted to be counted in the fight against violence and crime. It also focused on young men and boys, mentoring them to know how to be a 'real man', a man who does not abuse or ill-treat women and girls. DOXA also participated and were funded to run a Fatherhood Programme (Care and Support Services to Families) to educate men on their roles as fathers, encourage men to be present in the upbringing of their children and to mentor their boys (sons) to respect women and girls – that is one way of preventing GBV.

In 2018, during the 16 Days of Activism, DOXA added a highlight to the programme. It was called 'I am a woman' with a slogan that said, 'You touch her, you touch me'. The initiative portrayed men getting into the shoes of women and feeling what women felt like when they are abused. DOXA invited all men in the Nelson Mandela Metro to be part of the educational programme, and has educational programmes 365 days a year.

When the need for a shelter for men was identified, DOXA was the only organisation that applied and was recommended to provide such a service for male victims in the Eastern Cape. It is the only organisation that renders services to male victims admitted in a shelter. A social worker works closely with the house father who has to render services and programmes and look after those admitted in the shelter. The nature of services offered by DOXA confirmed its status as a suitable facility to accommodate male victims in the province.

11.4 Findings

- The Commission finds that the requisition forms are a hindrance in providing quick services to survivors of violence.
- The establishment of a men's shelter by the department is commendable as it recognises that all persons are equally susceptible to GBV offences and therefore need shelters.

⁴² The Commission expressed concerns with this name and viewed it as feeding hegemonic masculinities.

11.5 Recommendations

- The DSD should develop funding criteria for shelters that are aligned with the decision of NAWONGO. To this end, the criteria must be able to determine whether a shelter is properly funded without relying on the shelter's business plan.
- The DSD must share its GBV action plan with the Commission once it is finalised. The DSD must provide the Commission with feedback by June 2020.

12. Department of Social Development - KwaZulu-Natal

The DSD appeared before the Commission on the 4th of December 2019 and was represented by the following delegation:

1. Bongani Ngwane, Director Physical Facilities
2. Adv. Ntuthuko Hlabisa, Director Legal Services
3. Fezile Luthuli, Chief Director
4. Renita Veerasamy, Deputy Director: Victim Empowerment

The Commission found that the delegation from the KwaZulu-Natal DSD was not led by a suitably senior individual, in the absence of the Head of the Department. The delegation letter from the Head of the Department was accepted on the condition that the Acting DG, Ms PN Sithole, would appear before the Commission. Ms Sithole failed to appear, and the delegation was not allowed to make a presentation.

12.1 Analysis of information

The DSD funds approximately twenty-three shelters. The Commission observed that funding for the past three financial years has increased for some shelters while funding for others has decreased. Sahara, Phoenix Shelter, is a case in point. In the financial year 2017/2018, the shelter was funded to the amount of R991 900; the following financial year, the shelter was allocated R834 497; and in 2019/2020, the shelter was allocated R835 000. The DSD's inconsistent funding model may result in the shelter not operating at full capacity.

The DSD has the following criteria to determine funding for a shelter:

- The NGO must compile a business plan outlining the key deliverables for the year.
- The NGO signs a Service Delivery Agreement with the DSD.
- The DSD requires the following documents prior to funding:
 - The NGO's Constitution;
 - The NGO's organogram;
 - NPO registration certificate;
 - Department registration;
 - Proof that the service provider is in the process of registering;

- Entity maintenance;
- Assurance certificate;
- Certified bank statement;
- Audited financial statements (if previously funded by the DSD);
- Six-monthly progress report;
- Cashflow statement;
- Permission to occupy; and
- ID copies of Chairperson and Treasurer.

The DSD has a comprehensive checklist to determine funding for a shelter. However, the Commission observed that the DSD lacks a criterion that covers the number of beds or people the shelter can assist at a time. This could be covered in the shelters' business plans.

The KwaZulu-Natal DSD has the following criteria to determine whether a shelter is adequately funded:

- Funding of a shelter is based on the appraisal of the costed business plan.
- Funding from DSD is a subsidy, the shelters are allowed to fundraise to supplement the subsidy.
- The DSD funds the shelters for the following:
 - Social worker post;
 - Administration cost;
 - Stipends for housekeeper, centre manager, security, cleaner and a multi-skilled person;
 - Prevention and awareness campaigns;
 - Comfort packs; and
 - A subsidy per client per day.

The DSD emphasised that business plans determine funding for shelters. It also developed a checklist to ensure uniformity and fairness in determining when a survivor is ready to exit the shelter. This checklist encompasses a contract that the survivor signs that outlines the period of stay at a shelter. The DSD has a policy on the admission, re-admission, exit and transfer of survivors, which was developed in conjunction and with the input from shelters. The Victim Empowerment District coordinators provide guid-

ance and support to shelters when a victim has to stay for more than six months at a time. The shelter compiles a report in respect of the intervention that is required for the survivor, which is accompanied by a motivation to substantiate reasons for an extension.

The following table indicates the DSD's budget and the funding allocated to shelters.

Table 34: KwaZulu-Natal DSD budget allocations

TRANSFER PAYMENT BUDGET		FUNDING FOR SHELTER	PERCENTAGE
2017/2018	R3,041,364 billion	R35,881 million	1,18%
2018/2019	R3,287,882 billion	R48,674 million	1,48%
2019/2020	R3,519,143 billion	R57,635 million	1,64%

It is clear from the figures that the KwaZulu-Natal DSD does not prioritise funding for shelters in the province. The budget allocation for shelters has not exceeded 1.7% of the departmental budget for the past three financial years. Considering the amounts allocated to individual shelters and comparing these to the budget allocation, which is less than 1.7% of the departmental budget, can be interpreted as the DSD providing only partial funding to shelters.

12.2 Investigative hearing

Members of the DSD appeared before the Commission on the 4th of December 2019, however the accounting officer was not present. The delegated officials explained that Ms PN Sithole (Accounting Officer) was attending an event at KwaMashu. The delegation was accordingly dismissed.

12.3 Findings and Recommendations

- The KwaZulu-Natal DSD has no regard for the Commission and does not take the Commission seriously. The Commission found the change in delegation without prior consent from the Commission, unacceptable.
- The DSD estimates that it has spent ~R22 000.00 for the delegation's flights. The Commission classified this as wasteful expenditure and requested the DSD to inform the Commission regarding the steps to be taken to ensure accountability and consequences at management level.
- The DSD will be allocated a new date to appear before the Commission in 2020/2021.

13. Department of Social Development - Limpopo

The DSD appeared before the Commission on the 3rd of December 2019 and was duly represented by the Head of Department Ms Daphney Ramokgopa. The DSD was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the Limpopo DSD. A full discussion follows of the salient issues found in the responses of the Limpopo DSD and additional issues discussed during the hearing.

13.1 Number of shelters including names and allocated funding

The DSD cited that it funds one shelter, the Khuseleka One Stop Centre, and subsidises the Huis Moroela shelter. Funding for the Khuseleka One Stop Centre has seen a slight decrease during the financial year 2019/2020 (R4 467 000) compared to the previous financial year (R4 947 000).

The funding for Huis Moroela has remained the same for the past three financial years.

Khuseleka One Stop Centre	Huis Moroela
2017/2018: R3 718 000	2017/2018: R317 500
2018/2019: R4 947 000	2018/2019: R317 500
2019/2020: R4 467 000	2019/2020: R317 500

13.2 Requirements for funding

The DSD has existing funding guidelines. One of the requirements concerns financial management, to wit, it states that the board must provide a clear, well-costed budget and procurement plan for the financial year.

Additional requirements for funding are that the entity must have general human resources policies. These contain an array of policies including flexi time, recruitment and selection, and an Employment Equity Plan. The Commission, however, notes that the array of general human resources policies excludes a sexual harassment policy. This is concerning, particularly when one considers the prevalence of sexual harassment.

13.3 Criteria used to determine if a shelter is adequately resourced by the DSD

The DSD funds shelters for compliance with the departmental Minimum Standards for Service Delivery in Victim Empowerment. The DSD states that it does not fully fund NGOs. It provides a subsidy. The DSD has not offered persuasive evidence that shelters receive adequate funding. Government-run shelters are fully funded in terms of maintenance, equipment, goods and services, and compensation of employees.

The DSD asserts that the current subsidised shelter is funded on a long-term contractual option. The shelter has 10 beds. Out of the total funding allocation, 10% is for administration, 45% for operational costs, 40% for personnel expenditure and 5% for equipment. It is unclear what skills development programmes are offered at the Huis Moroela shelter. It is also important for the DSD to outline measures ensuring that the skills development programmes at Khuseleka One Stop Centre are accredited.

13.4 Oversight to ensure conformity and fairness in determining whether a survivor is ready to exit the shelter

Upon admittance to the shelter, an admission panel develops an individual development plan and an exit plan, in consultation with the client. The DSD asserts that a client is given maximum opportunity to participate in the process (e.g. their placement, plan for the immediate future, expectations and disengagements), and are involved in decision-making regarding their immediate and long-term future circumstances.

13.5 Overall budget and percentage for the funding of shelters

Table 35: Limpopo DSD budget allocation and percentage spent on shelters

	Budget 2017/2018	Budget 2018/2019	Budget 2019/2020
Department's overall budget	R1 828 816 000	R2 064 968 000	R2 180 900 000
Percentage spent on shelters	0.22%	0.25%	0.22%

13.6 Defining shelters and VEP

The Limpopo DSD defines a shelter as a building or premises maintained or used for the reception, protection and temporary care of people in stressful circumstances, who

voluntarily attend the facility and are free to leave at will. It provides a short-term intervention in a crisis situation (two to approximately six months as the need dictates). The intervention includes meeting basic needs (protection, accommodation, food and clothing), and offers support, counselling and skills development.

The DSD defines a VEP site/centre as a 24-hour facility usually located within a community, and which addresses the trauma related to a specific crisis. It offers short-term intervention and some even offer overnight accommodation not exceeding three nights.

Services provided in a VEP centre:

- Prevention and early intervention services;
- Debriefing;
- Overnight facility for survivors;
- Meals;
- Counselling (lay and trauma);
- Home visits (follow-up and monitoring);
- Establishment of support groups and group therapy;
- Support services including giving support at court;
- Referrals; and
- Outreach programmes (e.g. campaigns, door to door, school talks).

13.7 Accommodation of PWDs

The centre accommodates PWDs. Victims are given practical assistance when the need arises. Caregivers are on duty 24/7. During an inspection at the centre, the Commission observed that physical ramps are used for PWDs. The buildings are not accessible to a wheelchair user. According to the DSD there is a plan to renovate one house to make sure it is accessible.

13.8 How Khuseleka One Stop accommodates LGBTIQIA+ persons

The shelter has three houses. Two houses are reserved for female victims (who are always in the majority). One house is reserved for male victims. Individual preferences are considered when admitting victims of LGBTIQIA+. The shelter is working in collaboration with the Limpopo LGBTIQIA+ Collective Organisation to make sure the rights and needs of the LGBTIQIA+ are observed .

13.9 VEP sites

The Commission observed that there are 72 VEP sites in Limpopo, funded by the DSD. The following two tables list the unfunded VEP sites in the province and gives an overview of the expansion of shelter infrastructure.

Table 36: List of unfunded VEP sites in Limpopo

NO.	NAME OF SITE	MUNICIPALITY	LOCAL AREA
1	Tshepo Themba Multi-Purpose	BelaBela	Piensaarsrivier
2	Vaalwater VEP	Modimolle	Vaalwater
3	Mokopane	Mogalakwena	Mokopane
4	Tinmyne VEP	Mogalakwena	Bakenburg
5	Tolwe VEP	Mogalakwena	Tolwe
6	Bokamoso VEP	Thabazimbi	Thabazimbi
7	Rooiberg VEP	Thabazimbi	Rooiberg
8	Dwaalboom VEP	Thabazimbi	Dwaalboom
9	Northam VEP	Thabazimbi	Northam
10	Magatle VEP	LepelleNkumpe	Zebediela
11	Seshego VEP	Polokwane	Seshego
12	Letsietele VEP	Greater Tzaneen	Letsietele
13	Magoebaskloof VEP	Greater Tzaneen	Makgoebaskloof

Table 37: Expansion of shelter infrastructure in Limpopo

Project name	Project status	District	Project description	Project start date	Project finish date	Project estimated cost R'000
Vhembe VEP Shelter	Identified	Vhembe	Construction of 30 beds Victim Empowerment Shelter	01-Mar-2022	31-Mar-24	R 27 533 000, 00
Sekhukhune VEP Shelter	Identified	Sekhukhune	Construction of 30 beds Victim Empowerment Shelter	01-Mar-22	31-Mar-24	R 27 533 000, 00
Capricorn VEP Shelter	Identified	Capricorn	Construction of 30 beds Victim Empowerment Shelter	01-Mar-23	31-Mar-25	R 27 533 000, 00
Mopani VEP Shelter	Identified	Mopani	Construction of 30 beds Victim Empowerment Shelter	01-Mar-23	31-Mar-25	R 27 533 000, 00

Project name	Project status	District	Project description	Project start date	Project finish date	Project estimated cost R'000
Waterberg VEP Shelter	Identified	Waterberg	Construction of 30 beds Victim Empowerment Shelter	01-Mar-23	31-Mar-25	R 27 533 000, 00
						R 137 665 000,00

13.10 Support given to employed victims who only require a safe space

Employed victims are transported to and from their place of work. They are referred to the Employee Health and Wellness unit at their workplace for further assistance. In some instances, they are assisted with applications of leave of absence/temporary incapacity or long-term incapacity leave. Should the victim need transfer to another place of work for safety reasons, the employer's Health and Wellness unit is again engaged for assistance. Support is thus provided to the victim and other family members who were admitted with him/her.

