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OF THE REPUBLIC OF SOUTH AFRICA

*Women's Roundtable: Accelerating Women's Empowerment
and Development, through Engendering the National
Development Plan and Financing for Gender Equality*

South African Parliament
Cape Town

**PARLIAMENT AND
GENDER-RESPONSIVE
BUDGETING FOR
GENDER-BASED
VIOLENCE**

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1. INTRODUCTION

South Africa has high levels of gender-based violence, in particular of domestic violence and sexual offences. South Africa has legislation that seeks to address these crimes, as well as legislation to address other forms of gender-based violence such as harassment and trafficking. However, despite the presence of legislation, gender-based violence persists at great expense to the women who suffer it, and to the State.

Gender responsive budgeting is important in all spheres of Government to ensure that women's differing needs and socio-economic status is taken into account in the implementation of policies and programmes. It is equally important when implementing legislation to prevent and respond to gender-based violence, because without a sufficient budget, inadequate and possibly ineffective services could be provided.

Tracking Government expenditure in relation to gender-based violence is not an easy task. The services provided to survivors of gender-based violence often come from more than one Department, and yet budgeting these services is undertaken in silos. In addition, budgets at a Departmental level do not have a stand-alone programme for gender-based violence. As a result, it is not always clear how much the South African Government is spending on the implementation of legislation aimed to prevent gender-based violence and to support survivors in the criminal justice system.

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

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

This paper aims to explore some of the hidden costs associated with providing services for victims of violence. It concludes with recommendations for Parliament about the development of a more effective funding model for implementing legislation related to gender-based violence.



2. COSTS INCURRED¹

This section attempts to identify where the costs for reporting violence will be incurred. The economic cost of gender-based violence is extensive and many individuals and institutions bear this cost. The first and most significant cost is to the victim of the crime. In addition, five key Government Departments incur costs as a result of their responsibility to implement legislation. During the fifth democratic administration the Departments responsible include these are South African Police Services (SAPS), the Department of Justice and Constitutional Development (DOJ&CD), the Department of Health (DOH), the Department of Social Development (DSD), and the Department of Correctional Services (DOCS). Costs are also borne by civil society in their support of survivors through counselling, shelters, and other services.

Whilst this section does not detail reported costs, it helps to present a broad picture of what costs could be incurred in fully implementing the legislation.

2.1. Costs to the victim

- Cost of telephone call/cell phone call to the police or to the health facility for assistance;
- Cost of travelling to the police station to report, or for assistance;
- Cost of travelling to the court for protection order applications, or for pre-trial consultations, breach of protection order hearings, or court dates;²
- Cost of food during time at court (many courts confiscate food as you enter);
- Cost of travelling to the health facility for examination;
- Cost of medicines to treat injuries;³
- Reproductive health costs including possible termination of pregnancy, treatment for STIs etc.;⁴
- Cost of seeking psychosocial care in the short and long term (counselling or psychiatry);
- Cost of loss of earning from days off work (both immediately after the incident and as a result of post-traumatic stress disorder);
- Relocation costs if moving out of their home away from an abuser;
- Temporary accommodation costs whilst looking for a new home;
- When children are involved costs include moving children, costs of childcare whilst involved in criminal justice processes, costs of psychosocial support for children, costs of healthcare for children where they are also the victim of violence; and
- Cost of lost living expenses where economically dependent on the perpetrator.

¹ Thorpe, J, Wakefield, L and Watson, J (2014)

² Victims can ask the State for assistance with these costs.

³ Ibid.

⁴ Ibid



2.2. Costs to the SAPS

- Vehicle costs (including petrol and maintenance costs) involved in travelling to the site of the incident, notifying the respondent, serving protection orders;
- Paperwork and stationery required in the vehicle and in the community service centre and victim friendly rooms;
- Cost of maintaining the domestic violence register;
- Cost of debriefing staff and of days off work from exposure to trauma;
- Transport costs including costs involved in transporting victims to shelters/places of safety, to the medical facility for examination, to the court for trial dates;
- Cost of telephonic communication and updates with the victim regarding status of her/his case;
- Cost of ongoing training for police in the implementation of the relevant legislation;
- Cost of staff time in responding to incidents of domestic violence;
- Cost of equipping and maintaining victim friendly rooms (R500 000 per facility as of 2013/14)⁵;
- Cost of participation in Victim Empowerment Programme (VEP) forums;
- Cost of rape kits (R189 each according to responses by the SAPS in 2013)⁶;
- Cost of awareness posters and pamphlets relating to the Acts both internally and externally;
- Cost of research related to domestic and sexual violence;
- Costs of operational budgets for police stations;
- Further costs associated with the Criminal Law (Forensic Procedures) Amendment Act (Act 37 of 2013) such as the processing of DNA data;
- Costs of language and translation of documents;
- Cost of mobile/satellite stations in rural areas; and
- Costs of non-compliance with the Domestic Violence Act via the Civilian Secretariat for Police cases.

