



Project on Investigating Expenditure relating to Gender Based Violence: Questions to the Department of Justice and Constitutional Development

Programme 1: Administration

1. Domestic Violence

1.1. How many staff are hired specifically to address domestic violence? In what capacity? At what level of seniority?

Court Clerks

The Department of Justice and Constitutional Development (hereinafter referred to as 'the Department') has hired **3 670** court clerks who perform administrative services for both domestic violence and sexual offences. To ensure multi-skilling within court administration, these clerks undergo in-house training and contact learning on domestic violence and sexual offences, and are rotated around the court divisions. However, where the demand for domestic violence services is high, the Department has introduced a dedicated capacity of **35** domestic violence clerks, who are based at the following courts:

Table #1

DEDICATED DOMESTIC VIOLENCE CLERKS		
Capacity: Administration clerks		
Level of seniority: 5		
PROVINCE	NAME OF COURT	NUMBER
Western Cape	Khayelitsha	2
Gauteng	Pretoria (Visagie)	4
Gauteng	JHB Family Court	8
Free State	Bloemfontein	6
Kwa-Zulu Natal	Durban	5
Eastern Cape	Port Elizabeth	10
TOTAL		35

The numerical capacity of the dedicated domestic violence is progressively increased to ensure their visibility in all district courts.

District Magistrates

The Department has hired **1 273** district magistrates, who preside over domestic violence matters on rotational basis. From the information received from the Chief Magistrates Forum, out of 1 273 magistrates, there are **299** dedicated magistrates who deal with domestic violence cases on daily basis.

1.2. What is spent on their remuneration?

The **35** dedicated domestic violence clerks are hired at Level 5 at a salary notch of R115 212.00, plus benefits, and their salary expenditure is R4 032 420 per annum. The **299** dedicated district magistrates who preside over domestic violence cases earn a salary of R708 136, plus benefits, and their salary expenditure totals R211 732 664 per annum. The Department is progressively increasing the dedicated capacity for domestic violence.

The non-dedicated court personnel who provide administrative and support services to domestic violence division at rotational basis include interpreters, e-scheduler clerks (who capture information in the integrated case management system (ICMS)), and the stenographers, who are responsible for evidence recording during court proceedings.

2. Sexual Offences

2.1. A) How many staff are hired specifically to address sexual offences?

Intermediaries

The Department progressively employs contract intermediaries, and currently has a capacity of **164** intermediaries. To complement this capacity, the Department further utilizes **48** ad hoc intermediaries and **46** social workers- employed by the Department of Social Development. The following Table shows how the intermediaries are deployed throughout the country:

Table#2

Region	No of contract Intermediaries employed by DoJ&CD	No Ad Hoc Intermediaries	No Social Workers Employed by DSD
Eastern Cape	19	1	6
Free State	10	4	0
Gauteng	34	33	15
KZN	31	5	5
Limpopo	11	0	2
Mpumalanga	8	1	9
North West	16	0	6
Northern Cape	13	0	1
Western Cape	22	4	2
Total	164	48	46

Capacity of Intermediaries: Intermediaries

Level of Seniority: 7

Regional Magistrates

276 regional magistrates preside over sexual offences matters. Of the 276 magistrates, **15** are dedicated to the adjudication of sexual offences matters on daily basis, and they are based at the following courts:

Table #3

Dedicated Magistrates: Sexual Offences		
Capacity: Regional Magistrates		
Level of Seniority: No levels applicable to magistrates		
Province	Court	No of Dedicated Magistrates
Eastern Cape	Port Elizabeth	01
Kwa-Zulu Natal	Durban	02
	Ntuzuma	
Gauteng	Johannesburg	01
	Palm Ridge	02
Northern Cape	Kimberley	01
Free State	Welkom	01
	Bloemfontein	01
Western Cape	Wynberg	03
	Parow	01
North West	Moretele	01

Dedicated Magistrates: Sexual Offences		
Capacity: Regional Magistrates		
Level of Seniority: No levels applicable to magistrates		
Province	Court	No of Dedicated Magistrates
Limpopo	Sibasa	01
TOTAL		15

B) In what capacity?