13.11 Skills development programmes from 2017 to 2019 at Khuseleka One Stop

The following skills development programmes are offered in the centre:

- Sewing skills, with 13 sewing machines;
- Computer skills, with 10 computers;
- Baking and cooking; and
- Gardening.

The sewing and computer programmes are not accredited yet, but there is an attempt to do so.

Educational programmes include:

- School going children are enrolled at nearby schools;
- Small children are transported daily to early childhood development centres;
- FET students are allowed to go to college for further education and training; and
- Adult Basic Education and Training classes.

13.12 Security

Khuseleka One Stop Centre: The centre has contracted a service provider registered with the Private Security Industry Regulatory Authority to render security services 24/7. The DSD explains that there is access control as the main gate is controlled by guards with clear instructions from management. During the on-site inspection, the Commission satisfied itself of this assertion. The shelter has a perimeter wall as well, with a controlled access gate. One security guard is posted daily at the shelter to monitor all movements in and out of the shelter. Barbed wire is installed around the shelter wall. Only authorised people are allowed to enter the shelter. Social workers screen all visitors prior to their visit.

Security at Huis Moroela: The property is fenced, and the entity has affiliated with a neighbourhood security company which is paid R1500 per annum. No security officials have been appointed; the shelter calls the security company in the case of need. The shelter confirmed that no staff or volunteer has been added to the national register for sex offenders in terms of Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 32 of 2007. No firearm or weapon is permitted on the property.

13.13 Policies

13.13.1 Draft sexual harassment policy

The Commission observes that the DSD's sexual harassment policy is still in a draft format. It is imperative that the DSD finalises this policy and considers the 2005 Code of Good Practice in the handling of sexual harassment in the workplace.

13.13.2 Admission policy

The Commission observes that the admission policy accommodates all victims of crime and violence without discrimination on the basis of race, gender, class, sexual orientation or nationality. The DSD asserts that victims from foreign countries are admitted to the shelter regardless of whether they are in the country legally, but that the Department of Home Affairs is informed about the victim. The shelter/DSD is required to provide repatriation services to the country of origin using the department's international social services unit, and consulting with the Department of Home Affairs, the relevant consulate or embassy, and the International Organisation on Migration, particularly when assisting victims of human trafficking.

13.14 Findings

The Commission found that:

- The DSD does not fund enough shelters to deliver services to survivors. The province has only two shelters to serve five million people in the province. The DSD is failing in its duty of care.
- The DSD is accommodative of LGBTIQ+ and has strengthened relations with LGBTIQ+ organisations in the province.
- The DSD has approximately 72 VEP sites in the province.
- The sexual harassment policy is in a draft format.
- Some skills development programmes at the shelters are not accredited.

13.15 Recommendations

- The DSD must expedite the process of accrediting its skills development programmes within six months of publication of this report.
- The DSD must urgently finalise its sexual harassment policy within three months of publication of this report.
- The DSD must submit to the Commission clear plans to establish new shelters in the province. A plan should be submitted by the 31st of July 2020.

14. South African Police Service

The SAPS appeared before the Commission on the 5th of December 2019 and was duly represented by Lieutenant General Ngwenya. The SAPS was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the role of the SAPS in providing its services to survivors of GBV and other vulnerable people. A full discussion follows of the salient issues found in the SAPS responses and other issues raised during the hearing.

14.1 Analysis of information submitted by the SAPS

The SAPS espouses that it does not have the mandate to manage shelters. It states that its duty regarding shelters in relation to assisting victims is outlined in the National Instruction on Domestic Violence No. 7 of 1999 and the National Instruction for the Care and Protection of Children No. 3 of 2010.

The SAPS does not have a National Instruction regarding victims who are refused access due to age, sexual orientation or gender. However, the SAPS apply the following:

- a) Paragraph 8 of the National Instruction on Domestic Violence outlines the duty to assist a complainant to find a suitable shelter. This involves the following:
 - i. The SAPS is required to provide a victim with names and contact numbers and/or addresses of any organisation in the area that may be able to provide a suitable shelter to the victim. The contact details are taken from a list that the Station Commander would have developed, and the Station Commander regularly updates the list.
 - ii. Alternatively, the SAPS may contact the organisation on behalf of the plaintiff/victim.
 - iii. The SAPS may also contact family or friends to assist the victim.
- b) Paragraph 11(4) of the National Instruction on the Care and Protection of the Child states that if there is no local organisation that can provide temporary safe care for the child, the SAPS must enquire whether there is a suitable family member or family friend. The SAPS may identify a suitable member of the public in whose care the child may be placed, subject to review in court at the first available court date.

The SAPS plays an important role in assisting victims or survivors who require a shelter; however, the SAPS has not considered the shelters' biases towards certain members of society and has not developed a strategy when a victim is refused access to a shelter based on age, sexual orientation or gender.

The SAPS does not have standby officers attending to emergency services for shelters; all members of the visible policing unit are required to help victims as the need arises. The SAPS retains the information about shelters and their location in the Community Service Centre files and/or the VFRs, for provision to victims who require assistance. The SAPS provided no other information regarding measures in place to safeguard the addresses of shelters that are kept secret from an alleged perpetrator.

The Vulnerable Children's Learning Programme and Domestic Violence Learning Programme offer in-service training that covers all aspects of services rendered to the victims. The SAPS also includes training on placement of children and assistance to find a suitable shelter. The training is not regarded as specialised training because it is offered as basic training for new recruits to enable all police service members to be able to assist in cases regarding shelters. The SAPS did not provide information on whether it provides a refresher course on the role of police officials in assisting victims who require assistance.

The SAPS do not screen police officials who work with victims of domestic violence and all SAPS officials are expected to work and render assistance to the victims of crime, including assistance with regard to finding a shelter.

14.2 Investigative hearing

The SAPS submitted that it does not have a stipulation in the National Instruction regarding victims who are refused access to a shelter due to age, sexual orientation and/or gender. SAPS officials are required to provide the victim with the names and contact numbers and/or addresses of any organisation in the area which may be able to support the victim with shelter. The contact details are taken from a list that the Station Commander or delegated officer would have developed. The Station Commander is required to update the list on a regular basis. Alternatively, the police official may contact the organisation on behalf of the complainant.

Paragraph 11 (4) of the National Instruction on the Care and Protection of the Child provides that if there is no local organisation that can provide temporary safe care for the child, a police official must inquire whether there is a suitable family member or a family friend who can accommodate the child. Should there be no family member or

a family friend, the SAPS can identify a member of the public in whose care the child may be placed, this is subject to be reviewed by a court of law. The duty of the SAPS to assist complainants is outlined in paragraph 8 of the National Instruction on Domestic Violence to find a shelter.

The SAPS submitted that there are no standby police officers who attend to emergency services for shelters, all SAPS officials are expected to assist complainants or victims. The SAPS National Instruction 4 of 2015 on the Prevention and Combating of Trafficking in Persons states that the list of accredited shelters and designated child protection organisations must be regarded as confidential and restricted access must be granted on a need-to-know basis only. The victim's information is not transmitted over the radio to safeguard the victim's particulars. The SAPS uses National Instruction 4 of 2015 that provides for the use of a specific form, namely SAPS 611, when placing an adult victim of trafficking in persons. All members of the SAPS are expected to assist victims of crime, which includes finding a shelter for the victims.

The SAPS is reviewing its programmes on GBV and will then share same with the Commission once complete. The SAPS's division for Human Resource Development does not have learning solutions dealing directly with GBV, however, the SAPS' learning solution deals with the results of GBV. The learning solution covers the following topics:

- Basic Police Development Learning Programme

Sexual Offences and Domestic Violence are covered at a basic level in the programme, specifically in the Community Service Centre where the complaints are processed.

- First Responder to Sexual Offences Learning Programme

This programme is a joint venture that deals with the first responder to a sexual offence, and how a member of the SAPS should manage and respond to the situation, including victim support training.

- Sexual Offences Course for Investigating Officers

This learning programme deals with the investigation of sexual offences.

- Family Violence, Child Protection and Sexual Offences Learning Programme

This training is conducted by the Family, Child and Sexual Offences (FCS) unit that deals with GBV following a more holistic approach, and focusing on investigating the three main areas.

- Sexual Harassment Awareness Workshop

The workshop is for SAPS members and creates awareness on sexual harassment at the workplace.

- Domestic Violence Learning Programme

This programme deals with the reporting and investigation of domestic violence cases.

- Vulnerable Children Learning Programme

The programme equips the SAPS members on how to handle and manage vulnerable children.

- Dignity, Diversity and Policing Workshop

This programme focuses on the LGBTIQ+ community and sensitisation of SAPS members of crimes reported by the community, as well as sensitisation of sex workers and substance abusers within communities.

The SAPS' training programmes are presented to the members to proactively deal with crimes related to women. The training interventions aim to capacitate members to handle and assist the victims professionally. The SAPS currently have the following trainings to empower its members (refer to following table).

Table 38: SAPS training interventions and targets

TRAINING INTERVENTION	TARGET FOR 2019-2020
Children and Youth at Risk	658
Domestic Violence Learning Programme	1526
Vulnerable Children course	1493
Domestic Violence and Vulnerable Groups Learning Programme	280
National Victim Empowerment Learning Programme	758
First Responder to Sexual Offences Learning Programme	1406
Human Rights in Policing	590
TOTAL	6711

The SAPS also provides reactive training to capacitate its members who are responsible for investigating crimes against and related to women. The SAPS has planned the following interventions for the financial year 2019/2020:

Table 39: Reactive training interventions and targets

TRAINING INTERVENTION	TARGET FOR 2019-2020
Resolving of Crime Skills Programme	1200
Sexual Offences for Investigators Learning Programme	580
Family Violence, Child Protection and Sexual Offence Learning Programme	240
TOTAL	2020

The SAPS is planning a pilot project to identify and train women and capacitate female SAPS members who are currently placed at Client Service Centres. The training, called 'Sexual Offences for Investigators Learning Programme', aims to create a conducive setting for female victims who currently find it difficult to report such crimes to male SAPS members.

The SAPS has partnered with international stakeholders to deal with women-related crimes. The Domestic and GBV Courses are offered by the United States of America and is presented at the International Law Enforcement Agency in Gaborone, Botswana. The course is designed for supervisory law enforcement personnel who interact directly with survivors and witnesses of GBV during the investigations of these crimes.

The SAPS Human Resource Development division has planned to train 8 731 members for the 2019/2020 financial year and as of date⁴³ the SAPS has trained 6 895 SAPS members.

The United Nations Women delegation has a scheduled⁴⁴ visit to the SAPS's Human Resource Development division to view and analyse GBV-related training manuals. The SAPS will submit these to the Commission thereafter.

The Oppermansgronde Police Station is not a fully-fledged police station, but a satellite station to enhance services delivery to the community. The Wupperthal area currently does not have a police station due to a personnel shortage.

The SAPS members are trained to assist all members of the society in a non-discriminatory manner, irrespective of gender identity or sexual orientation. The SAPS also conducted workshops on Standard Operating Procedures for the past year⁴⁵ in conjunction with the Commission, where SAPS members were sensitised at length to ensure that the right to equitable treatment of the LGBTIQ+ people is respected.

⁴³ 12 December 2019

⁴⁴ 12 December 2019

⁴⁵ 2018

The SAPS currently has 1 079 designated VFRs, which are situated at police stations, satellite stations, FCS units and at international airports. The SAPS informed the Commission that the reason some police stations do not have VFRs is due to a lack of space, either within the police station or outside where a park home can be erected. Further, the SAPS informed the Commission that some police buildings are old and have been declared a national heritage site. If a police station does not have a VFR, an alternative arrangement is made for private interviewing of the victims, when required. All blueprints for newly constructed police stations have a VFR as an essential part of the station.