2.3. Costs to the Department of Justice and Constitutional Development

- Cost of dedicated staff including dedicated clerks and magistrates at sexual offences courts and related to domestic violence;
- Cost of legal aid to victims of violence against women (R4372.66 per case in 2013/14)⁷;
- Cost of training specialised staff;

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

⁶ Interview with Colonel Harri at the Mitchells Plain FCS unit.

⁷ The Department of Justice and Constitutional Development (2013) *Responses to Questions from the Select Committee on Women, Children and People with Disabilities*.



- Cost of ongoing training of staff including clerks, sheriffs, magistrates, interpreters and prosecutors;
- Cost of awareness posters and pamphlets relating to legislation both internally and externally;
- Cost of research related to domestic and sexual violence;
- Cost of victim support services;
- Cost of specialised infrastructure including closed circuit TV, furniture, anatomical dolls and staff including intermediaries, interpreters at sexual offences courts;
- Cost of maintaining the National Register on Sexual Offenders;
- Cost of court support;
- Cost of 24 hour facilities to allow for protection orders;
- Through the National Prosecuting Authority (NPA) costs associated with Thuthuzela Care Centres (TCCs) including:
 - Staff, including the Site Coordinator, Victim Assistance Officer, and Case Manager; and
 - Running costs including fax, groceries, clothing, internet access, telephone access, rentals, cell phones for staff, and travel costs (R359 000 per centre per month in 2013/14)⁸;
- Cost of servicing documents when the complainant cannot afford to pay;
- Cost of coordination of the Justice and Crime Prevention Services (JCPS) cluster; and
- Cost of representation of the accused.

2.4. Costs to the Department of Health

- Medicines and medical supplies used in the treatment of injuries related to violence;
- Forensic specialists for the collection of evidence from the victim's body in the case of a sexual offence (in some provinces this includes forensic nurses);
- Instruments and forms for forensic medical collection;
- Staff at TCCs including one forensic medical practitioner, four nurses, one professional nurse, cleaners, locum doctors, locum nurses, and overtime doctors;
- Consumables at the TCCs;
- Ambulances in life threatening cases;
- Post-Exposure Prophylaxis;
- The cost of forensic pathology and DNA analysis;
- Medicines to treat Sexually Transmitted Infections (STIs);
- HIV and STI counselling; and
- Medical equipment.

⁸ The Department of Justice and Constitutional Development (2013) *Responses to Questions from the Select Committee on Women, Children and People with Disabilities*.



2.5. Costs to the Department of Social Development

- Social workers for shelters and shelter facilities;
- Lay counsellors for victim friendly rooms at some police stations;
- Partial funding of shelters and green door facilities (facilities that have been demarcated by the DSD as safe havens for abused women where they can receive counselling and can sleep over)⁹;
- TCC counselling services either directly or via funding an Non-Governmental Organisation (NGO);
- Costs of maintaining the Child Protection Register;
- Costs associated with the National Strategic Plan and
- Partial funding of NGOs servicing victims of violence against women.

2.6. Cost to the Department of Correctional Services

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

2.7. Costs to civil society

- Crisis counselling;
- Education and information on gender-based violence and abuse;
- Costs of advocacy to engage with State on service delivery reform;
- Court processes and procedures such as:
 - Assistance with the completion of the application forms for a protection order;
 - Court preparation; and
 - Assistance with the writing of affidavits for the traumatised applicants;
- Referrals to other service providers, as needed;
- Information on sexual and reproductive health, HIV, and where to access these services;
- Legal and human rights education;
- Salaries for staff working at organisations that support victims of violence against women;
- Cost of awareness posters and pamphlets relating to legislation both internally and externally;
- Cost of research related to domestic and sexual violence;
- Shelter costs; and
- Psychosocial care costs.

⁹ The challenges with the identification of these facilities as appropriate services include that women can only stay for a short period, and that many of the facilities do not meet the minimum standards in terms of shelters.



An estimate of the costs of gender-based violence would need to consider all of these costs. In addition, if the State were seeking to address gender-based violence holistically it would also need to include the costs of prevention programmes, and of exit housing for women who have been forced to leave abusive relationships.

Consideration of the Estimates of National Expenditure do not easily indicate exactly how much each Department is spending. In addition, there are a number of hidden costs associated with providing services to survivors (e.g. working hours spent). The next section of the paper addresses some of the challenges to estimating the spending of Departments on gender-based violence.

3. ESTIMATING COSTS ACROSS GOVERNMENT DEPARTMENTS

When trying to estimate spending related to gender-based violence across Government Departments, a challenge occurs in that budgets for implementing legislation are not ring-fenced, certain costs are hidden, and the expenses borne by civil society are not taken into account.

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

Hidden costs of gender-based violence to the State include the salaries of the officials during the time spent assisting victims and arresting perpetrators. At a station such as Mitchells Plain, where more than 12 000 complaints of domestic violence alone are responded to each year,¹⁰ this hidden cost will be significant.

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

In July 2013, questions were sent by the Select Committee on Women, Children and People with Disabilities to various Departments related to their spending on gender-based violence. In addition to the questions, site visits were conducted at a Thuthuzela Care Centre, a police

¹⁰ Figure taken from interviews at the Mitchells Plain SAPS



station, a Family Violence, Child Protection and Sexual Offences (FCS) unit, and a court, to identify additional spending. The DOH and DSD did not respond to the Committee's request. The responses to the questions and from the site visits helped to begin to create a picture of spending from the SAPS and the DOJ&CD.