Refer to Tables 2 and 3, above.

C) At what level of seniority?

Refer to Tables 2 and 3, above.

2.2. What is spent on their remuneration?

Table #4

Dedicated Personnel	No	Level	Salary/Notch	Total Expenditure
Dedicated regional magistrates	15	Grade JF	944 089.00	14 161 335
Intermediaries	164	Level 7	170 799	28 011 036
TOTAL				42 172 371

The non-dedicated court personnel who provide administrative and support services to sexual offences division at rotational basis include interpreters, e-scheduler clerks (who capture information in the integrated case management system (ICMS)), and the stenographers, who are responsible for evidence recording during court proceedings.

Programme 2: Court Services

3. Specialised services

3.1. A) What services are being provided at court to provide support to victims of domestic violence and sexual offences?

The primary mandate of the Department is to provide court services and ensure access to justice. In the execution of this mandate, the Department can only offer **court-based** support services to victims of domestic violence and sexual offences, and these include the following:

Intermediary Services

The Department provides intermediary services in all cases of sexual violence and domestic violence, which involve child witnesses or mental disabled person, who would be exposed to undue mental stress if they are to testify in an open court. The intermediary provides specialized support to the witness by conveying to him/ her questions coming from the court in a sensitive manner that reaches the understanding of the witness.

The costs of intermediary services are reflected on Table # 4, above.

In-camera court support services

Domestic violence and Sexual violence often expose the victim to trauma and mental stress, which if not addressed, may lead to an ineffective witness in court. Section 11 of the Domestic Violence Act 116 of 1998 allows witnesses to testify *in camera* in all proceedings held in terms of this Act. Likewise, sections 158 and 170A of the Criminal Procedure Act, 1977 also provide for *in camera* proceedings for child witnesses and traumatised witnesses.

In compliance with the law, the Department offers *in camera* proceedings to allow the victim to testify in a testifying room separate from the courtroom and away from the physical presence of the accused. The main purpose of this service is to save the victim from further or secondary trauma. The provision of this service is made possible by the use of CCTV system or Two-Way Mirror system. The cost of the CCTV system is reflected on Table #5, below.

Court Accompaniment Services

Section 11(f) of the Domestic Violence Act, 1998 allows victims of domestic violence to testify with the support of not more than three persons with the aim of alleviating secondary trauma during court proceedings. In compliance with this provision, the Department promotes these services to the victims of domestic violence by advising them to come to court with their support persons, where necessary. This support is also available to victims of sexual offences.

No costs incurred by the Department in this regard.

Sign and Foreign Language Interpretation Services

The Department considers the sign language and foreign language interpretations services as special support services provided whenever required. Currently, these services are outsourced at a cost of R34 per hour in terms of the Departmental Fund Instructions (DFI).

Witness Court Preparation Services

These services are offered by the Court Preparation Officers to inform the witness of the court process and also prepare such witness for court. Currently, the Department relies on the National Prosecuting Authority (NPA) for the provision of these services. All costs thereof are incurred by the NPA.

Counselling Services

These services fall beyond the mandate of the Department, and are currently offered by the Department of Social Development and certain NGO's. No costs are incurred by the Department in this regard.

B) What is being spent on this?

Please refer to Table #4, above.

3.2. How many courts have specialised services and how many do not?

Courts with Specialized Services

All courts provide specialized services to a certain degree. For instance, domestic violence divisions that provide exclusive services to victims of domestic violence are found in all courts. Likewise, 298 regional courts are dedicated sexual offences courts that offer special services to victims of sexual violence.

However, the following courts currently offer **exclusive** specialized services:

Family Courts: 06

Sexual Offences Courts: 15

It must be noted that the **15** Sexual Offences Courts are part of the **57** regional courts identified by the Ministerial Advisory Task Team on the Adjudication of Sexual Offences Matters (MATTSO) for Phase 1 upgrading process, which commenced in this financial year. These courts are currently being upgraded to meet the requirements of the new Sexual Offences Court Model developed by MATTSO. However, operationally they are considered as 'Sexual Offences Courts' since they deal exclusively with sexual offences matters.