The National Instruction on Domestic Violence is currently being reviewed by the SAPS. It will incorporate a clause for commanders to ensure that SAPS members who come into direct contact with victims and offenders are not themselves perpetrators of domestic violence. The SAPS is currently conducting an audit to check that members who are currently assisting victims are not perpetrators of domestic violence.

The SAPS have a comprehensive Sexual Harassment Policy, draft Sexual Harassment Strategy, and a Domestic Violence and Sexual Harassment Roll-out Plan for the 2019/2020 financial year. These seek to address and deal with sexual harassment at the workplace within the SAPS.

14.3 Findings and Recommendations

- The SAPS must submit to the Commission by July 2020, the new National Instruction on Domestic Violence that will have a requirement for commanders to ensure that members dealing with domestic violence are not perpetrators themselves.
- The SAPS must submit to the Commission the audit report by the United Nations Women delegation on the SAPS' GBV training manuals. This is to be submitted by July 2020.
- The Commission recommends that all members who assist with victims of sexual offences and GBV undergo specialised training on GBV. This must be done by August 2020.
- The Commission recommends that the specialised training be offered at the SAPS basic training as a stand-alone course for all new recruits. This must be done by August 2020.
- If the SAPS do not have a specialised course available, the SAPS must develop such and start with the rollout of the specialised training before the end of the financial year 2020/2021.

15. National Department of Labour

The Commission issued a notice in terms of Section 12 (4)(b) of the CGE Act 39 of 1996, as amended; a notice that was duly served on the DG, Department of Labour (DoL), Mr Thobile Lamati. The purpose was to obtain answers on the role the DoL plays with regard to skills development in shelters, and the remuneration of employees and volunteers in shelters, including compliance with Labour Relations Act 66 of 1995, Unemployment Insurance Fund, Compensation for Occupational Injuries and Diseases Act 130 of 1993 and Basic Conditions of Employment Act 75 of 1997.

The DG failed or neglected to appear before the Commission without a written excuse, instead the Deputy DG appeared on his behalf without a letter of delegation. As a result, the representative was not allowed to present or participate in the proceedings by the Commission. The Commission will explore legal remedies in terms of section 18 of the CGE Act.

16. Department of National Treasury

The Department of National Treasury (Treasury) appeared before the Commission on the 2nd of December 2019 and was duly represented by the Deputy DGs Ms Malijeng Ngqaleni and Dr Mpho Modise. Treasury was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the Department of National Treasury related to shelters. A full discussion follows of the salient issues found in the responses of Treasury and further issues raised during the hearing.

16.1 Resourcing of shelters

Treasury supports resourcing based on plans and budget bids presented by departments. With regards to shelters, Treasury is continuously working with the DSD to secure funds to allocate as per identified needs and priorities.

Treasury indicated that there are no prescribed minimum requirements specific to GBV programmes. Noting that all strategic interventions emanate from policy or departmental mandate, and are articulated in the DSD's performance plans, Treasury's focus is on testing the alignment of these policies and programmes against its mandate, the National Development Plan (NDP) and the Medium-Term Strategic Framework (MTSF). Treasury assesses and discusses where efficiencies can be realised and where resources can be shifted to address priorities. The persisting cost pressures agreed between Treasury and the DSD are presented to the Medium Term Expenditure Committee for further deliberations and recommendations to the Ministers' Committee on Budget before going to Cabinet.

Relevant to shelters and GBV, the President of South Africa, Mr Cyril Ramaphosa, delivered the following speech on the 18th of September 2019:

"The extraordinary and immediate response that is needed to turn the tide against gender-based violence and femicide will need to be matched by a substantial and urgent reallocation of resources.

"Cabinet this morning resolved to direct R1.1 billion in additional funding in this financial year to the comprehensive response to gender-based violence.

"It is government's intention that the funds appropriated for this programme will be raised from within the current budget allocation and will not require additional borrowing."

Treasury highlighted the significant points in the President's speech and in Cabinet resolutions to be (i) resources – within departmental budgets, (ii) reallocation of resources, (iii) funds be raised from within the current budget.

Given that budget had already been allocated to departments through Cabinet approval in February 2019, Treasury's powers in this instance are limited to reallocating (actually, recommending reallocation to Cabinet) any new resources declared by departments as savings or underspending (resources that departments may be unable to spend within the financial year due to delays in implementation or reprioritisation etc.). In this instance, sector departments have a responsibility to respond to GBV measures and have a choice to shift resources internally (following necessary procedures) towards GBV measures or provide resources to other departments for this purpose.

Departments such as the DSD have pushed through significant budget shifts towards social work programmes as part of their GBV response as mandated by the Emergency Plan. Treasury assisted to facilitate this shift as per the DSD's request (R93 million), and Cabinet approved this as part of the adjusted budgets in October 2019. Departments such as Justice and Constitutional Development already had allocations within baseline to set up Sexual Offences Courts and strengthen prosecuting services. The R1.1 billion is simply part of resources already within departments' baselines geared at addressing GBV and related matters. Treasury communicated with the DSD and the Department of Women to identify funds to be utilised in accordance with the Emergency Plan to address GBVF.

The problem worth noting here according to Treasury is that the current GBVF response costing takes a vertical approach and impose on departments that have to mainstream and integrate into programmes. There will always be some level of mismatch of amounts due to over/underestimated costs and the need to find efficiencies at delivery level. To date, outputs from several costly, high-level awareness initiatives are yet to be quantified.

Indeed, R1.1 billion is not a new allocation but the costs of measures in a limited number of departments, geared at GBVF prevention, mitigation and care as well as support.

16.2 Allocation of funds

Treasury does not have an allocation for shelters. It recommends allocations for respective departments, in this case the DSD, for approval by Cabinet. The DSD's allocation towards shelters is spread across several programme areas, including provinces, VEP and transfer to NPOs.

16.3 Determination of funding shelters

The budget allocation for shelters is determined by each provincial DSD for its particular province, and considers any prescribed norms or policies for funding of shelters from the national DSD and availability of funds within each department's budget baseline.

Treasury indicated that DSD had no specific policy on shelters for discussion in the past year (2018). Shelters are discussed within an NPO funding framework, strategy, and welfare service prioritisation programme. Treasury is of the view that national DSD should elevate the shelters to a sub-programme for shelters to be given the necessary attention.

Treasury provided an example of one small project (Sector Funding Policy [SFP]) between itself and the DSD to support and address challenges relating to prioritisation and standardisation of NPO funding procedures. The project highlighted the need for a standardised procedure, but the same has not been implemented.

This SFP study was conducted in 2014. The purpose was to map and assess the NPO funding processes in five provinces and produce a synopsis of good and bad practices. The findings of the study were intended to contribute towards developing management protocols for the funding of NPOs by the DSD on a basis that it is sound, fair and efficient.

The five provinces identified as case studies for the review were the Eastern Cape, the Free State, Gauteng, KwaZulu-Natal and the Western Cape.

An online survey was administered among NPOs who were registered on the NPO database as providing welfare services. These NPOs were contacted by email to participate in the study. A total of 148 NPOs from different welfare services took part in the survey and responded to 41 questions. The questions were quite comprehensive, including all stages of the management of NPO processes by provinces. The following table indicates the key findings from the first study.

Table 40: Key selected findings from the SFP survey

Survey Areas	Key findings
Service spread	<ul style="list-style-type: none"> Funding was on average only provided for about 50% of the total registered services provided by NPOs.
Accessing forms	<ul style="list-style-type: none"> More than half of the NPOs stated that they had to make a special trip to the DSD to collect application forms. A significant number of NPOs cited this cost to be prohibitive.
Funding application process	<ul style="list-style-type: none"> There was a high level of dissatisfaction with the length of time the DSD took to inform applicants about the outcome of their funding applications. Close to 40% of the respondents disagreed with the notion that the evaluation processes were fair and transparent.
Finalising annual documents	<ul style="list-style-type: none"> Nearly 70% of respondents disagreed or strongly disagreed that the service level agreement was signed before the start of the financial year.
Provincial payments	<ul style="list-style-type: none"> Only 19% of respondents said that the DSD provided them with a schedule of when the funds would be transferred. About 73% of respondents received their first payment after 30 April. The reasons given by provinces were administrative problems (e.g. missing paperwork) and a high workload at the start of the financial year.
Improving the NPO payment process	<ul style="list-style-type: none"> The three elements that respondents felt could improve the NPO-payment process were 1) simple and clear funding criteria, 2) the timely payment of funds, and 3) certainty of the funding level. Poor communication by officials was also given as a serious problem.
Unnecessary documents	<ul style="list-style-type: none"> Two concerns were raised: 1) a sense that officials did not read the documentation submitted, and 2) the fact that documentation frequently went missing.

Table 41: Selected findings from the process mapping exercise

Key Area	Findings
Inconsistent processes across provinces	<ul style="list-style-type: none"> Inconsistent processes and templates were used by provinces. Different districts within the same province used different templates and checklists.
Different ways of operating	<ul style="list-style-type: none"> Some offices had administration staff to capture data, whereas in others social workers attended to the administrative work. In some provinces service offices also operated as area offices. Social workers had different portfolio functions depending on the province or district.
Capacity constraints	<ul style="list-style-type: none"> The average ratio of allocated service centres to social workers differed vastly across provinces, impacting on workload and information collection. Some service offices did not have enough resources and delegated certain functions to other offices. Data capturing capacity across provinces or districts was inconsistent.

<p>Inconsistent technology and systems across provinces</p>	<ul style="list-style-type: none"> • Some provinces utilised province-wide systems (e.g. SAP, SDIMS), while others relied on manual tools and paper-based data collection. • Some tools were kept at the local level, making it difficult to consolidate information at provincial level. • Offices had limited hardware (i.e. computers, printers, scanners) to function optimally.
<p>Inadequate document management and filing</p>	<ul style="list-style-type: none"> • In the absence of a central database, files were duplicated across offices (service centre to provincial). • There was a high risk of information being inconsistent in files kept in different offices. • Key documents were not captured electronically, making access and retrieval difficult (e.g. SLAs).

The National Gender-Based Violence and Femicide Strategic Plan 2020-2030, 12 August 2019, identified inadequate resourcing of GBVF programmes as a challenge. As such, there is dire need to uniformly and adequately resource and administer shelters at a national level.

16.4 Policies or guidelines pertaining to the funding of shelters

The policies pertaining to the funding of shelters fall under the mandate of the national DSD.

Treasury is working with the Department of Women and sector departments to find ways to enable gender responsive budgeting; the first attempt focused on sex aggregated data.

For the 2020 Estimates of National Expenditure, departments were requested through the budget database completion to record the percentage of total departmental budget spent on women, children, disability and youth. This was a first attempt towards sex aggregated data and assessment of sensitivity towards some of the national priorities emphasised by the MTSF and budget responsive calls from these sectors. Given the weak responses from departments, a spending incident analysis may be the next step.

16.5 Disbursement

Disbursement of allocated funds is the responsibility of the accounting officers for the respective departments. Treasury however provides policy support where possible to sector departments to enable implementation of set targets and deliverables.

The SFP study conducted indicates that 19% of respondents said that the DSD provided them with a schedule of when the funds would be transferred. About 73% of respondents received their first payment after 30 April. The reasons for late payment given by provinces were administrative problems (e.g. missing paperwork) and a high workload at the start of the financial year.

As per the recommendations of the SFP study, efforts are underway to support reforms in the NPO funding space to streamline the process of funding NPOs, including ensuring the payment of subsidies.

16.6 Efforts made to address GBV

The Cabinet announcement was made outside the government planning and budgeting cycle and timelines. While Treasury made special efforts to encourage and accommodate related shifts, many departments struggled to accommodate new additional activities that were not part of their Annual Performance Plan, financial prioritisation and Adjusted Estimates of National Expenditure (AENE) discussions with accounting officers.

Treasury reached out to departments reflected in the emergency action plan, sought insight on possible shifts, and extended the deadline for AENE shifts to accommodate these. Correspondences to this effect were dispatched to departments, which helped to facilitate the budget shifts in departments. The following table indicates the budget shifts regarding DSD.