This section thus attempts to collate information about spending by Government as a whole in the 2013/14 financial year. Information on the DSD and DOH was garnered from the visit to a TCC, but it remains incomplete for several reasons which will be provided in more detail in the next section.

3.1. The 2013/14 Financial Year Estimates Reported by Departments

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

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

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

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

Table 2: Summary of reported SAPS costs related to gender-based violence for the 2013/14 financial years

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



If these budgets are considered against the responsibilities that each Department must fulfil, there will be a significant shortage of funds available. Thus, it is likely that the sub-totals in Table 1 and 2 are in fact an under-representation of spending.

3.1.2. Costs of Thuthuzela Care Centres 2013/14

TCCs are one-stop facilities that have been introduced as part of South Africa's anti-rape strategy. They aim to situate all Government role players in one venue in order to reduce the secondary trauma for the victim, and speed up the cycle time for finalising cases.¹¹ Survivors of sexual offences can receive services related to reporting the rape such as opening a case, accessing healthcare, and receiving containment counselling.

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

3.1.2.1. The National Prosecuting Authority

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

Some TCCs are fully operational, whereas others are only partially operational. As of August 2013, there were 35 **fully operational** TCCs distributed across provinces.¹² In addition, as of August 2013 there were 16 partially operational centres, eight of which were in the process of becoming fully operational. In 2013/14 the NPA budgeted **R33 920 037** for running the TCCs. The NPA provided details on the running costs of an average TCC per month and per annum and these are detailed in Table 3, below.

Table 3: The NPA running costs of an average TCC per month and per annum¹³

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

¹¹ The National Prosecuting Authority. "Thuthuzela: Turning Victims into Survivors."

¹² Eastern Cape (4), Free State (3), Gauteng (7), KwaZulu Natal (4), Limpopo (2), Mpumalanga (2), North West (4), Northern Cape (4), Western Cape (5).

¹³ In 2013/14



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

3.1.2.2. The DSD

The DSD is responsible for the provision of counselling services at the TCCs. It either provides these services directly, or funds a non-governmental organisation to provide counselling. The DSD did not respond to the request for information from the Select Committee on Women, Children and People with Disabilities.

The absence of figures from the DSD is significant. Bhana et al (2012) estimate that “60 percent of social welfare services for women and children are currently being provided by non-governmental organisations.”¹⁴ Not all of these organisations receive funding from Government to assist them in providing these services.

Bhana et al (2012) investigated the spending on shelters by the Gauteng Provincial DSD. At the time of research, the DSD was funding 21 women’s shelters at a total cost of R8 653 815.¹⁵ This worked out to an average of R412 000 per shelter.¹⁶ Bhana et al considered the costs associated with running five shelters in the Gauteng province. Some of the expenses were covered by funding from the Provincial DSD, but other funding sources had to be secured in all five shelters. They thus found that the Gauteng DSD does not provide adequate funding of shelters, as the operating costs of all shelters far exceeded the contribution of the DSD.¹⁷ Their case studies revealed that **53 percent** of women who accessed shelter services for the first time did not return to their abuser, and therefore that shelters are a critical tool in protecting women from domestic violence.¹⁸

In terms of the number of shelters that would need to be costed it is necessary to have clarity on the number of shelters in South Africa. According to the DOJ&CD presentation to Parliament in 2012, there are 60 shelters countrywide for victims of domestic violence, as well as **42 places of safety** and **254 children’s homes** for children in need of care and protection.¹⁹ According to Linda Fugard,²⁰ of Sisters Incorporated, there are 61 Shelters

¹⁴ Bhana et al (2012).

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ The Portfolio and Select Committee on Women, Children and People with Disabilities (15 February 2012). *Domestic Violence Act implementation: Department of Justice briefing*. Parliamentary Monitoring Group Minutes.

²⁰ Fugard, L (2013). Email interview.



distributed across South Africa. The different numbers are indicative of differing definitions of what a shelter entails.

If all women who applied for a protection order in 2011 (217 987) required access to one of the 61 shelters, each shelter would need to house 3 573 women. It is unlikely that this is the case, and it is clear that despite a lack of specificity on the role of the DSD in implementing the Domestic Violence Act (Act 116 of 1998) and the Sexual Offences Act (Act 32 of 2007), the Department would require a significant budget to ensure that women seeking a shelter are accommodated.

3.1.2.3. The DOH

The Select Committee on Women, Children and People with Disabilities sent questions regarding domestic violence and sexual offences to the DOH in 2013. The Department, however, the Department did not respond to this request.

In order to establish some estimates of the medical costs associated with the TCCs and cases of gender-based violence an interview was conducted with Dr Roy Chuunga from GF Jooste Hospital. The information in this section is based on that interview, and electronic correspondence with Dr Chuunga. It is important to note that TCCs exist specifically to render services in sexual offences cases, and it is far less likely that domestic violence cases are dealt with by the centres.

