



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

INVESTIGATIVE REPORT

STATE OF SHELTERS IN SOUTH AFRICA

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Introduction

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



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Background and Purpose of Shelter Report 2018/2019...

During the financial year 2018/2019, the Commission undertook a systemic investigation into the state of shelters in South Africa. This was initiated because of the complaints received and the grossly inadequate and misaligned funding of shelters. The Commission observed that there were deep-rooted systemic challenges that needed to be addressed at the highest level of institutions that are expected to offer services to survivors of violence, As such an investigative report 2018/2019 recommended that:



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Continuation...

To call a public investigative hearing within the 2019/2020 financial year wherein:

- The Heads of the nine provincial DSDs;
- The Director-General (DG) of the DSD; and
- The DG of the National Department of Human Settlements

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



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Continuation...

Against this backdrop the Commission held an investigative hearing from the 2nd-6th December 2019 and the following institutions were part of the hearings:

Department of Public Works and Infrastructure; South African Police Service; Department of Health; Department of Human Settlements; Department of Safety Gauteng; National Treasury; Department of Labour; Department of Women, Youth and Persons with Disabilities; National DSD and 9 provincial DSDs.



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Key Findings

- The provinces apply inconsistent budget allocation, administration and minimum standards requirements for shelters,
- There is no clear criteria used to determine if a shelter is adequately resourced, especially NGO-run shelters,
- Sexual harassment policies are not part of the set policies needed for funding. This is key as survivors are often vulnerable and therefore, susceptible to sexual harassment at the shelters,
- Male children over 10 years are often neglected in shelters and in some shelters they are not accommodated. Children's Act, 2005 makes reference to a "child" irrespective of sex or gender. To this end, failure to admit male or female children over 10 years goes against the object of the Act to provide care and protection to all children,



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Key Findings

- There is a lack of minimum standards providing for the needs of PwD, the LGBTIQ+ community and accredited skills development programmes to survivors at shelters and
- There are provinces such as Limpopo and North West that have only two shelters which is viewed as inadequate.



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Recommendations

It was recommended that:

- a) The national DSD must develop effective and efficient mechanisms to accurately record funding allocation to shelters. It is observed that the provincial offices of the DSD administer NPO funding has been a long standing concern. Administrative practises vary significantly between provinces,
- b) The national DSD must develop the national policy and guidelines to adequately and uniformly resource shelters. It is accepted that financing of all services in accordance with their true cost may not be immediately possible. In the interim, all post subsidies for equivalent positions must be standardised across all provinces.



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Continuation

There is no justification for provinces to provide different amounts of subsidy to different organisations whose staff have the same qualifications and are performing similar work. It creates inequities between organisations and provinces,

c) The National DSD must develop a national policy providing for minimum wage to house mothers. Subsidies towards social and social auxiliary workers employed by NPOs vary between 29% and 82% of entry level salaries in the DSD. The gap between DSD and NPO pay must be closed. In its report 2016, the National Minimum Wage panel recognised that the non-profit social welfare sector faced a very particular set of challenges in finding its staff and activities. It is thus recommended that an expert panel be established to find means in addressing low wages,



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Continuation

- d) The costing exercise be undertaken by the National DSD and Treasury to ensure that no subsidy is below the minimum wage. Moreover, NEDLAC does not allow for the representation of the NPO social welfare sector. This is serious omission that also limits the ability of the sector to engage with the Minimum Wage Commission that is to be based at the NEDLAC. It is crucial that a way be found to recognise and include this sector with the NEDLAC so that its particular work circumstances are adequately considered when decisions are made that affect wages, employment and working conditions,
- e) Shelters need to support most women's needs in their entirety, including toiletries, food, clothing and travel to health and legal centres.



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Continuation

f) Although the Commission observed that there is a draft training and development framework by the DSD that will be ready after consultation with the relevant stakeholders, it is recommended that all post subsidies for equivalent positions must in the interim be standardised across provinces. There is no justification for provinces to provide different amounts of subsidy to different organisations whose staff have same qualifications, performing similar work,

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



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Continuation

- h) It is recommended that the National DSD finalises its plans to identify three existing shelters and pilot the LGBTIQ+ friendly model within six months and provide clear guidelines on the accommodation of LGBTIQ+ persons on the shelters,
- i) Shelter provision must be in accordance with the population and be offered in all municipalities as part of the DHS' plan,
- j) National DSD must host national and provincial consultative processes to implement and finalise all these recommendations.



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Conclusion

The Commission sought progress reports from all entities that appeared, including NDSD on the implementation of recommendations made in 2019. This was made last year, 2020.

As such progress report on the compliance is to be finalized by the 31st March 2021.



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**Thank You
Dankie**

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