**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION 694**

**DATE OF QUESTION: 24 APRIL 2020**

**DATE OF SUBMISSION: 11 MAY 2020**

**Mr W Horn (DA) to ask the Minister of Justice and Correctional Services:**

What measures have been introduced by his Department of Justice to deal with the increase in the number of domestic violence-related incidents reported at the SA Police Service since 26 March 2020?

**NW896E**

**REPLY:**

1. The upsurge in the number of domestic violence cases has been globally reported as one of the serious ramifications of the COVID-19 lockdown. As expounded by the Executive Director of UN Women, Ms Phumzile Mlambo-Ngcuka, *‘Confinement is fostering the tension and strain created by security, health, and money worries. It is increasing isolation for women with violent partners, separating them from the people and resources that can best help them. It’s a perfect storm for controlling and violent behaviour behind closed doors. And in parallel, as health systems are stretching to breaking point, domestic violence shelters are also reaching capacity, a service deficit made worse when centres are repurposed for additional Covid-19 response.’*
2. In anticipation of domestic violence cases taking a dramatic upswing during the national lockdown, on 30 March 2020, I have issued Alert Level 5 of COVID-19 Directions for court operations, which listed domestic violence applications for protection orders among the justice essential services. However, the Level 5 Directions restricted courts from conducting criminal proceedings, unless for bail applications and reviews thereof. During the period 26 March to 30 April 2020, the district courts dealt with the following applications:

| PROTECTION ORDERS APPLICATIONS IN TERMS OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998): PERIOD 26 MARCH TO 30 APRIL 2020 | | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
| **Province** | **Total Caseload Considered** | | **Outcome** | | | |
| **Number of New Applications**  **Registered (26 March – 30 April 2020)** | **Number of Applications Pending before 26 March 2020** | **Number of Interim Protection Orders Granted** | **Number of Summons Issued** | **Number of Final Orders issued** | **Total Number of Applications Considered** |
| EC | 1 580 | 507 | 1 143 | 565 | 379 | 2 087 |
| FS | 762 | 379 | 466 | 363 | 312 | 1 141 |
| GP | 3 159 | 284 | 1 632 | 810 | 1 001 | 3 443 |
| KZN | 1 474 | 268 | 1 108 | 110 | 524 | 1 742 |
| LIMP | 982 | 861 | 750 | 287 | 806 | 1 843 |
| MP | 626 | 297 | 528 | 175 | 220 | 923 |
| NC | 165 | 163 | 229 | 43 | 56 | 328 |
| NW | 706 | 214 | 375 | 42 | 75 | 492 |
| WC | 810 | 252 | 545 | 317 | 200 | 1 062 |
| **TOTAL** | **10 264** | **3 225** | **6 776** | **2 712** | **3 573** | **13 061** |

1. As against the global trend, it has been recently reported that South Africa has in fact taken a divergent experience in this area. In April 2020, the South African Medical Research Council modelling suggested that the hospital trauma admissions have declined by 66% since the alcohol-free national lockdown[[1]](#footnote-1). The rate of patients admitted for injuries inflicted as a result of violent crimes has drastically gone down in South Africa. Just recently, SAPS also reported a steep decline in the number of reported domestic violence cases. On 22 April 2020, the Minister of Police, Mr Bheki Cele announced that *‘The national picture reflects a decrease by 69.4% from 9 990 cases between 29 March and 22 April last year (2019) to 3,061 since the lockdown until 20 April 2020, meaning a difference of 6,929.’*[[2]](#footnote-2)
2. Similarly, our courts registered a further decline in the number of new applications for domestic violence protection orders received during the COVID-19 Lockdown:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| New Applications for the Domestic Violence Protection Orders | | | | |
| **All Provinces** | **January 2020** | **February 2020** | **March 2020** | **26 March to 30 April 2020** |
| 22 211 | 18 112 | 14 404 | 10 264 |

**Note:** From these figures, since January 2020, our courts have been experiencing a persistent drop in the number of these new applications. Therefore, the ban of alcohol during the lockdown may not be the only contributor to the decrease of domestic violence cases.

1. Despite this sudden unexplainable drop in the domestic violence cases, the Department has introduced in our courts a number of measures to address the domestic violence epidemic:
2. In March 2020, shortly before the national lockdown, the Department introduced the Justice Rapid Results Initiative (RRI) to fast-track the finalisation of domestic violence matters and most importantly, to provide a catalogue of victim-support services aimed at creating a victim-centric justice experience, which is more caring, fast and effective. Due to the COVID-19 National Lockdown restrictions, the RRI is currently in operation, but in a minimal scale. The RRI is championed by the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, and the plan is to increase its footprint to more district courts post-COVID-19 epidemic.
3. There’s a chronic tendency among certain victims of domestic violence to minimize the experience of abuse due to a number of emotional challenges which include denial, shame, embarrassment and fear of exposure. Ambivalence often drives these victims out of the court system back into the cycle of violence where they would stay trapped until they die. In curbing potential femicide cases, the Department has introduced the Intimate Partner Violence Risk Assessment Tool in courts which provides a set of questions intended to open the eyes of the victim to the harmful realities and the fatal consequences of violence in his/her relationship, and to take appropriate actions. The tool was developed with government stakeholders, including SAPS, and also with the participation of the civil society. It is also available in our website.
4. It is often not easy for a victim of domestic violence to leave an abusive relationship. In an effort to protect their lives whilst leaving with their abusers during this Lockdown period, the Department has distributed to courts the booklet titled: My Safety Plan against Domestic Violence, which encourages the victims to make their personalized safety plans. The Plan guides the victims in identifying measures of safety, i.e. at the shared residence, during a violent attack, when planning to escape from the shared residence, etc. These include identifying trustworthy rescue persons, removing items from the house which might be used as dangerous weapons, packing an escape bag, identifying the safe escape route from the house, and selecting a safe house or shelter to where the planned escape will be made. The Department is in a process of distributing the Safety Plan to shelters to ensure that no survivor leaves the shelter without having planned. The Safety Plan can also be accessed from the Department’s website.
5. With the increasing figures of reported cases of violence in domestic relationships and femicide, the need for the review of the Domestic Violence Act, 1998 (Act No. 116 of 1998) became more pressing. The Department has published the Domestic Violence Act (DVA) Amendment Bill for public comments. The Bill seeks to amend the DVA to, *inter alia*, tighten safety measures of a protection order, and to introduce obligations to other government functionaries so as to increase stakeholder support and cooperation in the implementation of the Act.

The closing date for comments was on 24 April 2020. The Department is now considering comments for incorporation into the Bill. The Bill will be introduced in Parliament in the current financial year.

1. Prof Charles Perry, SAMRC: Opinion by Bhekisisa: ‘Could SA’s Lockdown ‘Experiment’ help chart a path to a sober, les violent country?’ [↑](#footnote-ref-1)
2. Daily Maverick: Gender-based violence during lockdown in SA: Looking for answers

   Why is South Africa not showing the rise in domestic violence cases reported elsewhere in the world? *Chandre Gould is a Senior Research Fellow, Justice and Violence Prevention, ISS Pretoria*; 11 May 2020 [↑](#footnote-ref-2)