In instances where a criminal case is opened, a forensic specialist will need to collect evidence from the victim's body, and will need to refer victims for psychosocial support or counselling. Medical practitioners who receive training on screening patients for domestic violence are a valuable resource in that they may be able to refer women before the violence becomes worse. Forensic medical practitioners were identified as a scarce resource in the previous round of public hearings on the Act.²¹

Not all health facilities have a forensic medical specialist, but only those with forensic medical specialists are able to assist in presenting evidence collected relating to domestic and sexual violence in court. Forensic medical specialists also assist with the collection of evidence in other cases. In some provinces (Gauteng and the Western Cape) forensic nurses are recognised as specialists and are able to participate in the court process, but this is not standardised across all provinces.²²

There are, however, a number of operational TCCs able to provide services at varying costs. Dr Chuunga was able to provide the operating costs for the service at GF Jooste Hospital, and these are detailed in Table 5 below.

²¹ Abrahams, K (2012).

²² Shukumisa press release. May 2012.



Table 5: Costs for the DOH at TCC, GF Jooste Hospital, Western Cape, 2013²³

Category	Full time equivalent	Cost Per Annum (Rands)
Forensic Medical Practitioner	1	720 000
Nurses x 4	4	572 000
Professional Nurse	1	304 900
Counsellors x 6 ²⁴	4	Cost carried by DSD
Site Coordinator	1	Cost carried by NPA
Victim Assistance Officer	1	Cost carried by NPA
GA (i.e. cleaners etc)	0.4	25 515
Agency – 5568 hrs per year, Subtract equivalent of R48 000 in cover by commuted overtime per month. (Locum doctors)	Agency rate @ R295 per hour	245 280
Agency- 672 hrs. Per year. Nurse locum, Sexual assault nurse examiner	Agency rate @ R133 per hour	89 376
Three doctors do commuted overtime in the centre	Approx.- R16 000 x 3 per month	576 000
Total		2 533 071

Dr Chuunga further notes that the expenditure on consumables is approximately R759 651. Thus the total cost of services at GF Jooste is approximately **R3 292 722 per annum**. GF Jooste is a fully operational TCC according to the NPA responses received in August 2013. When compared to other TCCs, the costs at GF Jooste are in the lower range. If the cost of services at GF Jooste is multiplied across all 35 fully operational sites, the total cost to the Department of Health would be in the region of **R115 245 270 per annum** in 2013/14.

These figures are however **only estimates**, as the information from the Department of Health was not received, and the TCCs are at varying levels of infrastructural development and staff complement. In addition, facility costs do vary. As examples of this variance, the costs for the various facilities providing forensic medical services in the Western Cape appear in Table 6 below. Some facilities are ordinary hospitals with forensic units, and others are TCCs. Services are also provided at Helderberg Hospital and Wesfleur Hospital but no separate budget is provided from the ordinary hospital budget.

²³ Table from Dr Roy Chuunga. 2013.

²⁴ Some are full time and some are part time



Table 6: 2013/14 Costs associated with forensic medical services in the Western Cape²⁵

Facility	Personnel cost	Consumable expenditure estimate	Total
GF Jooste	2 533 071	759 651	3 292 722
Karl Bremer	2 467 632	740 289	3 207 921
Victoria Hospital	4 513 798	300 000	4 813 798
Khayelitsha District Hospital Thuthuzela Centre	2 738 944	821 683	3 560 627

Thus, the figures estimated include **R47 645 606** by the NPA and **R115 245 270** per annum by the DOH.

Thus a sub-total amount for spending during 2013/14 at the TCC's in 2013/14 by these Departments is **R162 890 876**.

3.2. Combined reported costs

The State spent at least **R310 351 681** during the 2013/14 financial year on services to victims of gender-based violence. This amount can be seen to be a minimum estimate, as it does not include all costs listed in Section 2 of this paper. In addition, it doesn't cover the costs for the partially operational TCCs, nor does it include any of the costs incurred by the DSD.

4. A PROBLEMATIC FUNDING MODEL AT PRESENT

Parliament, Government Departments and CSOs have consistently identified that a lack of an inter-sectoral budgeting model creates challenges in implementing legislation related to gender-based violence. The failure to budget inter-departmentally has significant impact on victims of crime. It results in differing services at different places, a lack of services in rural areas, and a failure to ensure that sufficient specialised staff is available and trained. In essence, it means that the Government cannot ensure that women reporting sexual or domestic violence receive services that do not cause further trauma. The lack of ring-fenced funding for gender-based violence has the additional result of making these amounts invisible in the Estimates of National Expenditure in many cases. It is therefore difficult to consult Government reports and assess what is actually being spent in total on gender-based violence.

²⁵ Chuunga, Dr R. (2013). Email interview.



