

POST-RAPE SERVICES AND THEIR FUNDING:

A review of the national Department of Social Development's budgets between 2009/10 and 2013/14.

By Lisa Vetten, June 2014



What is the national Department of Social Development's (DSD) budget for post rape services? This question is explored by examining national DSD budgets and strategic plans covering the period 2009/10 to 2013/14 for the Victim Empowerment Programme (VEP) – government's central initiative addressing the needs of victims of sexual offences, as well as crime more generally. While funding for the VEP is also available through the provincial offices of DSD, the Criminal Asset Recovery Fund and bilateral aid, this brief concentrates on the national DSD which is largely responsible for setting policy priorities in this area (although it may also implement selected projects). Subsequent briefs will examine provinces' funding of post-rape care, as well as funding policy and practice applicable to non-profit organisations.

The mandate of the Department of Social Development

No one piece of legislation sets out the mandate of the DSD in its entirety. Rather, this is determined by a range of laws which both define the groups for whose wellbeing the department is responsible (such as the Older Person's Act of 2006 and the Children's Act of 2005), as well as the issues it is expected to oversee (including the Social Assistance Act of 2004 and the Prevention and Treatment for Substance Act of 2008). There is however, no statutory duty on the DSD to provide post-rape services (except perhaps in relation to children)¹. Indeed, the Criminal Law (Sexual Offences and Related Matters) Amendment Act (SOA) of 2007 accorded the DSD a negligible role in enforcing the legislation, requiring it only to participate in the Inter-Sectoral Committee² established by the Act, contribute to the National

Policy Framework³ and submit reports to parliament detailing its implementation of the SOA⁴.

This minimal role for the department in responding to sexual offences was a far cry from what had originally been envisaged by the South African Law Reform Commission, whose draft bill had included clauses legislating medical care, treatment and counselling to all survivors who sustained physical, psychological or other injuries as a result of the sexual offence. These services were to be extended to victims' family members too. Also proposed were modest measures to protect both adult and child victims from the excesses of the adversarial trial process, including through the provision of support persons at court (South African Law Commission, 2002). The bulk of these psycho-social services would have been the responsibility of the DSD. But in an early exercise in limitation, all these provisions were removed from the bill by the Cabinet of the time on the ground that they were too costly to the government (Parliamentary Monitoring Group, 6 August 2003). However, even if absent in law, some responsibility for post-rape care has nonetheless been allocated to the department through the 1997 VEP.

¹ Similarly, the Domestic Violence Act of 1998 places no explicit duties upon DSD either. Section 2(a) of the Act obliges the police "to render such assistance to the complainant as may be required in the circumstances, including assisting or making arrangements for the complainant to find a suitable shelter and to obtain medical treatment" but places no corresponding obligation on the DSD to ensure such shelters are available.

² SOA section 65(1)

³ SOA section 62(1)

⁴ SOA section 65(3)

The VEP originated in the National Crime Prevention Strategy of 1996 which proposed four pillars of intervention to prevent crime, with victim empowerment and support made a component of pillar one, the criminal justice system. While victim support initially focused on women and children alone, it was subsequently expanded to include all victims of crime. Even so, because of their “particular vulnerability and specialised needs,” the VEP notes the continued need for “exceptional attention” to be paid to women, victims of domestic violence, victims of sexual assault and rape, abused children, abused older persons, abused people with disabilities, victims of human trafficking and hate crimes, farm workers and dwellers and ex-combatants (DSD n.d[a]: 12).

But while the VEP may demand particular attention to rape survivors, to what extent does DSD insist on attention to victim empowerment? This question is considered within the context of both government-wide, as well as DSD-specific priorities.