Table 42: DSD current funding activities to address GBVF

Department	Item	Current programme or not	If yes, 2019/2020 funding R'000	If not, could funds be reprioritised towards the programme	Comment
Department of Social Development	Extra posts and professionals for TCCs	NOT	61 900	In general, there is very little room for reprioritisation in the social welfare service sector as it is already severely underfunded. Studies show a shortage of approx. R11 bil per annum in funding NGOs delivering welfare services on behalf of the state.	NDS has a Social Crime Prevention and Victim Empowerment subprogramme which totals about R69.6m in 2019/2020, of which Victim Empowerment (excl. GBV Command Centre) represents 30%. Of the Social Crime Prevention and Victim Empowerment sub-programme, R36m is for Compensation of employees (COE) (incl. GBV Command Centre) and just over R7m p.a. is transferred to NPOs. Provincial DSDs have a Victim Empowerment subprogramme totalling R534m in 2019/2020. Not possible from budget structure to see exact allocation for COE - however, in general PDSDs spend around 46% of their budget on COE and 34% on transfer to NPOs.
	Social Behaviour change programmes implemented by November 2019.	NO	66 000	R66m allocated through South African National AIDS Council (SANAC) for NPOs to implement social and behaviour change programmes focused on HIV/AIDS NPOs. Expansion of scope to address GBV may be useful.	This will reduce SANAC funding significantly

Department	Item	Current programme or not	If yes, 2019/2020 funding R'000	If not, could funds be reprioritised towards the programme	Comment
	Injection of financial resources to NGOs providing direct service to victims and survivors.	Yes	182 000	Already committed amount may not be available for new and immediate measures.	Victim Empowerment sub-programme within PDSDs total R534m - if 34% on average is transferred to NPOs, this is about R182m. All NGOs delivering social welfare services, not just Victim Empowerment NGOs are underfunded. Increasing victim empowerment as a priority over other services is a gradual process through implementation of a prioritisation framework in funding NGOs - this could mean compromising and even stopping of funding to NGOs that are not focused on Victim Empowerment.
	Set up a GBVF Fund for rapid response to assist survivors at the community level, including access to justice through legal aid	No	0	This is a new priority and would require reprioritisation.	NDSM transfers small amounts (less than R2m p.a.) to NGOs focusing on victim empowerment. The fund as envisaged in the Immediate Responses is not feasible. Private sector funding should be considered.
	Hiring additional social workers to provide psycho-social support services in victim friendly facilities, TCCs, shelters, Khuseleka one stop centres and for families affected by violence	No	0	No. The shortage of social workers is still an issue. Reallocation is needed to enable even contract employment.	Over the MTEF, more employment of about 400 social workers will be possible through funds saved from ending the social worker scholarship. Over 600 social workers were employed and sustained through the social worker employment grant to provinces. It should also be noted that the DSD is not the only employer of social workers. High absorption will not necessarily result in efficacy in the absence of a clear plan.

Department	Item	Current programme or not	If yes, 2019/2020 funding R'000	If not, could funds be reprioritised towards the programme	Comment
	Establish shelter per province LGBTIQ + community	No	0	No	Reprioritisation needed. Current budget only focuses on shelters for women and is not adequate (several may be closing down due to limited funding). The sector should explore how to address this within current limitations.
	Rolling out community interventions for substance abuse, with GBV integration	Yes	369	Reprioritisation not required.	There are already a number of state-NGO partnership interventions targeting substance abuse. These need to be evaluated for effectiveness before rolling out new interventions. PDSs already have R1.1bil allocated for Substance Abuse Prevention and Rehabilitation in 2019/2020. If 34% goes towards NGOs this represents about R369m in total.
	Number of GBV interventions integrated such as deploying to all municipalities across the country appropriately trained community-based workers (CBW) to engage in household visits and community interventions focused on changing harmful social norms; municipalities.	NO	0	Reprioritisation required. This would require employment of new CBWs not provided for within the current budget.	Joint responsibility of the Presidency, DSD and public works. <u>May actually fall within COGTA and municipal ambit.</u>

One of the funding activities identified is to set up a GBVF Fund for rapid response to assist survivors at the community level, but there is no funding. As such Treasury indicated that private sector funding should be considered. Also, the shortage of social workers is still an issue, reallocation is needed to at least enable contract employment.

Another funding activity is to establish a shelter per province for the LGBTIQA+ community, but the current budget only focuses on shelters for women and is not adequate (several may be closing due to limited funding).

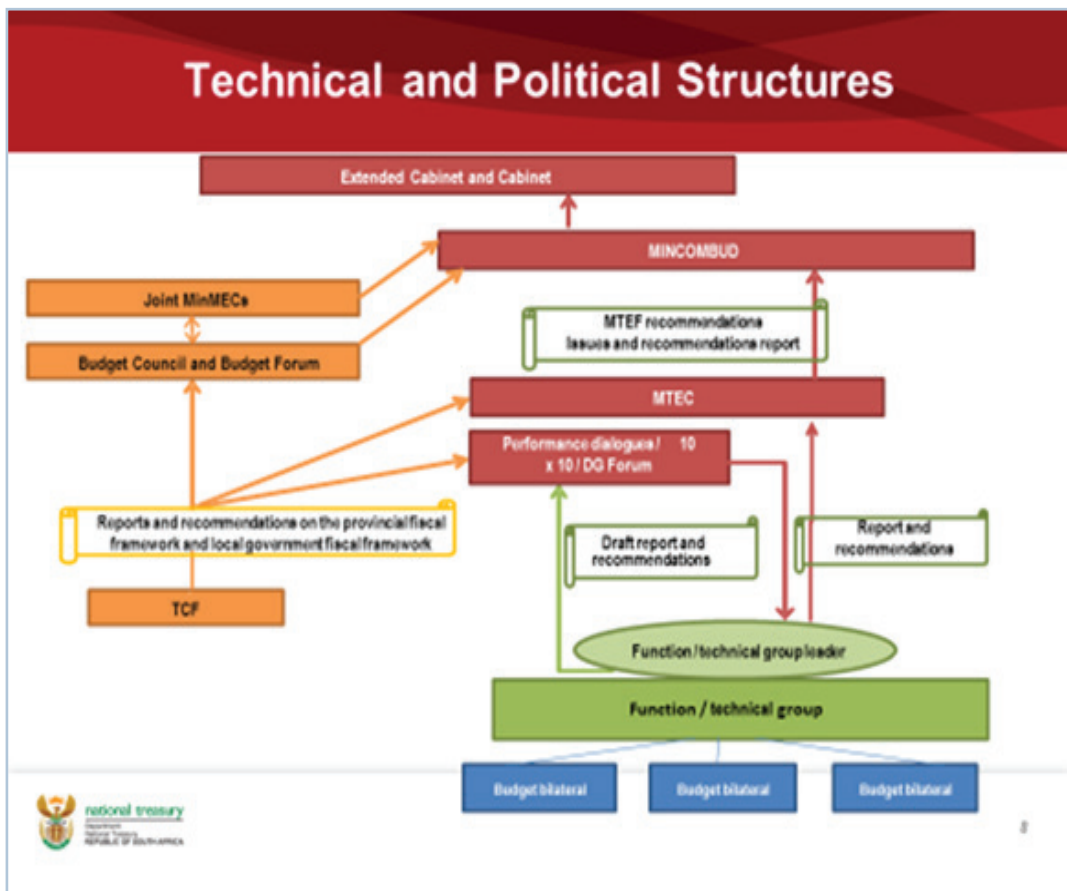
There is a need for the employment of new CBWs not provided for within the current budget. This requires a joint responsibility of the Presidency, DSD and the Department of Public Works, and may fall within COGTA (Department of Cooperative Governance and Traditional Affairs) and municipal ambit.

16.7 Reporting path between provincial Treasuries and National Treasury

On financial information, the provincial Treasuries report the aggregate spending from the In-Year Monitoring reports by provincial departments against their budgets to National Treasury in terms of section 32 of the PFMA. On non-financial (performance) information, the departments submit quarterly performance reports to the Office of the Premiers, which end up being reported to the Department of Planning, Monitoring and Evaluation (DPME).

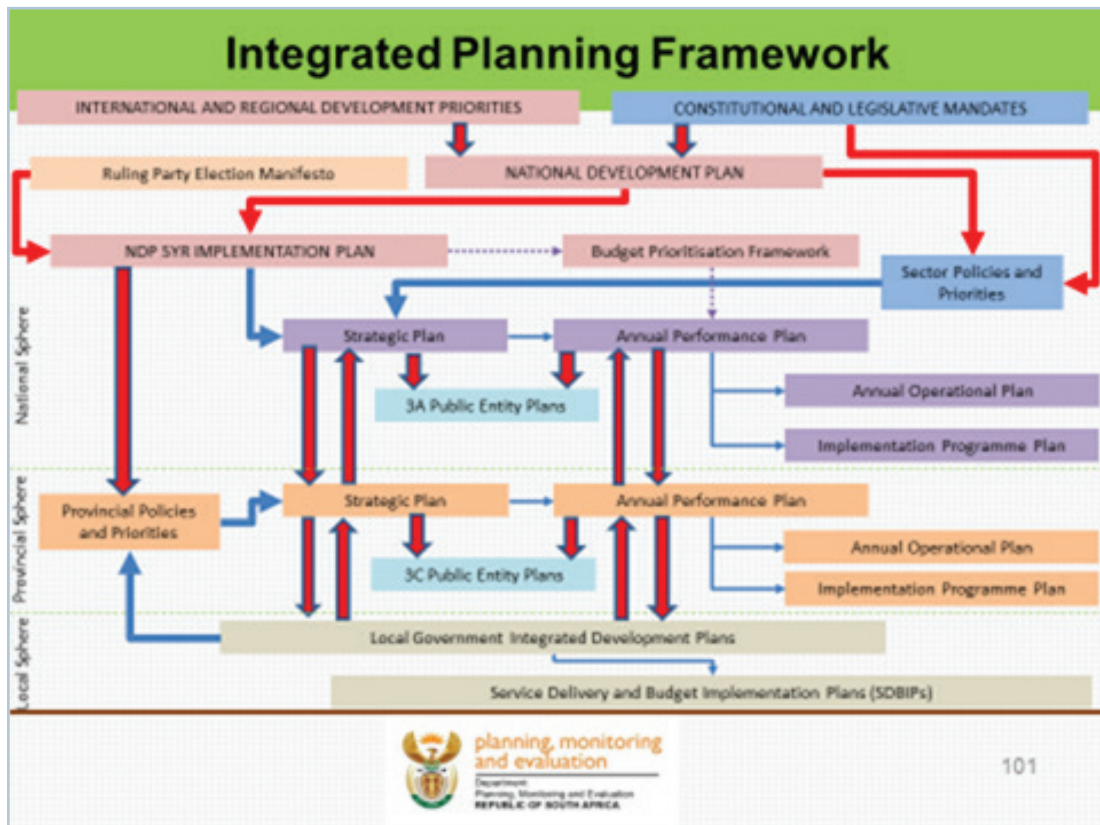
The image below outlines lines of reporting and accountability. For services at provincial level, sector departments are the first line of accountability after sub-national constitutional structures.

Figure 1: Technical and political structures' reporting lines



Regarding oversight of departments and provinces, the DPME guides the process flow.

Figure 2: Integrated Planning Framework



16.8 Gender responsive indicators and budgeting

The DPME is responsible for development on related indicators for the GRPBMEA (Gender Responsive, Planning, Budgeting, Monitoring, Evaluation and Auditing), the NDP and for the National Strategic Plan (NSP). As such, the DPME should be able to provide the lacking gender responsive indicators.

For Treasury, appropriate allocation recommendation follows appropriate budgeting steps, including motivations from departments as well as function groups discussions. Allocations are made to sector departments responsible for implementing various elements of the NSP, in line with Cabinet-approved programmes. The onus to deliver and make necessary reprioritisation and adjustments lies with sector departments informed by their mandates.

The programme activities, outputs, outcomes and performance indicators will be developed to address challenges experienced by women in public finance. Treasury aims

to embark on a holistic structured programme to empower women in public finance roles with skills and knowledge to overcome gender challenges; empower women to build a pipeline of future leaders and managers with decision-making powers to make strategic decisions for social progress, sustainable economic growth and sustainable development; address the lack of knowledge and skills for the institutionalisation and implementation of the GRPBMEA Framework.

16.9 Findings

- The DSD lacks a standardised shelter funding procedure. Shelters are currently funded under the various VEPs, NPO funding framework and welfare services.
- The provinces apply inconsistent budget allocation, administration and minimum standard requirements for shelters. Same applies to districts within the same province.
- Nationally, few shelters are adequately resourced, and most are inadequately resourced.
- There is an inconsistent number of shelters in provinces and no shelters in some districts.
- Shelters are not elevated as sub-programmes and as such are not given the necessary attention. This is evident from an increased allocation to a shelter in KwaZulu-Natal that Treasury was not able to detect. This indicates that there are funds that Treasury systems are not able to detect, placing allocation of monies to shelters at a high risk of fraudulent activities.
- Treasury, similar to the DSD, lacks commitment to be proactive in addressing the standardised resourcing of shelters by policy development, engendering of the budget allocations and holding the departments accountable on same.
- Treasury lacks understanding of engendering budget to ensure that it is gender responsive.
- Treasury neglected and/or failed to hold the departments accountable despite their weak responses during its assessment of sensitivity towards some of the national priorities emphasised by the MTSF and budget responsive calls. Same applies to accountability where misspending is known.
- Treasury and the DSD do not keep data to track the number of persons or shelters that benefited from the annual allocations.
- There is a lack of minimum standards providing for the needs of PWD the LGBTIQ+ and accredited skills development programmes for survivors at shelters.