4.1. Challenges in the existing funding model identified during the fourth Parliament.

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

- ***Lack of clarity on the roles of Departments, thus a lack of allocated budget***

In 2009, the Centre for the Study of Violence and Reconciliation presented to the Portfolio Committee on Women, Children and People with Disabilities, and noted that the Domestic Violence Act did not adequately specify the roles of all Departments, and thus this resulted in a problematic implementation of the Act.²⁶

The DOH noted that despite the fact that many women suffer injuries as a result of domestic violence, the Domestic Violence Act does not specify a clear role for the DOH. Doctors and health practitioners are not required or obliged to compile a report on the signs that indicate that the case was domestic violence related. As a result, many women could present at a health facility a number of times and nothing would be done to assist them.²⁷ In addition, the Act does not make provision for psycho-social support to victims. The policy framework of the Domestic Violence Act did not adequately link it to the Victim Empowerment Programme (VEP). The fragmentation of policy thus hindered the effectiveness of support to victims.

The DOJ&CD argued that the shortage of social workers to implement legislation was attributed to the fact that Departments were required to approach Treasury separately for budgets, rather than approaching collectively regarding the implementation of multi-sectoral legislation.²⁸ In addition, they noted in a separate meeting that the result of this was that often Departments had an obligation to implement a piece of legislation, but did not have an allocated budget for implementation because they were not the lead Department.²⁹

In November 2013, the Civilian Secretariat for Police noted that legislative gaps meant that the DSD was not obliged to provide shelters by the Domestic Violence Act and that this resulted in a continued lack of access to services for women, and women left without assistance.³⁰

²⁶The Portfolio and Select Committee on Women, Children and Persons with Disabilities (27 October 2009). *Public Hearings on the 11-year implementation of the Domestic Violence Act*. Parliamentary Monitoring Group Minutes.

²⁷*Ibid.*

²⁸The Portfolio Committee on Women, Children and Persons with Disabilities (1 September 2009). *Violence Against Children and Women and related issues: Department of Justice and Western Cape Network Briefing*. Parliamentary Monitoring Group Minutes.

²⁹The Select Committee on Women, Children and Persons with Disabilities (25 August 2009). *Child Protection, violence and abuse against children, ukuthwala practices, virginity testing, initiation: Department of Justice and Molo Songololo briefings*. Parliamentary Monitoring Group Minutes.

³⁰The Portfolio and Select Committee on Women, Children and People with Disabilities (6 November 2013). *Domestic Violence report: Civilian Secretariat for Police, Minister and Department on Second Quarter Performance 2013*. Parliamentary Monitoring Group Minutes.



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

During public hearings on domestic violence by the Portfolio and Select Committees on Women, Children and People with Disabilities in 2009, the Legal Resource Centre and People Opposing Women Abuse raised the issue of a lack of adequate resources allocated to address crimes against women and children. They noted in particular that resources from the DSD were inadequate to provide support to women and children affected by domestic violence. Many shelters were not able to make any provision for children at all.³¹ The Saartjie Baartman Centre reported that, on average, shelters only received funding towards basic services, counselling, legal advice, life skills and jobs skills. No funding was provided from the Government to provide food, accommodation, counselling, medical services and legal assistance. These services were desperately needed by domestic violence survivors.³²

In response the DSD noted that budgetary constraints impacted on efforts to strengthen services.³³ Furthermore, the DSD acknowledged that the decision to allow provinces to fund differently had resulted in challenges to ensuring adequate funding for shelters.³⁴

In its report on public hearings, the Portfolio Committee on Women, Children and People with Disabilities found that the VEP was inadequately resourced, both in terms of human and financial resources and that a lack of guidelines impeded service delivery.³⁵ The Committee further highlighted that a lack of co-ordination in the violence prevention sectors, and a lack of an overarching framework and implementation strategy to deal with domestic violence holistically, negatively impacted the ability of Departments to adequately perform their tasks. In addition, it resulted in haphazard referrals which ultimately disservice victims of violence.³⁶

In 2010, a number of NGOs based in the Free State province took the provincial DSD to court on an issue relating to its financial policy.³⁷ NGOs in the province had struggled to secure VEP funding for the essential services they provided. As a result of this case, all provinces are allowed to develop their own financial policy with regards to funding NGOs. However, the impact of this decision was that amounts per province or per client vary dramatically from province to province, resulting in dramatically different services available to

³¹ The Portfolio and Select Committee on Women, Children and Persons with Disabilities (17 November 2009). Public Hearings on 11-year implementation of the Domestic Violence Act. Parliamentary Monitoring Group Minutes.

³² Ibid.

³³ The Portfolio Committee on Women, Children and Persons with Disabilities (25 August 2009) *Domestic Violence Act, Child Justice Act and Children's Act implementation: briefing by the Department of Social Development Department; Department of Health services to victims of domestic violence and abuse*. Parliamentary Monitoring Group Minutes.

³⁴ Ibid.

³⁵ Portfolio Committee on Women, Children and People with Disabilities. (17 November 2009). *Report on public hearings on Domestic Violence 2009*. Parliamentary Monitoring Group Minutes.

³⁶ Ibid.