Department of Social Development priorities between 2009/10 and 2013/14

The assumption of political office in 2009 by the Zuma administration introduced both new state institutions such as the National Planning Commission, as well as an altered approach to planning and budgeting by government departments. The foundational document in this regard was *Together Doing More and Better*, the Presidency’s medium term strategic framework (MTSF) for 2009 – 2014, which set out government’s five objectives over this five year period. These included halving poverty and unemployment by 2014; reducing inequality, including by promoting policies of economic redistribution; improving South Africans’ safety; creating a society free of all forms of racism, sexism, tribalism and xenophobia; and ensuring universal access to basic services, as well as improving the country’s health profile and skills base (Minister in the Presidency Planning 2009: 2). These goals were further broken down into a set of strategic priorities and outcomes, with those outcomes deemed relevant to DSD highlighted in the Budget Vote for 2009/10:

- creating decent work through the Expanded Public Works Programme (EPWP) and youth development initiatives;
- promoting social cohesion by contributing towards food security initiatives; reducing the impact of crime, including by intensifying interventions addressing gender-based violence and substance abuse; addressing the social aspects of HIV and AIDS; and building communities through developmental welfare services and other community development initiatives; and
- engaging in sector capacity-building through early childhood development (ECD) programmes; strengthening the administration of non-profit organisations (NPO), as well as the Department’s relationships with organisations; recruiting and retaining social service professionals; and participating in post-conflict reconstruction across the continent (National Treasury 2010: 2-3).

Although the “intensification of efforts to combat crimes against women and children and the promotion of the empowerment of victims of crime” is listed as a sub-priority within the MTSF’s larger goal of combating crime and corruption (Minister in the Presidency Planning 2009: 31), it is not treated as one of DSD’s strategic priorities or outcomes, falling to the criminal justice system instead.

The most significant of all these various priorities to DSD was perhaps to be discerned from the Minister’s performance contract, signed in the 2010/11 financial year, which committed her to increasing food security, preventing HIV and expanding the EPWP’s social sector programmes (National Treasury 2011: 2). Food security, the provision of ECD and the creation of job opportunities through the EPWP were also the priorities most consistently and repeatedly foregrounded within the narrative of national DSD’s Budget Votes between 2009/10 and 2013/14. The issuing of the National Development Plan (NDP) in late 2011 did not disturb this hierarchy of priorities in 2012/13’s Budget Vote but did expand them somewhat in 2013/14 with the addition of a focus on mandatory contributory social security systems; transformation of the social welfare system – largely through legislative and policy reform – and a review of funding to non-profit organisations (NPO) (National Treasury, 2014).

Shifts in priorities were also evident from the two strategic plans issued by DSD during this period, one for 2010 – 2015 and another for 2012 – 2015. The strategic plan for the period 2010 – 2015 defined two of the DSD’s six priorities in a manner relevant to sexual violence: caring for and protecting vulnerable groups such as children, people with disabilities and women; and transforming social relations, focusing specifically on “gender and victim empowerment” (DSD n.d[b]:13). But when the strategic plan for 2012 – 2015 was issued the number of priorities had been reduced from six to four and largely reiterated the priorities contained in the MTSF and NDP: ECD, child and youth care services, food security and anti-substance abuse, with gender-based violence now awkwardly subsumed within anti-substance abuse (DSD, n.d[c]: 10). While an association certainly exists between the two they are not reducible to each other and their yoking has the potential to marginalise those issues relevant to victimisation but unrelated to substance abuse.

Thus while some issues have been foregrounded by the department on a sustained basis over the past five years, gender-based violence and victim empowerment have been more likely to drift in and out of focus, suggesting that their status is more akin to that of a sub-priority, rather than a key concern. What are the implications of this status for the financial resourcing of the VEP? The next section explores this question by scrutinising spending at national level on welfare services generally and victim empowerment in particular.

Choices: Budgets and activities 2009/10 – 2013/14

The department has three core functions: community development, the provision of social assistance and developmental social welfare services. These functions find expression through the following five programmes:

- *Administration*, providing administrative and other key support services to the department and ministry;
- *Social assistance*, providing social assistance in terms of the Social Assistance Act of 2004;
- *Social security policy and administration*, responsible for developing policy and fair administration of social assistance;
- *Welfare services*, policy development and implementation support – intended to support implementing agencies and formulate policies, norms and standards for the provision of services; and
- *Social policy and integrated service delivery* supporting community development and promoting evidence based policy making.

Social assistance and its administration consume the overwhelming bulk of the national DSD budget, accounting, on average, for 99.1% of national expenditure between 2010/11 and 2013/14. *Administration and social policy* and *Integrated service delivery* are allocated 0.2% of the budget each, with the remaining 0.4% spent on *Welfare services, policy development and implementation*. This 0.4% is then further divided between 11 sub-programmes, as set out in Table 1. Whether or not these proportions remain constant at provincial level, where the bulk of service provision takes place, will be explored in the brief dealing with provincial budgets allocated to welfare services.