The courts that do not provide exclusive specialized services are as follows:

District courts: **461**

Regional Courts (including circuit courts): **552**.

Out of **476** district courts, **229** courts have established domestic violence divisions that offer dedicated services in domestic violence, whilst **06** courts of the 476 courts operate exclusively as family courts offering exclusive family law services, which include domestic violence.

Out of **567** regional courts (including circuit courts), **298** courts operate as Dedicated Sexual Offences Courts in the sense that they give priority to the adjudication of sexual offences matters, whilst also dealing with other criminal offences, i.e. after the collapse of the sexual offences court roll. However, the **15** regional courts operate as 'Sexual Offences Courts' in that they deal exclusively with sexual offences matters.

It must, however, be noted that the Department has undertaken to execute the recommendation made by the Ministerial Advisory Task Team on the Adjudication of Sexual Offences Matters (MATTSO) that the Sexual Offences Courts must be re-established in South Africa. The re-establishment of these courts has commenced in this financial year, and it is planned that, over a period of 3 years, 57 regional courts will be upgraded to meet the requirements of the newly developed Sexual Offences Courts Model.

4. Specialised facilities

4.1. Please provide specifics of the types of specialised facilities being provided at each court (e.g CCTV cameras, waiting rooms, anatomical dolls etc).

With the assistance of the Ministerial Advisory Task Team on the Adjudication of Sexual Offences Matters (MATTSO), during the period November 2012 to February 2013, the Department conducted the national resource audit at all regional courts dealing with sexual offences cases. The findings thereof supported the provision of the following infrastructural support services for victims of sexual offences:

Table #5

INFRASTRUCTURAL VICTIM SUPPORT SERVICES FOR SEXUAL OFFENCES**(as at 31 March 2013)**

Infrastructural Support Services	Standard Assets	Asset Costs per room	Total No of Courts/ Rooms	Expenditure
Courtroom	Closed circuit TV system (incl. Monitor, camera, microphones, etc)	34 841	298	10 382 618
Testifying Room	Couch, 3 x chairs, small table, blinds (to block sunlight from camera); air conditioner; anatomical dolls	7 700	349	2 687 300
Private Children's Waiting Room	Seating for children; small table; Couch/ small bed; toys; information screen	17 200	88	1 513 600
Adult's Waiting Room	Seating for adults; small table; information screen;	12 300	116	1 426 800
TOTAL				16 010 318

4.2. A) How many dedicated sexual offences/ domestic violence courts are up and running?

All **476** magistrate's courts deal with domestic violence matters. However, **06** of these courts provide dedicated domestic violence services.

Likewise, all **567** regional courts (including circuit courts) deal with sexual offences cases. However, **298** courts currently operate as Dedicated Sexual Offences, whilst **15** regional courts operate as pure Sexual Offences Courts since they deal **exclusively** with sexual offences cases.

B) How much has been earmarked for expenditure on these courts in the current financial year?

Table #6

The following Table shows the Department's budget allocation for 2013/2014 financial year, as well as funds received from the CARA Fund, which have been allocated for a period of 3 years- commencing in 2013:

ITEM	DEPARTMENT'S BUDGET ALLOCATION: 2013/2014	CARA BUDGET ALLOCATION: 2013-2015 (3yrs)
Establishment of Sexual Offences Courts	22 000 000	-
Sexual Offences Programmes	7 000 000	-
Victim Support Services	-	10 000 000
Establishment of Additional Domestic Violence Court-based Support Services	-	10 000 000
Domestic violence programmes	4 000 000	-
Personnel: Dedicated domestic violence clerks (35)	422 828 040	-
Personnel: Dedicated district magistrates (299)	211 732 664	-
Personnel: Intermediaries (164)	28 011 036	-
Personnel: Dedicated Regional Magistrates for Sexual Offences (15)	14 161 335	-
TOTAL=	709 733 075	20 000 000