³⁷ The Portfolio Committee on Social Development (12 October 2010). *Department of Social Development Annual Report 2009/10 and 1st quarter 2010 performance: Research Unit analysis and Department's Report*. Parliamentary Monitoring Group Minutes.



women who have been victims of violence. The impact of this is that not all women have equal access to shelter, or freedom from violence. The Children's Institute presented to the Committee in late 2010 on the shortage of funding to NGOs and Non-Profit Organisations (NGOs). They noted that 60 percent of services for vulnerable groups were delivered by NGOs and Non Profit Organisations (NPOs), and yet the DSD elected to only provide 'partial funding' for these services.³⁸ As an example, almost all shelters across the country in 2010 were provided by NGOs.³⁹ However, when the DSD provides the same services directly they fund them fully, and when a private organisation provides the service, the DSD pays them at cost plus profit.⁴⁰ This reflects a clear inequality in the allocation of funds for the same services.

In 2011, the DSD briefed the Select Committee on Women, Children and People with Disabilities on the implementation of the Domestic Violence Act. In this meeting the DSD expressed concern that the sustainability of the VEP was dependent on international donor funding.⁴¹ In addition, they noted that there was insufficient staff numbers to implement the programme and that a lack of budget for raising awareness about domestic violence hindered their progress in combating this problem.⁴²

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

In 2009, the DOJ&CD noted that statistics on gender-based violence from one Department might not match the statistics from another, because not all Government services were automated.⁴³ In essence, the SAPS may register a case with one number, the DOJ&CD with another, and the DOH with yet another. Despite all departments providing services to the same victim, these will reflect as individual and sometimes unrelated cases. As a result it becomes difficult to track cases, and to budget appropriately across Departments.

The Women's Legal Centre noted in 2013 that it was extremely difficult to find out the status of a case at various points in the justice system, or to find out details about particular cases. They noted that this made it difficult for Departments to adequately budget, plan or allocate funds for the provision of services for survivors.⁴⁴

³⁸ The Portfolio Committee on Social Development (19 October 2010). *Social Development Budgetary Review and Recommendation Report 2010*. Parliamentary Monitoring Group Minutes.

³⁹ The Portfolio Committee on Social Development (16 August 2010) *Services aimed at improving lives of women and children: Department of Social Development Briefing*. Parliamentary Monitoring Group Minutes.

⁴⁰ The Portfolio Committee on Social Development (19 October 2010). *Social Development Budgetary Review and Recommendation Report 2010*. Parliamentary Monitoring Group Minutes.

⁴¹ The Select Committee on Women, Children and Persons with Disabilities (30 August 2011). *Domestic Violence Act implementation: Briefing by the Department of Social Development*. Parliamentary Monitoring Group Minutes.

⁴² Ibid.

⁴³ The Select Committee on Women, Children and Persons with Disabilities (25 August 2009). *Child Protection, violence and abuse against children, ukuthwala practices, virginity testing, initiation: Department of Justice and Molo Songololo briefings*. Parliamentary Monitoring Group Minutes.

⁴⁴ The Portfolio and Select Committee on Women, Children and People with Disabilities and the Multi-Party Women's Caucus (22 April 2013). *National Roundtable: Multi-Sectoral Interventions and Actions on Gender-Based Violence*. Parliamentary Monitoring Group Minutes.



- ***Lack of budget further isolates vulnerable groups***

In 2011, Major General Susan Pienaar, Head of the Crime Protection Unit at the SAPS noted that there were significant challenges in assisting people with disabilities at police stations. Challenges included the fact that many police officials could not perform sign language.⁴⁵ The DOJ&CD echoed these statements and noted that within the allocated budget it was not possible to make courts more accessible for people with disabilities. In 2012, R80 million had been allocated to the development of ramps in existing courts.⁴⁶

- ***Where Government doesn't provide services, NGOs, and CSOs take on costs***

On a 2011 site visit to the Saartjie Baartman Centre by the Select Committee on Women, Children and People with Disabilities, it was noted that the demand for services for women who were the victims of violence had increased but the number of NGOs was dwindling.⁴⁷ This placed a significant burden on the Saartjie Baartman Centre, as both the SAPS and the DSD referred clients to them but the DSD had not increased their funding between 2002 and 2011.⁴⁸ In addition, the Saartjie Baartman Centre was forced to pay rent to the DSD for the building they used, and to maintain it themselves.⁴⁹

In 2013, The Rape Crisis Cape Town Trust explained that many European donors fund the Government for services to gender-based violence survivors rather than CSOs, and that Government allocations underestimate the costs of services to CSOs fulfilling essential roles and thus do not provide sufficient funding.⁵⁰

In 2013, the Budget Review and Recommendation Report of the Portfolio Committee on Justice noted that a number of NGOs have apparently been forced to withdraw their services (for example Lifeline, Childline) from TCCs because of a lack of funding. Provision of services to victims of sexual offences without psycho-social support cannot claim to be victim-centred.⁵¹

- ***No disaggregation of budget***

The 2011 Budget Review and Recommendation Report of the Portfolio Committee on Justice noted that it has been an ongoing challenge to methodically evaluate how much money is

⁴⁵ Multi-Party Women's Caucus (22 November 2011). *Domestic Violence Act implementation: Department of Police briefing (2011)*. Parliamentary Monitoring Group Minutes.