16.10 Recommendations

- Treasury and the DSD must develop a standardised shelter funding procedure.
- Treasury and the DSD must develop a consistent budget allocation, administration and minimum standard requirements for shelters.
- Treasury and the DSD must provide for the standardised and adequate resourcing of shelters nationally.
- The DSD and Treasury must consult with relevant departments and elevate shelters as a sub-programme to monitor compliance.
- Treasury must conduct training for its employees on the engendering of the budget.
- Treasury should hold the departments accountable for failure to adhere to regulated governance practices and failure to account for where misspending is known.
- Treasury and the DSD should keep data to track the number of persons or shelters that benefited from the annual allocations.
- Treasury and the DSD must develop the minimum standard policy at nationally level providing for the needs of persons with disability, the LGBTIQ+ community and accredited skills development programmes to survivors at shelters.

17. Department of Women, Youth and Persons with Disabilities

The department appeared before the Commission on the 9th of December 2019 and was duly represented by the Acting DG, Ms Tshabalala. The department was afforded the opportunity to respond to a questionnaire that sought to determine, among others, its role in advancing gender equality and the advancement of human rights of those requiring the services of shelters. A full discussion follows of the salient issues found in the responses of the department and further issues raised during the hearing.

17.1 Analysis of information

17.1.1 The role of the department in achieving gender equality and women empowerment

The department's role is to lead socio-economic transformation and implementation of the empowerment and participation of women, youth and PWDs through mainstreaming, advocacy, institutional support and capacity, and monitoring and evaluation.

The department submitted that the sanitary dignity implementation framework to indigent girls and women has been developed, and approved by Cabinet.

The department further indicated that the funding is disbursed through National Treasury across all nine provinces and roll out is initiated. The department is responsible for monitoring the implementation of the framework. It is important to indicate that National Treasury monitors the funds disbursed.

The department ensures that women empowerment and gender equality is attained. The department submitted that this is achieved through the framework on women's financial inclusion. Further to the programmes mentioned earlier, the department has an entrepreneurship programme to benefit women, youth and PWDs on the sanitary dignity value chain of manufacturing, storage, distribution and waste disposal.

The department also forged partnerships with Small Business , the Department of Trade and Industry, National Treasury, agencies, as well as private sector to stimulate economic activity within the value chain.

The information clarifies that the department plays an oversight, catalyst and supportive role to assist the effective implementation of the GBVF Emergency Response Action

Plan, including input to analysis, planning, resourcing, implementation, review and reporting. Policies were analysed to ensure transformation for women's socio-economic empowerment and gender equality. It was submitted that a gender lens was applied to the country's MTSF which was approved by Cabinet.

The department has embarked on the revitalisation and strengthening of the National Gender Machinery (NGM). A diagnostic NGM Report was produced as well as a draft NGM Framework to establish efficient and effective NGM processes and systems to ensure seamless gender mainstreaming across all spheres of government. This is done through coordination of government-wide GRPBMEA; and developed implementation plan. These are some of the key programmes in terms of making sure that gender equality is realised in South Africa and the world.

17.2 Stakeholder engagements on issues of women empowerment/gender equality

- The department conducts outreach and public participation initiatives, community mobilisation and advocacy campaigns to advance women's empowerment and gender equality.
- Community dialogues with different sectors of women were conducted across all nine provinces (at district and local municipality levels) as a social behaviour change programme to address structural drivers of GBV. The GBV robots (for men, women, and children but also relevant to gender non-conforming persons – in all official languages) have been developed and distributed on different platforms. This programme is important because it is inclusive of everyone and non-discriminatory in terms of gender, sexual orientation etc.
- The department is also promoting international relations and engagements on women, as well as ensuring South Africa's compliance with international treaties on women.
- It coordinates stakeholder participation in advocacy programmes on the rights of women, including the commemoration of national days.

17.3 Challenges identified by the department in relation to shelters, particularly to women, children, PDWs and the LGBTIQ+

- Inadequate funding impacting on proportionate availability at different levels of administration (provincial, district and local), human resources and quality and quantity of services rendered.

- Lack of and/or inadequate provision of socio-economic empowerment of survivors. This is currently addressed through the Emergency Response Action Plan (ERAP).
- Inadequate and/or lack of psychosocial support programmes for frontline workers.
- Lack of capacity-building initiatives for an all-inclusive approach to sheltering services, i.e. training on concepts of gender mainstreaming, gender awareness, inclusivity, intersectionality, universal design for all forms of disabilities (overt and covert).
- Shelters are currently not regulated except for the Victim Support Bill currently serving through Cabinet processes. This Bill seeks to ensure adequate horizontal and vertical coordination that will allow for clarification of roles and strengthen a multi-sectoral approach across all departments.
- Lack of a government policy directive to ensure that women who leave abusive relationships have access to housing – immediately and transitional housing thereafter. Henceforth, public buildings are being upgraded and availed for sheltering, and a partnership has been forged with the Department of Public Works and Infrastructure (DPWI) to identify unused government buildings for handover to the DSD. Above all, the utilisation of government buildings for messaging in partnership with civil society.
- Inadequate and/or lack of public private partnerships established to facilitate economic opportunities for women leaving shelters. Partnerships such as those with retail company EDCON should be enhanced.

17.4 Interventions to hold relevant departments accountable to provide service to victims of crime and abuse

The department plays a critical role in holding relevant departments accountable through its monitoring role. It is leading the establishment and capacitation of rapid response teams at national and emergency response teams at provincial levels to address wider systemic challenges and enforce accountability. The importance of the department cannot be overemphasised in the quest to make sure victims of crime and abuse get the necessary services.

It was submitted by the department that the GBVF and NSP have been adopted. This will essentially mean that the department will work with the DPME to ensure NSP priorities are fully integrated, costed and monitored in all relevant departmental and municipal plans and frameworks.

The department is leading the establishment of a multi-sectoral coordination and accountability structure in response to the GBVF, in a form of a council as the proposed structure subject to endorsement by Cabinet (31 March 2020 target).

17.5 Enabling environment for survivors of violence at shelters

- The department should strengthen the partnership with the DPWI in bolstering infrastructure, human resources, skills development, quantity and quality of services, accessibility and availability across different government spheres.
- It must ensure the development of a core package of services and related costing.
- A standardisation approach to sheltering must be adopted for funding and services meeting the needs of LGBTIQ+, PWDs, women and children.
- A supportive institutional environment for service providers is key.
- The GRPBMEA Framework for improved interdepartmental coordination of the sheltering system must be institutionalised.
- Interventions that facilitate economic opportunities for victims/survivors exiting shelters must be prioritised.
- Integration of shelters within departmental planning (Strategic Plans, Annual Performance Plans, Operational Plans) and budgeting systems, setting of targets and indicators and monitoring to all relevant departments, without confining the responsibility to the DSD.

17.6 Monitoring

The department submitted that at the local level, the integrated development plan should include plans of different spheres of government, as well as shelters. Government has also introduced the District Development Model which aims to accelerate local development through a more integrated approach. All government departments should be working together towards a single plan in each district, in this case focusing on gender responsive planning and budgeting. This should include a rollout of shelters within the identified districts and metros, including defining the role of municipalities in terms of their support to shelters, as well as rapid response teams.

At the site level, the monitoring of the quality of services remains of critical importance. However, oversight institutions should also play a key role in this regard. The department indicated that in line with the GRPBMEA, the DPME is required to ensure that its Frontline Service Delivery Monitoring (FSDM) and Citizen-Based Monitoring systems are gender responsive. This should include monitoring of services at shelters and other GBV-related services as a standard component of the FSDM system.

17.7 Promotion of new attitudes, behaviour and a culture of respect for women's rights as human rights

The department submitted that it engaged the NHTL as partners in tackling the scourge of GBV. The department highlighted that it will be available to work with the traditional leaders.

Dialogues were held with men, boys, women and the LGBTIQ+ sector for meaningful engagement on the scourge of GBV to play an advocacy role for more programmes targeting men in transforming gender relations. It is through these dialogues that local interventions are designed based on lived experiences of survivors of GBV.

The Commission commended the department for its sterling work. Since a working relationship has been established, the department will work together even when it comes to working with the traditional leaders at the community level.

17.8 Further information provided by the department

The department provided the monitoring and evaluation plan for emergency response. Final statistics in relation to the data of the girls who have benefitted through the sanitary dignity programme, must be submitted by August 2020.

The department is yet to submit information regarding the budget allocation for the dignity sanitary programme.

17.9 Recommendations

- The department must supply exact amounts per province allocated by National Treasury for the sanitary dignity framework.
- The department must provide data on how many girls have benefitted from the sanitary dignity implementation framework. Final statistics must be submitted by August 2020.
- The department must share the DPME targets.
- The Commission will engage EDCON on its programme that focuses on sewing and making clothes.
- The Commission will work with the department on gender mainstreaming in the workplace.

18. Department of Human Settlements

The Department of Human Settlements (DHS) appeared before the Commission on the 5th of December 2019 and was duly represented by the Deputy DG Mr Ahmed Vawda. The DHS was afforded an opportunity to respond to a questionnaire that sought to determine, among others, its role in ensuring adequate shelters and other accommodation for victims of GBV and other such vulnerable groups. A full discussion follows of the salient issues found in the responses of the DHS and further issues raised during the hearing.

18.1 Analysis of information

18.1.1 The role of the DHS both nationally and provincially to ensure shelters are housed at adequate accommodation

The DHS submitted that it subscribes to the international standard and Article 25 (1) of the Universal Declaration of Human Rights:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.”

When analysing the DHS' information, it was discovered that there is a shelter in Badplaas, Mpumalanga. This NPO is fully subsidised by the DSD and is housed in a shipping container room. This is contrary to section 10 of the Constitution, Act 108 of 1996, specifically to PWDs and survivors of violence.

The DHS submitted that it is using the Housing Code as part of its norms and standards. The code provides norms for PWDs inclusive of those who use wheelchairs.

The applicable standards include the provision of a house with a 40, 45 or 50m² gross floor area with two bedrooms, as well as:

- A separate bathroom with a toilet, a shower and a hand basin;
- A combined living area and kitchen with a wash basin;
- A basic, full pre-paid metered electrical installation comprising a light in each room and an electrical plug in each of the living rooms/areas; and
- Each dwelling must comply with the energy efficiency measures prescribed by the National Building Regulations comprising:

- A ceiling and prescribed air gap between the ceiling and the roof cover; above ceiling insulation – 130mm mineral wool blanket; and
- Plastering of all internal walls and rendering on external walls.

The Commission observed that the national DHS has over the years received grants from National Treasury and such grants have been apportioned to provincial DHS.

The role of the provincial department, over and above the specifics stated in the Housing Act, has been to implement programmes that are stipulated in the National Housing Code.

In terms of types and higher density design of the buildings, the higher density designs comprise:

- Two storey semi-detached units;
- Three storey walk-up units with different internal layouts and roof structures;
- One unit with a mono pitched roof and one with dual pitched roof; and
- The unit sizes are 45m² to cater for the space that is lost due to the staircase to the upper levels.

The DHS provided pictures of these buildings showing how they look and where they are situated. However, the accommodation is mostly for people with a low income and who qualify for subsidy. The accommodation is advertised as rentals.

18.1.2 Subsidy mechanism to eligible NPOs to own and manage buildings in which shelters are housed

The DHS does not have a subsidy mechanism in place but highlighted that a default policy is being utilised. However, a number of provincial DHS, such as Western Cape, Gauteng and KwaZulu-Natal, have used the Institutional Housing Subsidy Programme to construct group accommodation as provided for by the NPOs.

Such accommodation was constructed to comply with the National Standards applicable at the time. The care in these institutions have been provided through the DSD, DOH and through the services of registered NPOs.

The DHS submitted that it has the latest information on a national policy development concerning a special housing needs programme that would be complementary to the National Housing Code. Accordingly, this programme will cater for the construction of shelters for people with special housing needs.