Provision for social worker scholarships absorbed half or more of the welfare services budget during this period. Expenditure on HIV and AIDS and children accounted for approximately another 25% of the budget, with the remaining 25% split between eight sub-programmes. However, the two fastest-growing sub-programmes during this period were youth (which increased by 53.2%) (the increase in its portion being attributed to the additional funding required for youth camp events [National Treasury, 2014]) and social crime prevention and victim empowerment, which increased by 51.7% over this period. Particularly rapid growth was observable in both social crime prevention and victim empowerment, as well as substance abuse between 2012/13 and 2013/14. Reflecting its policy prominence, expenditure on substance abuse increased by 151%, while that for social crime prevention and victim empowerment by 86%.

Table 1:

Expenditure estimates for Welfare Services Policy Development and Implementation Support 2009/10 to 2013/14

Sub-programme	2009/10	2010/11	2011/12	2012/13	2013/14	Average growth rate 2010/11 – 2013/14 (%)
	(% of sub-programme overall) R'million					
Service standards	17.3 (4.6%)	19.8 (4.9%)	21.2 (4.7%)	22.1 (4.4%)	21.7 (3.9%)	3.1%
Substance abuse	7.6 (2.0%)	12.1 (3.0%)	14.9 (3.3%)	12.9 (2.5%)	32.4 (5.8%)	38.7%
Older persons	10.4 (2.7%)	8.0 (2.0%)	11.3 (2.5%)	19.3 (3.8%)	21.5 (3.8%)	38.9%
People with disabilities	8.8 (2.3%)	7.6 (1.9%)	8.2 (1.8%)	9.6 (1.9%)	9.6 (1.7%)	8.0%
Children	28.9 (7.6%)	31.9 (8.0%)	40.6 (9.0%)	54.7 (10.8%)	59.7 (10.7%)	23.2%
Families	6.2 (1.6%)	5.8 (1.4%)	6.9 (1.5%)	8.2 (1.6%)	7.5 (1.3%)	9.0%
Social crime prevention and victim empowerment	14.9 (3.9%)	14.6 (3.6%)	21.4 (4.7%)	27.4 (5.4%)	51.1 (9.2%)	51.7%
Youth	5.1 (1.3%)	4.6 (1.1%)	5.5 (1.2%)	12.4 (2.4%)	16.6 (3.0%)	53.2%
HIV&AIDS	R55.5 (14.7%)	R60.9 (15.2%)	R66.8 (13.3%)	R72.2 (14.3%)	R74.0 (13.3%)	6.7%
Social worker scholarships	R210 (55.8%)	R226 (56.6%)	R244 (54.3%)	R256 (50.9%)	R250 (45%)	3.4%
Programme management	R10.6 (2.8%)	7.4 (1.8%)	7.7 (1.7%)	7.4 (1.4%)	9.9 (1.7%)	10.2%
Totals	R330.3 million	R399.1 million	R440.0 million	R502.6 million	R554.4 million	11.6%

(Source: National Treasury 2014: 16)

On average, 13.7% of welfare services' budget overall was allocated towards transfers to non-profit organisations (NPO), summarised in Table 2. (These sums do not constitute the full total of all grants to NPOs however, as the bulk of these transfers occur at provincial level.) Notably, unlike the other sub-programmes, transfers within the HIV and AIDS sub-programme are separated by recipient – which provides further insight into overall expenditure on youth as a category, rather than a single sub-programme.

Comprising no more than 3% of the total welfare services programme budget, expenditure on the youth sub-programme appears minimal. Such assessment however, overlooks expenditure on youth in the HIV and AIDS sub-programme where R48.1 million of the R74.0 million allocated to this sub-programme (or 65% of the sub-programme budget) is apportioned to the NPO LoveLife. Indeed, the grant to LoveLife represents 68.8% of the R69.9 million transferred by national DSD to NPOs in 2013/14. If one further considers how social work scholarships will largely also be awarded to young people, then it is evident that youth, at national level, is the category particularly likely to benefit from welfare services as a whole.