⁴⁶ The Portfolio and Select Committee on Women, Children and People with Disabilities (2012). *Domestic Violence Act Implementation: Department of Justice Briefing*.

⁴⁷ The Select Committee on Women, Children and People with Disabilities (2011) *Report of the Select Committee on Women on the visit to the Saartjie Baartman Centre (2011)*.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ The Rape Crisis Cape Town Trust (2013). *Challenges and successes in addressing violence against women*.

⁵¹ Ibid



being spent or its impact in terms of the implementation of legislation for vulnerable groups because there is no separate reporting on dedicated budgets.⁵²

In 2013 a lack of disaggregated budget data was raised as a challenge by the SAPS. The SAPS was unable to report on its budget for the implementation of specific pieces of legislation such as the Domestic Violence Act and the Sexual Offences Act.⁵³ This made it difficult for the Select Committee on Women, Children and People with Disabilities to assess how much was spent on these Acts and whether the budget was sufficient or not.

- ***Legislation not costed before it was passed***

In 2012, the DOJ&CD noted that the lack of costing of the Domestic Violence Act was a major challenge to its successful implementation.⁵⁴

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

The establishment of the National Council on Gender-Based Violence (NCGBV) in 2011, and its inauguration in 2012 was highlighted as an achievement of the Department of Women, Children and People with Disabilities. However, concern over the budget, inclusivity of the Council, impact and influence at a provincial level, and the Council's function was raised in 2013 by the Select Committee on Women, Children and People with Disabilities.⁵⁵ At the end of 2013 the NCGBV still had not secured funding to complete the programmes it planned to complete in the 2013/14 financial year.

In respect of the 'revived' sexual offences courts, the NPA informed the Portfolio Committee on Justice and Constitutional Development in March 2013 that it was in "crisis" and had a budget shortfall of R200 million.⁵⁶ With the current budget challenges, it is concerning that neither the NPA, Legal Aid South Africa or the DOJ&CD will be in a position to provide the necessary support for these courts.⁵⁷ The National Treasury in the Adjusted Estimates of National Expenditure (AENE) in October 2013 did not make any provision for additional funding for the sexual offences courts so funds will have to be found within already stretched baselines.⁵⁸

⁵² The Portfolio Committee on Justice and Constitutional Development (2 June 2011) *Report of the Portfolio Committee on Justice and Constitutional Development on Budget Vote 24: Justice and Constitutional Development*.

⁵³ Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014)

⁵⁴ The Portfolio and Select Committee on Women, Children and People with Disabilities (15 February 2012). *Domestic Violence Act Implementation: Department of Justice Briefing*. Parliamentary Monitoring Group Minutes.

⁵⁵ Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014)

⁵⁶ The Portfolio Committee on Justice and Constitutional Development (2013) *Report on Budget Vote 24: Justice and Constitutional Development*, (28 May 2013)

⁵⁷ The Portfolio Committee on Justice and Constitutional Development (2013) *Budgetary Review and Recommendation Report of the Portfolio Committee on Justice and Constitutional Development*, (5 November 2013)

⁵⁸ National Treasury (2013) *Vote 24 Adjusted Estimates of National Expenditure (October 2013)*



A 2014 review of the work of parliamentary committees on gender-based violence noted that the reliance on donor funding for TCCs is problematic.⁵⁹ A significant portion of the TCC budget is donor-funded. Technically, this means that although these centres are part of Government's strategy for addressing gender-based violence, if donor funding is withdrawn, the Government will not have covered this cost.

- ***Responses to the issues raised, and recommendations made for future funding models***

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

- ***Funding of NGOs***
 - That funding criteria for VEP grants to CSOs is reassessed and that grants be made available to shelters given that they provide a critical service to victims of domestic violence.⁶⁰
 - That the DOJ&CD should look into ways that it can help NGOs who assist the criminal justice system by providing psychosocial services to access the necessary funding.⁶¹
- ***Funds not taken into account by Departments***

In instances where the State is liable for costs of servicing a protection order where complainants cannot afford it, this amount should be taken into account by the annual budget of courts.⁶²

4.2. Recommendations for Parliament

During the fourth Parliament a number of meetings, presentations and roundtables identified the need for Parliament to undertake better oversight over budgets to ensure that they are gender sensitive. These recommendations included:⁶³

- That a mechanism should be developed in Parliament to ensure the implementation of the Domestic Violence Act and other relevant legislation is overseen between all Committees concerned in a multi-sectoral manner rather than holding separate meetings on similar topics.

⁵⁹ Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014)

⁶⁰ The Portfolio Committee on Women, Children and People with Disabilities (2009) *Report on the Public Hearings on the Domestic Violence Act*.

⁶¹ The Portfolio Committee on Justice and Constitutional Development (2013) *Report of the Portfolio Committee on Justice and Constitutional Development on Budget Vote 24: Justice and Constitutional Development, (28 May 2013)*

⁶² Ibid.

⁶³ Thorpe, J, Wakefield, L and Watson, J (2014).