4.3. How much has been allocated in the current financial year for the following services?

A) Office or room for NGOs/ other court support personnel to provide court support services

Currently, the Department does not provide financial support to the NGO's as it is the mandate of the Department of Social Development (DSD) to do so. Received from DSD is the attached list of 'Victim Empowerment (VEP) Shelters for Abused Women and Children/ Victim of Crime and Violence', which shows shelters that provide court support services to victims of gender-based violent crimes (which include domestic violence and sexual offences), as well as the budget allocations thereto. These services usually include trauma counselling and court accompaniment.

B) Court preparation services

The response of NPA is attached hereto as Annexure 'B'.

C) Intermediary services – How many intermediaries are employed by the Department, including qualification, sex, language proficiency?

Please refer to Table #2, above. The Department is in a process of conducting an audit of the contract intermediaries so as to determine their individual qualifications, sex and language proficiency. This is to ensure that their demographics befit and respond appropriately to the needs of the areas where they are based. A Human Resource work study is also being conducted with the aim of creating permanent posts of intermediaries within the Department's organizational structure.

5. Specialised staff

5.1. A) How many specialised prosecutors for sexual offences/ domestic violence are currently employed by the Department?

The NPA response is attached hereto as Annexure 'B'.

5.2. A) How many specialised magistrates for sexual offences/ domestic violence are currently employed?

Dedicated Regional Magistrates for Sexual Offences

Please refer to Tables 3 and 4, above.

Dedicated District Magistrates for Domestic Violence

The Department has hired **1 273** district magistrates, who preside over domestic violence matters on rotational basis. Out of 1 273 magistrates, there are **299** dedicated district magistrates, who deal with domestic violence matters on daily basis.

C) How much has been budgeted for salaries in this regard?

Dedicated Regional Magistrates

Please refer to Table #4, above.

Dedicated District Magistrates

The **299** dedicated district magistrates who preside over domestic violence cases earn a salary of R708 136, plus benefits, and their salary expenditure totals R211 732 664 per annum.

Programme 3: State Legal Services

6. Sub-programme on legislative development and law reform

6.1. A) What research initiatives have been introduced pertaining to improving upon the implementation of the DVA?

Table #7

Focus Area	Research Initiatives (2012/2013)	Budget
Domestic Violence	The Department conducted a research to determine a national strategy on prevention of domestic violence incidence in South Africa. This study resulted in the development of the Draft National Domestic Violence Prevention Strategy. This strategy is being taken through the intersectoral adoption process.	478 800
Lesbians, Gays, Bisexual, Transgender and Intersex (LGBTI)	The Department conducted a situational analysis in courts on the management of criminal cases involving the LGBTI persons. This research was intended to assist the Department in the development of a National Intervention Strategy on Crimes against LGBTI persons. The process of developing this	350 000

Focus Area	Research Initiatives (2012/2013)	Budget
	strategy has commenced in this financial year.	
Sexual Offences	The Department conducted a study on the viability of using the Cellphone Game on Sexual offences to educate adolescents about their rights in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.	250 000
	The Minister established the Ministerial Advisory Task Team to investigate the viability of re-establishing Sexual Offences courts in South Africa. The Task Team conducted 4 studies, viz. (1) The literature research into the historical establishment and the functioning of Sexual Offences Courts. It also explored what led to the demise of these courts; (2) The Field Study at selected regional courts to determine the current status, as well as identify flaws and possible intervention actions; (3) The study aimed at developing the new Sexual Offences Courts Model that addresses the gaps of the past; (4) The Resource Audit of all regional courts (including circuit courts) to determine resources available to support the re-establishment of Sexual Offences Courts. The Task Team officially handed over its report to the Minister early this month.	700 000
Sexual Offences	The Department conducted a research on the execution of intermediary services to determine challenges relating these services, and how permanent posts can be established from these services.	20 000
	The Department conducted a research on the use of anatomically correct dolls, which resulted in the development of national guidelines for these dolls.	150 000
	The Department conducted a research to determine the specialized services required for victims of sexual offences. The Draft guiding document was produced, and is currently	250 000