This programme is critical in that it will provide the sector with an opportunity to make a shift in focus and provide for group accommodation that will address the plight of people with special housing needs. It also brings on board a partnership arrangement with the NPOs.

18.1.3 Special housing needs programme

It is important to note that during the hearings the special housing needs programme was not approved. However, noting that both the programme and the guidelines are approved, same would cater for persons who are typically categorised as the aged and frail-care dependent, severely disabled persons, homes for destitute children, etc. Currently, the special housing needs are catered for by registered and suitably capacitated NPOs, also known as welfare organisations.

In terms of funding, the DHS indicated that it is not receiving financial assistance from the government. It relies on donations and private sector credit.

The following statistics reflect the number of beneficiaries regarding human settlements subsidies, statistics per province, households that have completed housing subsidy application forms and were approved (validated) to benefit from housing subsidy. The data are disaggregated.

Table 43: Housing subsidy beneficiaries across provinces

<i>Province</i>	<i>No. of Beneficiaries</i>	<i>No. of Male-Headed Households</i>	<i>No. Female-Headed Households</i>	<i>No. of Households with a disabled Person</i>	<i>No. of Households where the Applicant age > 60</i>
Eastern Cape	410 313	170 817	239 496	550	69 667
Free State	226 277	110 544	115 732	283	43 120
Gauteng	657 205	299 408	357 797	5 607	58 684
KwaZulu-Natal	639 351	234 716	404 635	4 187	118 193
Limpopo	292 701	91 672	201 029	3 272	52 724
Mpumalanga	229 208	98 430	130 778	1 445	38 296
Northern Cape	62 474	31 439	31 035	1 141	10 013
North West	306 378	134 017	172 360	179	36 753
Western Cape	336 282	170 676	165 606	2 019	25 878
Total	3 160 189	1 341 719	1 818 468	18 683	453 328

The statistics reflect that Gauteng and KwaZulu-Natal are overrepresented when it comes to female-headed households with more than 350 000 and more than 400 000, respectively. The allocation system is done through allocation committees. This enables priority to be given to special groups such as women and PWDs.

The Housing Code, under incremental interventions, has an Emergency Housing Assistance Programme. The programme is funded and provides temporary relief to households in distress as a first phase toward a permanent housing solution through a Human Settlement Development Grant Budget allocation. The programme was established as a result of the Groot Boom case in 2001.

The programme covers a whole range of scenarios:

- Persons regarded as homeless as a result of declared disasters;
- Persons regarded as homeless as a result of undeclared disasters;
- Persons living in dangerous conditions, such as areas prone to flooding, sink holes etc.; and
- Persons who live in conditions that pose immediate threat to life, health and safety.

Table 44: Emergency housing projects and expenditure

Province	Number of Projects	Expenditure 2019/2020
Eastern Cape	1	R8 862 235.20
Free State	1	R1 750.00
Gauteng	3	R4 689 818.96
Kwa-Zulu Natal	8	R11 129 494.46
Limpopo	1	R1 465 455.20
Mpumalanga	22	R17 837 709.66
North West	1	R1 358 875.71
Western Cape	2	R30 986 602.06
Grand Total	39	R76 331 941.25

The statistics (2019/2020) are disaggregated by province, number of projects and expenditure. This is based on the number of disasters that took place and which required interventions. Provinces not prone to natural disasters are likely to spend less in terms of the budget allocations and this is reflected in the number of incidents and expenditure.

18.4 Special Housing Needs Policy Programme (Version 2017)

The DHS has a Special Housing Needs Policy Programme (Version 2017). 'Special housing' according to this programme refers to the following categories of persons who have low incomes (as defined in the Housing Code) or have no incomes or are dependent on social grants: Orphans and vulnerable children; older persons; the full spectrum of PWDs; victims of domestic abuse and similar crimes; the terminally ill and frail persons (including those with HIV/AIDS); the homeless or destitute or those living on the street (including children); those receiving substance abuse rehabilitation services; and other vulnerable people such as victims of serious crimes and victims of human trafficking.

18.5 Observation that the DHS has not finalised its Special Needs Housing Policy

The DHS does not agree with this observation and further submits that the Special Housing Needs Policy has been drafted and was supported by its Executive Management and is to be considered for approval by the Ministers and Members of Executive Councils Meeting (MinMec) and Cabinet, to enable implementation. This confirms the Commission's observation that the policy has not been finalised and contradicts the department's assertion. The DHS submitted that the Special Needs Housing Policy will only be finalised by June 2020.

The DHS asserts that it provides a variety of services which cater for a variety of needs in providing for the right of access to housing. South Africa's model of delivering housing provides for permanent, transitional and rented housing solutions. This recognises that individuals have different needs that must be met, the most critical of which are housing and shelter, which would then cover emergency housing. Emergency shelters are intended to remove individuals from the imminent danger of being homeless and do not provide people with permanent housing, which is the primary goal of the housing programme for the poorest of the poor. The Emergency Housing Assistance Programme provides for the protection against harsh elements. It is anticipated that the residents in emergency housing will at some point graduate to more independent, 'normal' housing.

The following statistics are provided in the Housing Special Need report of 2016:

Institutional subsidy + a loan: Foster care scheme at Loop Street

Two adjacent houses were purchased to provide a foster care scheme, with live-in house mother, managed by Yeast's NPO partner agency, the Tshwane Leadership Foundation (TLF).

Table 45: Funding for foster care scheme at Loop Street

Funding source	No	Typology	Funding R
Institutional housing subsidy	10	Bed spaces	628 475
Donations/fundraising	11	Bed spaces	93 525
DIGH* Loan	11	Bed spaces	368 000
TOTAL			1 090 000

* Dutch International Guarantee for Housing

The DHS submitted that in terms of the Building Regulation and Building Standards Act of 1977 as amended, the municipalities have a responsibility of appointing building control officers whose function is to make recommendations to the municipality regarding any plans, specifications, etc. that have been submitted. The building inspectors are required to inspect the building erected and any activities on matters connected with and in respect of which approval was granted. If the municipality is of the opinion that any building is dilapidated or in a state of disrepair or shows signs thereof, or earthwork is dangerous and or shows signs of being dangerous, it may by notice in writing, order the owner of such building, land or earthwork to demolish it within a specified time.

Table 46: Summary – budget allocations and expenditure, 30 September 2019

Provinces	Voted funds	Roll overs from	Revised Total Available funds	Transferred funds	Spent by provinces	Unspent against transferred funds	Unspent against total available funds	% spent against transferred funds	% Unspent of transferred funds	Unspent % of transferred funds	Unspent as % of total available
EC	1 960 278	-	1 960 278	953 931	939 261	14 670	1 021 017	48	98	2	52
FS	1 093 166	-	1 093 166	532 9115	324 437	208 478	768 729	30	61	39	70
GP	5 164 409	49 371	5 213 780	2 102 850	2 091 228	11 622	3 122 552	40	99	1	60
KZN	3 485 407	50 450	3 535 857	1 827 459	1 524 093	303 366	2 011 764	43	83	17	57
LP	1 301 677	61 270	1 362 947	928 182	629 538	298 644	733 409	46	68	32	54
MP	1 296 059	-	1 296 059	680 909	625 487	55 422	670 572	48	92	8	52
NC	470 262	6 797	477 059	274 851	132 358	142 493	344 701	28	48	52	72
NW	1 934 947	-	1 934 947	847 926	748 814	99 112	1 186 133	39	88	12	61
WC	2 073 610	-	2 073 610	980 252	1 196 002	-215 750	877 608	58	122	-22	42
Total	18 779 816	167 888	18 947 703	9 129 275	8 211 218	918 057	10 736 485	43	90	10	57

The DHS submitted that it is in the process of sending letters to provinces to highlight which projects provided shelter to the victims of GBV. A formal response will be sent to the Commission in due course. As examples, the DHS listed NPO NOAH in the Western Cape, the Salt River Project, and Potters House in Gauteng that was developed in 2000.

The following table reflects some of the NGOs that were supported by institutional subsidy as per the National Association of Social Housing Organisations 2016 Report.

Table 47: NGOs supported by institutional subsidy

Scheme Name	Date	Scheme type	No. of units	Capital Funding mechanism	Revenue funding	Managing agent
Potters House	2000	Women's shelter	24 bed spaces	Transitional Housing Subsidy	DSD	Tshwane Leadership Foundation (TLF)
Lerato House	2010	Shelter for girls at risk	20 beds paces	Institutional Housing Subsidy	DSD	TLF
Thusanang	2013	Move on communal housing for girls at risk	10 bed spaces + 1 unit for a Housemother	Institutional Housing Subsidy (IHSP)	In the end no support given by DSD, so the scheme is housing single women at present	Yeast City Housing (YCH)
Thusanang	2013	Self-contained units for women moving on from the women's shelter	10 bachelor units	IHSP and Restructuring Capital Grant from the SHRA	No dedicated funding - Support given by TLF and YCH	YCH

The DHS emphasises that there is a grant allocation formula that is used to allocate budgets to provincial DHS. This allocation formula is updated from time to time and is agreed on by MinMec and National Treasury. This is reflected in the Division of Revenue Bill (refer to pages 89 and 90 of the Bill). It is further the DHS' submission that it uses business plans to plan and budget for individual projects per province.

The provincial business plans provide a list of projects that will be – or already are – implemented in the provinces. These plans include monthly cash flows and targets.

Table 48: Needs register per province

Province	Needs Register
Eastern Cape	1 185 502
Free State	483
Gauteng	1 932 346
KwaZulu-Natal	20 695
Limpopo	20 525
Mpumalanga	104 577
Northern Cape	188 897
North West	25 881
Western Cape	208 803
SA Total	3 990 709

19. National Department of Health (NDOH)

The NDOH appeared before the Commission on the 6th of December 2019 and was duly represented by the Acting DG, Dr Anban Pillay. The NDOH was afforded an opportunity to respond to a questionnaire that sought to determine, among others, its role in ensuring efficient health services for shelters and the vulnerable who require safe places to stay. A full discussion follows of the salient issues found in the responses of the NDOH, and further issues raised during the hearing.

19.1 Submissions by the NDOH

The NDOH indicated that in line with its directive on the management of sexual offences, it supports survivors of sexual violence in partnership with key criminal justice system partners including the DSD, SAPS (the FCS unit) and the NPA.

The NDOH further indicated that as a result of these partnerships, survivors who require the services of a shelter are referred to the DSD as the lead department for shelter services. The NDOH indicated, however, that it is a member of all relevant structures where the performance of shelter services is reported and discussed. These structures include the VEP and the forum for sexual offences and trafficking in persons response team in all provinces.

19.2 List of services that the NDOH offers to shelters of survivors of violence

The NDOH stated the following:

- Shelters and the NDOH have a strong referral system. The NDOH refers people to shelters and vice versa.
- The NDOH offers chronic medication.
- It provides post-exposure prophylaxis (PEP) and other medication for sexually related conditions.
- The NDOH conducts physical examinations, forensic examinations and collects evidence at shelters.

19.3 What is the standard practice/operation in relation to the provision of medical services to shelters?

The NDOH stated that:

- Shelters refer survivors to the NDOH for medical services.
- If there is an emergency, the shelter calls the health facility for assistance or an ambulance.
- The NDOH refers survivors to shelters for placement at shelters through the DSD.

19.4 List the challenges faced by the NDOH in providing services to shelters

- Transportation of survivors from shelters to health facilities;
- Transportation of healthcare workers to shelters;
- Staff shortages at shelters as and when needed;
- Unavailability of space at the shelter when referring survivors to shelters; and
- No dedicated budget at the NDOH, hence assisting shelters with medical services is a challenge.

The NDOH seeks to strengthen its collaboration and referral system with shelters to address its challenges. The NDOH was also asked whether there is a specific budget allocated to shelters for the provision of medical services to victims/survivors of GBV at national and provincial level. The NDOH responded that DSD should have a budget for shelters and that other departments should render services that are needed for shelters, supported by budget allocations for such services.

19.5 Analysis of submissions

The NDOH indicated that it forms part of the structures where the performance of shelter services is assessed; however, it did not highlight its specific role in these structures. It is crucial to understand the role that the NDOH plays at these fora and to understand the value that it adds.

The NDOH also indicated that it provides, among others, PEP, chronic medication, physical examinations and forensic examinations. However, it is not clear whether survivors in shelters have a dedicated nurse and/or doctor who attends to their needs and whether they are attended to at the shelter or required to visit clinics or hospitals in their locality.

The Commission is aware of the delays when it comes to the response time by ambulances. It is not clear whether a standard/uniform procedure and/or form exists and if it does, whether it is completed across all provinces in relation to medical service provision to shelters.

The NDOH indicated that providing medical assistance to shelters is a challenge as there is no dedicated budget. However, it did not indicate whether it has requested a budget from National Treasury.