Table 2:

Transfers to NPOs 2010/11 – 2013/14

Non-profit organisation	2010/11 R'million	2011/12 R'million	2012/13 R'million	2013/14 R'million	Average growth rate (%)
LoveLife	43.4	43.3	45.6	48.1	3.4%
Service standards	1.3	1.4	1.5	1.6	5.8%
Substance abuse	2.2	1.6	3.1	2.6	5.6%
Older persons	1.8	1.8	2.0	2.1	5.6%
Disabilities	2.8	3.0	3.2	3.3	5.6%
Children	5.6	5.9	6.5	6.8	6.4%
Families	1.0	1.0	1.1	1.2	6.5%
Social crime prevention	3.1	2.5	3.5	3.6	5.5%
National Association of People Living with HIV&AIDS	0.3	0.3	0.3	0.3	5.6%
Totals	R61.8 million	R61.7 million	R67.0 million	R69.9 million	4.2%

(Source: National Treasury 2014: 17)

Social crime prevention and victim empowerment activities

In 2009/10 victim empowerment and social crime prevention were two separate sub-programmes, with the victim empowerment budget for that year (R6.0 million) approximately two-thirds that of the social crime prevention sub-programme (R9.2 million). The two sub-programmes were amalgamated the following year but the balance of expenditure in this sub-programme continued to be tipped towards social crime prevention. According to the Budget Vote for 2012/13 the “significant” increase in funds to this programme between 2009/10 and 2012/13 was to give effect to the new responsibilities accorded the department by the Child Justice Act of 2008. The VEP's lesser funding is also suggested by parliamentary minutes for 30 August 2011 when DSD appeared before the Select Committee on Women, Children and People with Disabilities stating that government was not providing adequate financial support to the VEP. While a grant of 18 million Euros had been secured from the European Union for VEP, an application had also been made to Treasury for additional funding (Parliamentary Monitoring Group, 30 August 2011). This was successful,

R21.1 million being set aside for victim empowerment over the medium term and an additional amount of R8.4 million allocated to the programme in 2012/13 (National Treasury, 2012).

How has the DSD proposed spending its budget for victim empowerment over this five year period? Two issues are consistently emphasised annually in the Budget Votes and strategic plans: victim empowerment legislation and human trafficking. Rape is referenced just once in 2009/10 when DSD set itself the goal of developing guidelines for dealing with rape, as well as domestic violence, human trafficking and violent crimes generally (National Treasury, 2009). These were released in 2010. Again, other activities shift in and out of view over these five years including a men and boys strategy; a manual on gender based violence and provincial training programme on gender-based violence; a shelter strategy; and an inter-sectoral strategy for victim empowerment. But the intervention for which the most detail is available is the 24-hour command centre launched in March 2014 to prevent gender based violence and improve responses to victims of such violence.

⁵ Figures not available for 2009/10. Cape Town Child Welfare Society, which received a grant of R400 000 in 2011/12 has also been excluded from the table due to the once-off nature of its support.

The command centre

The establishment of the command centre was signalled by neither the DSD's strategic plans and annual performance plan, nor the Budget Votes – or even the Minister's 2013 Budget speech (see Dlamini, 2013). Further indication of its rather sudden appearance is suggested by the reprioritisation of funds in 2013/14 as well as over the medium term for the centre (National Treasury, 2014). The command centre was also launched within the context of an impending national election, with Minister Dlamini's speech linking its establishment to the ANC's Election Manifesto and its commitment to gender equity. Perhaps in a nod to the DSD's job creation responsibilities, she also noted that 65 of the 75 social workers employed by the centre had previously been unemployed (Dlamini, 2014).

According to Minister Dlamini's speech, the impetus for the command centre was the Inter-Ministerial Committee on Violence Against Women and Children (Dlamini, 2014), first convened by Cabinet in May 2012 to investigate the root causes of violence both in general, as well as towards women and children specifically (Dlamini, 2013).⁶ The command centre was presented as one component of a five year programme of action focused on prevention and protection, response, care and support developed by the Committee.