- That Parliament denies support to certain budget votes as a way of applying pressure for an allocation to be made in favour of the gender portfolio.
- That Committees monitor the progress of the VEP through the DSD's allocation of budget to this programme annually.
- Committees should monitor additional allocations from Treasury to the Department of Social Development aimed at meeting the needs of cash-strapped NGOs; and that Committees monitor the collaboration of Treasury and DSD in developing a more appropriate model of funding for NGOs.
- That relevant Committees should address the funding to the DSD through making recommendations and conducting oversight, to ensure that uniformity in shelter funding takes place, and that a long term strategy is developed to support NGOs as partners providing the necessary services.
- That relevant Committees should require the aforementioned Departments to report quarterly on its spending plan for vulnerable groups. This should include details of what was spent on the implementation of the Domestic Violence Act and Sexual Offences Act.
 - During the 2013/14 Budget process, the DOJ&CD suggested that a restructuring of its Court Services Programme as a result of the migration of certain sub-programmes under to the Office of Chief Justice, might make it possible to consider including a programme for vulnerable groups. The Committee supported this as it will assist to make spending under vulnerable groups more transparent.⁶⁴
- There should be a ring-fenced budget for crimes against women and children within the SAPS.⁶⁵ A costed strategic plan should be presented to the Committees on Police and Security and Justice and resources should be actively reprioritised to combat crimes against women and children, including ring-fencing money for the following purposes:
 - Ensuring effective resourcing of all FCS units, both in terms of physical and human resources.
 - Ensuring that all members of FCS units are fully trained and competent in performance of their functions.
 - Ensuring that all members of the Community Service Centre and the volunteers, who are the first point of call for the public, should be trained to respond effectively to victims.
 - Ensuring that all members of FCS units are obliged to attend trauma debriefing sessions with trained social workers/psychologists.
 - Establishing Victim Friendly Rooms at all police stations.
 - Utilising outside resources and experts to understand trends in particular areas/provinces and initiate concerted interdepartmental and inter-sectoral efforts to prevent these crimes.
 - Prioritising these crimes in the Forensic Science Laboratories and the Criminal Record Centres to ensure fast turnaround times for analysing reports in these cases.

⁶⁴Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014)

⁶⁵ Ibid.



- Ensuring that crime intelligence personnel at station, cluster and provincial level are focused on intelligence gathering and sharing initiatives to prevent and detect these crimes.
- The Civilian Secretariat for Police recommended legislative changes to the Domestic Violence Act that ensured that all Departments have specific budgets for implementing the Domestic Violence Act, and that the DSD was mandated by legislation to provide shelter for victims of domestic violence. They further suggested that multi-lateral agreements be drawn up between all departments playing a role in the DVA implementation.⁶⁶
- Responsibility and resource requirements for service of protection orders should be clearly defined. The legislation should designate one department i.e. either the DOJ&CD or SAPS to be responsible for this service. Both SAPS and the DOJ&CD should be obliged to develop a service protocol that will clearly defines the process of receiving and serving the order.⁶⁷

Many of the recommendations thus pointed to a need for a holistic model that ensured that all Departments were clear on their roles, and that they had sufficient budget to implement them. It is clear from the difficulty of estimating costs in 2013/14, and from the numerous challenges that were raised during the Fourth Parliament, that a new and improved funding model for gender-based violence is required. Without accurate, gender-disaggregated statistics on the incidence and nature of gender-based violence in the country, it will be even more difficult to budget appropriately.

Whilst developing such a model is beyond the scope of this paper, it would be useful to assess how such a model could be implemented in an inter-sectoral and inter-departmental manner. The work of Parliament will be essential in monitoring spending, to ensure that it is gender-responsive.

5. CONCLUSION

This paper does not estimate what *should* be spent on implementing legislation related to gender-based violence. What is significant is that despite the high costs of responding to gender-based violence, a few of the Departments assessed have questioned what *should* be spent on the Acts in order to implement them fully.

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

⁶⁶ Ibid.

⁶⁷ Thorpe, J, Nesbitt, G, Mbadlanyana, T, Whittle, P (2014)



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

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

6. RECOMMENDATIONS FOR THE FIFTH PARLIAMENT

- Assess progress made on recommendations made during the Fourth Parliament through a multi-Committee meeting on budgeting for gender-based violence.
- That Treasury facilitates the development of a cohesive funding model to address violence against women that involves the costing of legislation and the provision of conditional grants to Departments based on their estimations of funding required specifically related to domestic violence and sexual offences.
- That Parliament develops a mechanism to ensure that the implementation of the Domestic Violence Act and the Sexual Offences Act are overseen by all Committees concerned on a quarterly basis. This needs to be done in a fashion that encourages inter-sectoral collaboration from all relevant Departments. This mechanism should require quarterly inter-sectoral meetings by the relevant Committees, where Departments are required to report to the relevant Committees, as well as Treasury, on the use and impact of that funding.
- That the Department of Social Development reviews its partial funding policy to ensure that it meets its responsibilities in terms of adequately funding services related to domestic violence such as shelters, and the provision of counsellors at Thuthuzela Care Centres.
- That the budget for sexual offences courts is ring-fenced so that it remains a priority, and the process of establishing courts is expedited.

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