19.6 Investigative hearing

The NDOH indicated that it is crucial to begin from the premise that it is responsible for policy and guidelines. This was highlighted because of a perceived misunderstanding of what the national department is responsible for and what falls within the ambit of the provinces.

The NDOH is only responsible for those aspects of the national health system that relate to policy and guidelines. The National Health Insurance (NHI) was introduced to address this. As it stands, some provinces are underfunded, and this affects the provision of services.

National Treasury applies the principle of funds for a function. The provincial equitable shares to provinces are part of transfers to provinces. The national department has no role, it only sets norms and standards and then National Treasury makes allocations. Once the national department has done the allocations, then Provincial Treasury makes provincial allocations. The provincial departments have a choice on whether they will consult NDOH.

19.7 Services offered to shelters of survivors of violence

The NDOH conceded that its role is not satisfactory and that its focus is on issues of transfer. The NDOH acknowledged that there is a lack of health-related services at the shelters.

The NDOH also indicated that its mandate has a blind spot in that once a client goes to a shelter, the NDOH does not follow up.

As it stands, the NDOH would ordinarily only go to a shelter if it is called. The situation could be remedied by a dedicated health practitioner assigned to a shelter.

The NDOH indicated that it is committed to fighting GBV, and that it takes the issue of rape and related offences as matters that must receive urgent attention from health professionals.

The NDOH also advised that health professionals provide the following services to survivors of sexual violence: physical examinations, and collection of forensic evidence using the J88 form. Medico-legal evidence comprise documentation on the examination done and DNA evidence collected during the examination.

Services provided to children include laboratory evidence of sexually transmitted infections, which can also be used as evidence. The NDOH also reports child abuse, neglect and exploitation to the DSD and SAPS.

The NDOH indicated that it also keeps record of women and children seen for GBV at their facilities and that it provides HIV testing and counselling, PEP to victims of rape, and comfort packs. The NDOH advised that it refers women and children to the DSD in instances where their safety is at risk, to ensure that they are provided a safe environment such as shelters. The NDOH also refers clients to psychiatrists and psychologists to manage emotional and psychological trauma.

The NDOH advised that in all provinces, shelters fall within the governance ambit of the DSD, in partnership with municipalities. Shelters also refer clients to health facilities. The NDOH indicated that it issues chronic medication for clients with chronic diseases at the shelters and, where a survivor of GBV has gone directly to a health facility, all procedures done at the facility are also done at a shelter.

The NDOH indicated, however, that in most cases, survivors first go to the police station or a health facility, and are then referred to a shelter. In some provinces, the NDOH's professional nurses visit centres for the elderly once a month to assist the centre as it offers the following services:

- Monitor blood pressure, blood sugar and provide chronic medication;
- Compile a menu by dieticians for service centres with no menus;
- Service centres act as pick up points for chronic medication;
- Give health promotion advice to the elderly; and
- Form support groups at the centre.

The Commission stressed that the NDOH plays a pivotal role on issues around GBV and shelters. However, the health sector finds itself violating the rights of women and minority groups. For example, there have been issues around transgender women accessing PEP, and there have also been issues of women who want to terminate pregnancies being sent from pillar to post.

The Commission is aware of the stigma at various departments, including the DOH, in relation to the LGBTIQ+ community. The Commission is concerned about the NDOH's silence around this issue. It must be addressed and staff must be sensitised around such issues.

The Commission therefore seeks to understand the NDOH's programmes to educate its staff around discharging their duties to survivors of GBV. The SAPS, for example, have programmes to educate its members. The NDOH should also have programmatic interventions to educate staff on how to deal with survivors of GBV in relation to accessing PEP, accessing termination of pregnancies, etc.

The Commission is also not clear on whether the NDOH educates its staff on proper interventions and referral mechanisms for survivors of GBV. When survivors are in shelters, it goes without saying that they seek shelter and safety from perpetrators. Thus, requiring women in shelters to go to health facilities is not safe as they run the risk of being attacked. The NDOH should consider having or sending a healthcare worker on site.

The NDOH advised that it will issue a circular to provinces, requesting that survivors from shelters should not wait in queues but should be assisted immediately. The NDOH undertook to do this directly.

The psychological wellbeing of survivors of GBV is a critical area of concern and the NDOH has not touched on how these services will be offered in shelters.

The NDOH has indicated that it is considering clustering shelters and assigning healthcare workers to the shelters. The NDOH should, however, evaluate whether it would be practical to allocate doctors to shelters in light of the severe shortage of doctors in the country as a whole. The country is at a stage where healthcare workers in clinics and hospitals have to deal with everything, including testifying in court during trials.

The NDOH indicated that it has approached National Treasury to highlight the shortage in psychologists, not only for shelters, but for the entire sector.

The NDOH also advised that it has adopted a programmatic approach to the GBV services that it renders in that it has, collectively with MECs and provinces, produced

treatment guidelines, norms and standards. At this level, they agreed on how to implement programmes. In making commitments, the NDOH has to go back and see how gaps are fixed.

The NDOH indicated that for shelters in Gauteng, it works with Ikhaya Lethemba where the nurses and doctors are trained, and get continuous medical education and support, particularly on aspects of primary healthcare and forensics. For those in other shelters, there is a forum in Gauteng and information is shared there. If there are any issues in the other shelters, they are discussed at the fora.

The Commission would like to see the NDOH provide quality services to everyone. However, it is also important that staff are debriefed so that they remain able to provide a quality service.

19.8 Standard practice/operation in relation to the provision of medical services to shelters across the country

The NDOH indicated that it provides access to healthcare services through its health system from primary healthcare, hospital care and emergency medical care.

It also advised that the standard practice is that the nearest health facility to a shelter is the one that should support the shelter. The shelter would also then refer a client to the health facility for medical services. If there is an emergency at the shelter, the shelter would call the health facility for assistance or an ambulance. The NDOH reiterated that it refers clients for placement at shelters via the DSD and that shelters do not have dedicated personnel from the NDOH assigned to them. Only TCCs have dedicated staff from the NDOH.

The NDOH further indicated that monitoring and evaluation is done at national and provincial level. However it is difficult for it to be done at the local level because at that level, data are collected and submitted to the district or the province depending on how it is structured. Then the data will be analysed, and feedback will be given to the structure at the local level. There is a national report. There is also a monitoring and evaluation report from the Presidency, collated by the DPME, and this feeds into provinces and informs how improvements can be made.

The Commission has noted a challenge in addressing gaps that are identified by the monitoring and evaluation process.

The Commission has further noted the disconnect between the national, provincial and local levels when it comes to monitoring and evaluation. It is imperative that there be a standardised procedure at the local level as this is where the services are being rendered, and people are experiencing the injustices prevalent in the system, at that level.

The Commission is concerned about whether sensitisation programmes are undertaken for frontline staff, including ambulance staff, etc.

19.9 Challenges faced by the NDOH in providing services to shelters

The NDOH was also requested to highlight the challenges that it faces in providing services to shelters. It provided the same response that it provided in its initial submission. The challenges include transportation of clients from shelters to health facilities, transportation of healthcare workers to shelters, staff shortage, unavailability of space for health workers at shelters, and no dedicated budget.

The NDOH has raised the issue of transport as a challenge in providing services to shelters. However, the NDOH has not indicated how delays in ambulance services will be addressed. The delay in response time by ambulances is a huge concern to the Commission. Women have died while waiting for ambulances. It is not clear how shelters will be prioritised.

The NDOH indicated that the sector caters for 80% of the population. As the funding relevant to its needs is a mismatch, poor performance at times will ensue. The NDOH also indicated that staff attitude is a problem. A number of areas have been identified as problems.

The Office of Health Standards Compliance is said to measure client satisfaction independently. The NDOH is trying to raise the standard using a legislative approach. It conceded that changing attitudes is not easy but that through user surveys, it is trying to address challenges.

19.10 Corrective measures and/or plans to address the challenges

The NDOH highlighted the challenges that it has in providing services to shelters. It was also required to provide corrective measures and/or plans to address the mentioned challenges.

The NDOH indicated that one of its corrective measures is to strengthen the collaboration and referral system between health facilities and shelters.

It further indicated that it has been liaising with the DSD on how best to collaborate and refer. Some concerted efforts are to:

- Prioritise attention to the health needs of shelter residents through an alert system, and have contact details of health professionals to be called when there is a need. This should be practiced in all provinces.
- Formalise referral systems between health facilities and shelters.
- Explore the role/use of community health workers at shelters, who are affiliated with the NDOH.
- Explore the provision of mobile health services to shelters.
- Coordination of all stakeholders by the GBVF structure.

The NDOH advised that it views GBV as a major public health problem. It acknowledged that it must play a more active role in this regard.

While it is good that the NDOH has corrective measures, there are no timeframes on when these interventions will be implemented. The Commission would have appreciated seeing clear timelines.

The NDOH also indicated that it wants to formalise its referral mechanisms with the DSD. It would be good to understand whether there is a referral list at every health facility and whether staff are conversant with it.

GBV leads to high mortality rates. The NDOH, however, has not informed the Commission on how it is being proactive in ensuring that relevant services go out to communities.

It is the Commission's submission that one of the NDOH's corrective measures should be sensitisation and training of everyone in the sector, including frontline staff. There have been incidences where health facilities have denied people their right to terminate pregnancies and this is a gross human rights violation.

On the issue of training, the NDOH indicated that nurses are trained using the 2007 Medical Research Council (MRC) Manual. The NDOH also indicated that forensic nursing is a speciality. However, the South African Nursing Council (SANC) does not yet recognise it as a speciality. The NDOH is engaging with the SANC on this issue. The NDOH

also advised that 400 forensic nurses have been trained, but it has stopped the training pending the recognition of this specialised area of work.

In efforts to accelerate the eradication of AIDS, tuberculosis and malaria, the Global Fund partnership mobilises and invests more than US\$4 billion to support programmes run by local experts in more than 100 countries⁴⁶.

The NDOH has not clarified what its relationship is with USAID. The latter has the following to say about its work in South Africa:

“USAID’s health program in South Africa is one of the Agency’s largest and a focus of the U.S. Global Health Initiative, and USAID’s work focuses on leadership, governance and capacity building of the South African health system for greater sustainability. In addition, USAID is working to strengthen South Africa’s health system overall by improving policy, logistics and monitoring and evaluation”⁴⁷.

It is also critical that the NDOH appreciates how serious the issues around global funding and foreign aid is because the system lets people down. There is no point in constantly reviewing policies when the focus is on foreign funding that is unable to meet the needs of this country. It is important for the NDOH not to allow foreign funders to dictate to it because of the risk of having programmes that do not serve the population adequately. This has to be addressed as a matter of urgency. The black woman’s body has been a crime scene for far too long.

The Commission requested insight on the global gag rule⁴⁸. The NDOH, however, indicated that it is not able to engage the Commission on this currently, but that it is open to engage at a later stage.

The impact of the global gag rule on women’s health and rights is that foreign NGOs are forced to choose between one of two options:

1) *“Accept United States family planning funds and be prohibited from providing abortion counselling, referrals, or even advocacy efforts and from providing abortions outside of three exceptions”*; or 2) *“Refuse United States family planning funds and attempt to secure alternative sources of funding in order to keep health clinics open, continue providing a range of sexual and reproductive health services to clients, and continue advocating for law reforms to reduce unsafe abortion.”⁴⁹.*

⁴⁶ <https://www.theglobalfund.org>.

⁴⁷ <http://www.usaid.gov/south-africa/global-health>.

⁴⁸ <https://www.opensocietyfoundations.org/explainers/what-global-gag-rule>

⁴⁹ https://www.genderhealth.org/the_issues/us_foreign_policy/global_gag_rule.

19.11 Specific budget allocated to shelters for the provision of medical services to victims/survivors of GBV at national and provincial level

The NDOH indicated that there is no dedicated budget. It has not made it clear whether a dedicated budget has been requested in light of its realisation that GBV is a priority. The NDOH only reiterates that shelters are the priority of the DSD.

19.12 Findings

- The NDOH has a shortage of psychologists.
- The NDOH faces financial and human resource challenges.
- There is a challenge with the response time of ambulances.
- The NDOH does not have a formal mechanism to refer people to shelters.
- There is unequal access to healthcare centres which affects access for victims at shelters.
- The NDOH has indicated that the SANC does not recognise forensic nursing as a specialisation. It also advised that it is in the process of engaging the SANC on this. The NDOH should provide timelines on when this process will be concluded.
- The NHI was designed by NDOH. Services on GBV will be part of services rendered when the Bill is passed.
- The NDOH is using the 2007 training curriculum developed by the MRC. The DHET is working on amendments. The NDOH must provide timelines for finalisation thereof and the outline of the process.

