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| **POLICE AND PRISONS CIVIL RIGHTS UNION**    **SUBMISSION**  **DOMESTIC VIOLENCE ACT MONITORING REPORT**  A Submission prepared by the Police and Prisons Civil Rights Union  1 Marie Road, Auckland Park, Johannesburg, 2000  Tel: 011 242 4600; Fax: 086 625 3054; Email: gs@popcru.org.za  **August 2018** |

**Background**

POPCRU welcomes the opportunity of presenting inputs on the Domestic Violence Act (DVA) monitoring report as presented by the Civilian Secretariat for the Police Service (CSPS). Today’s discussions are very important to us, more so because domestic violence has over the years manifested itself into one of the serious social evils in this country; with South Africa being one of the highest ranking countries on incidences of domestic violence.

It is commonly known to this House that the Domestic Violence Act 116 of 1998 (as amended) was enacted with the main objective of providing the victims of domestic violence with maximum protection from domestic abuse through introduction of various measures which seek to ensure that relevant organs of state give full effect to the provisions of this Act, specifically the South African Police Service and the relevant Courts of Law. We therefore welcome and appreciate monitoring report as presented to us; and our inputs on the report are as follows:

**1. Non-Compliance with the Domestic Violence Act and National Instructions by members**

We want to firstly engage the report on the non-compliance of members in relation to the DVA and National Instructions (NI). It is disheartening to note that none of the provinces has reached 100% compliance; with only 52% rated at significant compliance level. Moreover, the report under review further states that there is a total number of 137 non-compliance cases nationally, which raises a grave concern, taking into cognisance the shocking ratio of domestic violence in South Africa. POPCRU strongly discourages any acts of premeditated misconduct by members as this compromise better service delivery to society, more especially vulnerable victims of domestic violence in this instance. Notwithstanding this fact, we have noted that the majority of non-compliance cases are mainly related to failure to properly complete registers and properly filing of documents as reported in annexure A. Based on the rationale in reference, which is mainly administrative in nature; we urge SAPS management to continuously deepen our members’ skills and expertise on the essential prerequisite of the DVA and the related National Instructions. We have noted that the findings from the CSPS state that there is a fairly good understanding of the implementation of DVA; however, the success rate on the compliance contradicts with these findings. We therefore reemphasise that the quality of understanding of members in terms of compliance with regard to the six focus areas is fundamental in obtaining 100% compliance to all focus areas.

We are well aware that the topic under discussion forms part of the basic training programme whilst a three-day workshop and information sessions are also provided to augment their knowledge in this regard; nonetheless, the alarming statistics on non-compliance serves as clear evidence that more still need to be done; improved and regular training is therefore paramount. Relevant e-filing system coupled with adequate training in all police stations nationwide is fundamental in curbing non-compliance in this regard.

**2. Members as offenders of domestic violence**

We have noted with great concern that 36 SAPS members were reported as perpetrators of domestic violence within 291 police stations visited. As a civil rights union, POPCRU strongly condemns any actions of violence; more so when it is perpetuated by an individual who is supposed to enforce law and order within the society. We do acknowledge that police officers are normal human beings with similar social encounters to any other members of society; nonetheless, the nature of police work requires a great sense of self-discipline and the highest level of ethical conduct; we thus require police officers to serve as good examples within society.

We moreover submit that the SAPS should improve Employee Assistance Programmes (EAPs) to ensure that members who encounter psychologically disturbing incidents get access to an effective and confidential therapy immediately. We cannot ignore the fact that police officers are often exposed to a number of traumatic incidents in their line of duty; a need for a well-functional EAP is thus pivotal to ensure that members do not go back to their families in a traumatic condition; this might simply exacerbate acts of violence at times. We therefore call upon all our members be always abide by the law, socially and professionally.

**3. Availability and Functionality of Victim Friendly Rooms**

We perceive the availability and functionality of Victim Friendly Rooms (VFRs) in police stations as a good step of improving services to the victims of domestic violence. The unavailability, dysfunctionality and under-resourcing of these facilities in some of the stations as stated by the report definitely defeat the very same objectives of the DVA and all related instructions respectively.

We further caution this committee that utilisation of offices as makeshift VFRs in some stations infringes on the privacy of the complainants; more especially when considering reported observations by the CSPC. The reality is that these offices, as they would have not been designated to conduct interviews with complainant, are most likely to be frequented during the interview sessions and obviously encroaching on the privacy and disturbing the sessions. Lack of privacy could contribute to two things. Firstly, it must be borne in mind that where privacy is encroached, comfortability and confidence of the complainant is compromised. Secondly complainant could be dissuaded from coming forward to report their cases.

The report indicates that some VFRs have been converted into office space where there is no enough office space. This is completely unacceptable. We therefore submit that SAPS should allocate sufficient budget to renovate all police stations in-line with the needs of our society. It is really pointless to have good policies such as the DVA without proper resources to augment effective implementation.

**4. Service of Protection Orders**

We have learned with dismay that police stations are failing to serve protection orders immediately as mandated by the DVA and National Instructions due to poor communication and cooperation between the local police stations and the courts. This conduct is totally unacceptable as it poses a serious threat to the complainants of domestic violence. We therefore submit that both parties should, as a matter of urgency, put in-place relevant interventions of addressing this challenge.

**5. Availability of Female Members per shifts in Police Stations**

It is common knowledge that majority of domestic violence victims are females; it is therefore based on this premise that victims of this violence prefer to be served by a female police officer as this is likely to reduce the risk of secondary traumatisation as referred to in the Minister’s six point Plan alluded in the report. It is on this principle that we deem it unacceptable that SAPS continuously fails to address the long-standing challenge of inadequate female personnel. We therefore urge the management of SAPS to address this challenge with their current recruitment drive by prioritising high intake of females to increase the current ratio of female police officers.

**6. Conclusion**

The report under review clearly reveals that more still need to be done to ensure effective implementation and compliance with the DVA and related National Instructions. We therefore endorse the recommendations by the CSPS and further add a collective effort is needed in ensuring that the forthcoming monitoring report reflects an improved progress with 100% compliance. We lastly applaud all dedicated law enforcement officers who against all odds, continue to work diligently in ensuring that the perpetrators of these reprehensible acts are brought to book. Let us all work together to ensure that we leave no stone unturned in ending this blood-spattered scourge of domestic violence.

**Delivered by**

**Nkosinathi Theledi**

**General Secretary**

**POPCRU**

**28 August 2018**