Focus Area	Research Initiatives (2012/2013)	Budget
	taken through the intersectoral adoption process.	
TOTAL EXPENDITURE (2012/2013)		2 198 800
Research Studies on Constitutional Development		
Constitutional Development Branch is conducting these studies, in partnership with the NGO's.	Women's Legal Centre: Research on the nature and prevalence of cultural and religious practices that are harmful to women and undermine women's right to equality	350 000
LGBTI	Gay and Lesbian Memory in Action (GALA): The project builds the capacity of lesbians, bisexual and gender variant women in urban townships through arts based mediums, mainly to deepen the understanding of the relationship between violence and discrimination experienced by lesbians, bisexual and gender variant women, and the cultural beliefs and religious beliefs that underpin these experiences.	349 000
Constitutional Development	Project Empower: The project aims to produce a report outlining women's experiences of traditional authorities in the Ndumo area, KZN	350 000
	Legal Resource Centre: A research on the achievements and shortcomings of the Recognition of Customary Marriages Act	350 000
TOTAL BUDGET (2013/2014)		1 399 000

B) What has been spent on this initiative?

Refer to Table #7, above.

7. Sub-programme on Constitutional Development

7.1. A) What research has been conducted to support the promotion of gender rights? B) What has been spent on this?

Please refer to Table #7, above.

Programme 4: NPA (Please refer to Annexure 'A' prepared by NPA)

Please refer to Annexure 'B', prepared by NPA in response to all questions listed under 'Programme 4'.

8. Conviction rates

- 8.1. A) What is being done to improve DVA/ sexual offences conviction rates?
B) What is being spent on this?

9. Specialised courts

- 9.1. A) How many specialised and sexual courts are there?
B) How much has been allocated to the roll-out of these courts and for what?

10. Thuthuzela Care Centres

- 10.1. What is the difference between a fully operational and a partially operational Thuthuzela Care Centre?
- 10.2. A) How many fully operationally Thuthuzela care Centres are there nationally?
- B) Where are they located?
- C) How many provide psycho-social support?
- D) What are the operational costs for each of these centres (i.e. what amount does the Department of Justice and Constitutional Development contribute, per centre)
- 10.3. A) How many partially operational Thuthuzela Care Centres are there nationally?
- B) Where are they located?
- C) How many provide psycho-social support?
- D) What are the operational costs for each of these centres (i.e. what amount does the Department of Justice and Constitutional Development contribute, per centre)
- Research Unit | Questions for the Department of Justice and Constitutional Development relating to expenditure on GBV 3**

Programme 5: Auxiliary and Associated Services

13.2. How many names are currently on the Sexual Offences Register?

As at 31 Jul 2013, the total number of registered sex offenders is **3 753**.

14. The Child Protection Register

The Department of Social Development (DSD) keeps the Child Protection Register, and the Children's Act prohibits the Director-General from disclosing the contents of the Register. This question has therefore been referred to DSD for attention, and submission to the Select Committee.

14.1. What is the estimated cost for maintaining the Child Protection Register annually?

14.2. How many names are currently on the Child Protection Register?

15. Protection orders

15.1. How much was spent in the last financial year to service domestic violence protection orders for complainants who are unable to pay for this service?

The Department is currently utilizing the services of SAPS officials to serve protection orders of complaints who cannot afford the Sheriff's service costs.

15.2. Is there any other expenditure incurred by the Department in respect of

A) domestic violence and

B) sexual offences?

Please provide information in this regard.

No, except for the costs highlighted in Tables above.

16. Research and tracking

16.1. How much has the Department of Justice and Constitutional Development budgeted for research into the nature and effects of domestic and sexual violence in South Africa?

In this financial year, the Department has budgeted for the following research initiatives:

- Research into the development of the Sexual Offences Case Flow Management System: R300 000
- Costing and Budget tracking of victim support services research: R150 000

Total Budget: **R450 000**