The command centre was formally opened on 25 March 2014, with the aim of testing its operation for six months in two areas in KwaZulu-Natal (Edendale and Inanda) and five in Gauteng (Hillbrow, Alexandra, Moroka, Sunnyside and Akasia) (South African Government News Agency, 24 March 2014). In form it is a 24-hour telephonic hotline staffed by social workers who provide both counselling and/or referrals to callers. Analysis of the nature and extent of violence being reported by callers is also intended to help DSD identify possible trends in violence, as well as the need for social workers in future (Dlamini, 2014).

As already noted, allocations towards the social crime prevention and victim empowerment sub-programme rose from R27.4 million to R51.1 million between 2012/13 and 2013/14, with funds reprioritised specifically to enable the establishment of the command centre. And in the medium term the focus of the sub-programme between 2014/15 and 2016/17 will be on strengthening and evaluating the command centre, implementing the social crime prevention strategy action plan and implementing the South African integrated programme of action addressing gender based violence. Thus at first glance the victim empowerment sub-programme appears to be illustrative of the sort of political prioritisation of violence against women so often demanded. However, this easy conclusion is complicated by closer attention to both the budget for the command centre, as well as the broader context of state and civil society responses to violence against women.

First, the expenditure estimates for social crime prevention and victim empowerment demonstrate a striking increase in expenditure on consultants and professional services, jumping from R1.1 million to R13.9 million between 2012/13 and 2013/14 (National Treasury, 2014), representing a difference of R12.8 million and a 1 140% escalation in expenditure. This massive rise in the use of consultancies is attributed to "the piloting of the centre through the department's partnership with a private partner" (National Treasury 2014: 22). In addition to Treasury's allocation to the command centre, the Vodacom Foundation contributed an additional R4.2 million to the first six months of the centre's establishment (Dlamini, 2014).

Expenditure on consultancies associated with the command centre does not decline over the medium term but is projected to grow from R14.3 million in 2014/15, to R16.0 million in 2016/17, absorbing, on average, 26.6% of current payments over this period. This percentage is greater than that allocated to staff employed by DSD in the social crime prevention and victim empowerment programme as a whole – 22.0% of current payments. By contrast, transfers at national level to NPOs grew by 4.9% from R3.5 million to R3.6 million between 2012/13 and 2013/14, and by 2016/17 amount to no more than R4.3 million (National Treasury 2014: 21).

Further, a national toll-free helpline dedicated to gender-based violence is already in existence, initiated in 1999 by the Soul City Institute in collaboration with the Department of Justice and now managed by the NPO Lifeline. Additionally, some of the areas selected for intervention in Gauteng have long-established services addressing violence against women, such as People Opposing Women Abuse in Hillbrow and Adapt in Alexandra, while both the Nisaa institute for Women's Development as well as Lungelo are active in Soweto. The command centre thus begins to look like a duplication of functions and structures which, in the context of the well-documented funding crisis faced by NPOs, has the potential to further attenuate existing services.

This duplication of functions and the dilution of resources it represents is evident not only in relation to NPOs but also in relation to government. Not only is there an Inter-Ministerial Committee on Gender-based Violence but there is also a National Council on Gender-based Violence, with the first driven by DSD and the second by the Department of Women, Children and People with Disabilities (DWCPD). In 2013 DWCPD appeared before the Select Committee on Women, Children and People with Disabilities stating that it required R20.7 million for its gender-based violence campaigns, of which an estimated R7.5 million was required for the development and implementation of its own five year national strategic plan (Parliamentary Monitoring Group, 3 June 2013).

⁶Ministers forming part of the committee included those for Justice and Constitutional Development, the Police, Basic Education, Home Affairs, Health and Women, Children and People with Disabilities.

Conclusions

The VEP and the post-rape services it includes are ambiguous priorities – sometimes highlighted, sometimes passed over in national DSD planning documents. This indefinite status is also reflected in the national DSD budget where funding for the VEP has not always been commensurate with that allocated towards social crime prevention. Yet the eventual funding by national DSD of a service addressing rape and other forms of gender-based violence is not necessarily to be celebrated. In fact, given

its duplication of existing services, it is perhaps better viewed as cause for concern and points to the need for NPOs to treat budget processes as important sites of activism. Ultimately, while it is important to call for more resources to be allocated towards the problem of rape, it is equally as important to critically scrutinise how these funds are utilised.

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