19.13 Recommendations

- a) The NDOH must develop norms and standards for the provision of services to domestic and GBV survivors, including:
 - i. The creation of an area-relevant shelter referral list.
 - ii. The sensitive treatment of survivors of GBV.
 - iii. The required services for survivors and their children at shelters and duties of care.
 - iv. The prioritisation of survivors of GBV at clinics and hospitals.

- v. Transport for survivors to health facilities and the provision of primary health-care at shelters.
 - vi. Clear, sensitive norms for the provision of services to the LGBTIQ+ community and PWDs and other vulnerable survivors.
- b) The NDOH is to issue a circular by the end of December 2019 on the prioritisation of GBV survivors at health facilities at all levels. A copy of the circular is to be provided to the Commission.
 - c) The NDOH is to develop a programme on harmful social norms and myths that facilitate the spread of GBV, rather than to focus only on a legislative approach. The Commission welcomes engagements on this development.
 - d) The NDOH is to make mental health services as well as detoxification facilities more accessible to shelter residents. The NDOH must revert with the proposed roll-out plan.
 - e) The NDOH must provide a report on the training that frontline staff, managers and senior managers have received on GBV.
 - f) The NDOH has a duty to educate communities around issues of health and it must engage the community around the stigmas surrounding survivors, and where to seek help.
 - g) The NDOH is to partner with the SAPS to develop a shelter referral list at health centres and ensure that these are kept in a safe space.

19.14 Further particulars post the investigative hearing

As highlighted in preceding sections, the NDOH was requested to provide additional information subsequent to the investigative hearings. Among the information requested were minutes of its meeting with EMS, an emergency medical services provider, particularly in relation to the issue of late response times when people require ambulances.

Below is a brief summation and the analysis of the minutes:

According to the minutes, a meeting was held between the National Director of EMS and a representative of NDOH on 11 December 2019. The NDOH indicated to EMS that the Commission would like to know more about its role in as far as survivors of GBV are concerned, specifically related to response times, how incidences are recorded and monitored, and how emergency officers treat survivors of GBV, including the LGBTIQ+ community.

EMS indicated that it does not discriminate. However, it does not screen specifically for victims of GBV. EMS further indicated that life threatening cases are given high priority and survivors of GBV are regarded as priority patients.

19.15 Minutes of the meeting with EMS

According to the minutes, EMS does not specifically screen patients to determine whether they are survivors of GBV. Calls received in the Provincial Emergency Communications Centre are triaged and dispatched according to their priority. EMS also indicated that survivors of GBV are regarded as priority patients. This seems to be a contradiction in terms. The Commission would like clarity on how survivors of GBV are regarded as high priority when EMS indicated that patients are not screened to determine this.

EMS also advised that in the North West and Free State, it collaborates with designated health facilities, including TCCs. This collaboration is said to be made easier by the fact that EMS, forensic pathology and clinical forensic medicine are under one area of functionality.

In the meeting, a proposal was made to the effect that a standard operating procedure (SOP) should be developed in consultation with relevant stakeholders to facilitate the safe and appropriate management of EMS. The proposal is for same to be finalised by the end of the 2019/2020 financial year.

The NDOH indicated that EMS personnel, like other health professionals should undergo training on the management of GBV survivors in each province.

The Commission submits that it is good that EMS staff undergo sensitisation training. However, it is not clear who will conduct the training and by when.

The Director of EMS indicated that he would table GBV to the National Committee of Emergency Services with regards to:

- a) Triage with regards to GBV, which includes prioritisation of GBV survivors at health facilities at all levels.
- b) An SOP for taking calls for survivors of GBV will be developed in consultation with relevant stakeholders to facilitate a safe and appropriate response from EMS.
- c) A planned patient transportation system for GBV survivors in shelters.

While the Commission acknowledges the undertaking made by EMS, no timeframes were given and no action plan on the implementation of the undertakings. It would be prudent to have a clear outline of when the undertakings will be met.

Further information provided to the Commission included documentation on the Ideal Clinic Realisation and Maintenance. An Ideal Clinic has been defined as:

“A clinic with good infrastructure, appropriate staffing levels, sufficient quantities of medicine and supplies, good administrative processes and adequate bulk supplies, that use applicable clinical policies, protocols, guidelines as well as stakeholder support, to ensure the provision of quality health services to the community”⁵⁰.

The Commission is not certain whether the NDOH ideal clinic model has been implemented, as no stipulated timeframes and no action plan as to how it will be rolled out in the provinces have been provided.

Of note are the submissions provided by the NDOH on the District Hospital Service Package which specifically alludes to the NDOH providing information on the prevention of violence and injuries, screening for domestic violence and abuse, counselling, advice and management of GBV, sexual abuse and rape victims. Due to lack of evidence submitted by the NDOH, the Commission finds that it is unclear to what extent the service package is being implemented to demonstrate how survivors of GBV are treated in the various provinces.

⁵⁰ Department of Health. Ideal Clinic Realisation and Maintenance.

20. Department of Public Works and Infrastructure

The DPWI appeared before the Commission on the 9th of December 2019 and was duly represented by the DG, Adv. S Vukela. The DPWI was afforded an opportunity to respond to a questionnaire that sought to determine, among others, its role and contribution to shelters and associated safe places in South Africa. A full discussion follows of the salient issues found in the responses of the DPWI and additional issues aired during the hearing.

20.1 Allocation of state buildings

The state has committed to allocate state buildings to shelters. The DPWI is still busy with its internal processes to give effect to this commitment. The report will be finalised by end of March 2020. The report will give details on buildings that will be made available to the DSD. Not all buildings are in a good condition.

The DPWI has a tentative plan as follows:

20.1.1 Short-term plan

As an interim measure the DPWI aims to:

- Make available at least 11 buildings for shelters and interim housing arrangements for survivors of GBVF by 31 March 2020 (the commitment made to the ERAP).
- Establish at least three additional shelters that accommodate and integrate LGBTIQ+ community and PWDs into existing shelters; use public buildings to do prevention messaging in partnership with the private sector.

20.1.2 Long-term plan

- Public buildings are being identified in all provinces and most of the unutilised buildings need some refurbishment. The DPWI is in the process of reprioritising budget to accommodate the ERAP on GBVF in South Africa.
- Undertake a comprehensive audit of all courts and police stations with a view to make recommendations that will facilitate victim-centric buildings.
- Public buildings to be utilised for education and awareness through outdoor advertising and signage in partnership with the private sector.
- Engagements are underway with the DSD, DOW and SAPS to determine the need to ensure that the buildings will be utilised accordingly.

The DPWI asserts that the project of allocating buildings to shelters has already commenced, and Salvokop has been handed over during the period of the *16 days of activism* for no violence against women and children. Moreover, the Gender Unit and Real Estate Management Services Branch have already commenced with site visits in Pretoria, Johannesburg and Cape Town to identify unutilised public buildings that do not require much maintenance.

Table 49: Properties identified thus far as possible shelters

REGION	INSPECTED	POTENTIAL
JOHANNESBURG	9	5
PRETORIA	4	4
CAPE TOWN	10	6

The DPWI asserts that the decision to determine whether the buildings will be used for transitional housing or as shelters for abused women is the responsibility of the DSD. It is suggested that the DSD and DPWI and other relevant stakeholders establish a mechanism to ensure that the allocated building remains out of the public knowledge.

It is affirmed that the DPWI will hand over unutilised buildings to the DSD. These two departments will enter into a lease agreement. The buildings will be allocated to the DSD which will then facilitate the allocation of NPOs who will manage the shelters. However, the buildings will remain the state’s assets under the custodianship of the DPWI.

20.2 Findings and recommendations

The project of allocating buildings to shelters has already commenced. It is therefore recommended that:

- The comprehensive and final report be submitted at end of March 2020 to the Commission.
- The DG of the DPWI writes to provincial heads of departments to make properties available for the programme.
- The DPWI provides a list of the type of buildings to be allocated for shelter purposes.

21. Overall findings

The Commission finds that:

- I. The provinces apply inconsistent budget allocation, administration and minimum standard requirements for shelters. Same applies to districts within the same province.
- II. There is no clear criteria used to determine if a shelter is adequately resourced, especially NGO-run shelters.
- III. Sexual harassment policies are not required to be part of the set of policies needed for the purposes of funding a shelter. This is key as survivors are often vulnerable and therefore susceptible to sexual harassment at the shelters.
- IV. Male children over ten years old are often neglected in shelter services. There are shelters that only accommodate boys until the age of ten and in some instances not at all. The Commission observes that the Children's Act, 2005, makes reference to a "child" irrespective of their sex or gender. To this end, failure to admit male children over the age of 10 years, similar to girls of the same age, arguably goes against the objectives of the Children's Act to provide care and protection to all children.
- V. There is a lack of minimum standards providing for the needs of PWD, the LGBTIQA+ community and accredited skills development programmes to survivors at shelters.
- VI. There are provinces such as Limpopo and North West that have only two shelters, this is viewed as inadequate.

22. Overall Recommendations

It is recommended that:

- I. The national DSD must develop effective and efficient mechanisms to accurately record funding allocation to shelters. It is observed that the manner in which the provincial offices of the DSD administer NPOs' funding has been a long-standing concern. It is observed that decision-making by the DSD is often not in accordance with the right to administrative justice. Moreover, budget cuts are made without such decisions being communicated to the shelters. Administrative practices vary significantly between provinces.
- II. The national DSD develops the national policy and guidelines to adequately and uniformly resource shelters. It is accepted that the financing of all services in accordance with their true cost may not be immediately possible. In the interim however, all post subsidies for equivalent positions must be standardised across provinces. There is no justification for provinces to provide different amounts of subsidy to different organisations whose staff have the same qualifications and are performing similar work. This creates inequities between organisations and between provinces.
- III. The national DSD develops the national policy providing for the minimum wage to house mothers. Subsidies towards social and social auxiliary workers employed by NPOs vary between 29% and 82% of entry level salaries in the DSD. As a matter of equity, it is necessary to close the gap between the DSD and NPO pay. In its 2016 report, the National Minimum Wage Panel recognised that the non-profit social welfare sector faced a very particular set of challenges in funding its staff and activities. It is thus recommended that an expert panel be established to find means of addressing the low wages in the sector, which are the consequence of low levels of government subsidy.
- IV. It is further recommended that a costing exercise be undertaken by the DSD and National Treasury to ensure that no subsidy is below the minimum wage. Moreover, NEDLAC does not allow for the representation of the NPO social welfare sector. This is a serious omission that also limits the ability of the sector to engage with the Minimum Wage Commission that is to be based at NEDLAC. It is crucial that a way be found to recognise and include this sector within NEDLAC so that its particular work circumstances are adequately considered when decisions are made that affect wages, employment and working conditions.
- V. Shelters need to support most women's needs in their entirety, including toilet-ries, food, clothing and travel to health centres and legal service centres. Travel costs must be adjusted according to the shelter's location in either a rural/peri-ur-

ban area, or an urban area. This is referred to as a costed standardised package and must also include mental health services and skills development programmes.

VI. The Commission observes that a draft training and development framework has been developed and it seeks to address capacity building plans across the sector as a systematic approach to training. The DSD highlights the fact that the framework's focus will be over a period of three years. The framework will only be ready after consultation with the relevant stakeholders by the 31st of March 2020. It is accepted that the financing of all services in accordance with DSD's true cost may not be immediately possible. In the interim however, all post subsidies for equivalent positions must be standardised across provinces. There is no justification for provinces to provide different amounts of subsidy to different organisations whose staff have the same qualifications and are performing similar work.

VII. Shelters must provide accommodation for persons with all types of disabilities including, but not limited to, deaf, blind, visually impaired etc.

VIII. The DSD indicated that there are plans in place to identify three existing shelters and pilot the LGBTIQQA+-friendly model. In 2018, the DSD consulted in provinces on the LGBTIQQA+ Draft GBV Prevention Programme. As such, it is recommended that the DSD finalises this programme within six months and provide clear guidelines on the accommodation of LGBTIQQA+ persons in shelters.

IX. Shelter provision must be in accordance with the population and be offered in all municipalities as part of the DHS' plan.

X. National DSD must host national and provincial consultative processes to implement and finalise all these recommendations.



Commission for Gender Equality
A society free from gender oppression and inequality

**2 Kotze Street, Women's Jail, East Wing
Constitution Hill
Braamfontein
2017**

Tel :+27 11 403 7182

Fax: +27 11 403 7188

Email : cgeinfo@cge.org.za

Website: <http://www.cge.org.za>



CGE_@twitter



Gender Commision of South Africa