Social Services for Victims of Domestic Violence: The Role of the Department of Social Development in the Implementation of the Domestic Violence Act
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1. Introduction

Following public hearings monitoring the implementation of the Domestic Violence Act, No. 116 of 1998, (hereafter “the Act”) by the Portfolio and Select Committees on Women, Children and Persons with Disabilities (hereafter “the Committee”) in October 2009, a series of interventions were identified as priority action areas. This paper will discuss oversight interventions that were meant to be implemented by the Department of Social Development (henceforth “the Department” in this regard.

The objective of this paper is to investigate whether the Act has been effectively implemented and if not, to bring to the fore the areas for improvement. This is followed by a discussion of key findings and recommendations that will identify the steps that need to be taken in order to significantly reduce human rights violations with respect to violence and abuse perpetrated against women and children in the space of their homes.

2. Recommendations from the Public Hearings

The following recommendations emerged from the public hearings in relation to the Department’s Victim Empowerment Programme for social services:

2.1 A review of the Victim Empowerment Programme (VEP) is required to take place in terms of provisions and resourcing, as the programme does not serve the needs of victims.

2.2 The Victims’ Charter and the Departments’ Minimum Standards of Delivery (hereafter “Minimum Standards”) do not define secondary victimisation. It is imperative that this is done so that Government Departments have an understanding of secondary victimisation and in doing so prevent it through appropriate institutional responses. The lack of giving meaning to this definition is problematic as many victims of domestic violence are subject to secondary victimisation by Government officials.

2.3 The funding criteria of the VEP to civil society organisations needs to be reassessed, as state grants should be made available to shelters given that they provide a critical service to the victims of domestic violence.

2.4 There is a need for legislation to be expedited and promulgated focusing specifically on enhancing departmental projects for the empowerment of victims in close consultation with civil society organisations.

2.5 More needs to be done to enhance greater public awareness highlighting the rights of victims of domestic violence and the Act itself. To this end, Government must allocate resources to undertake such awareness campaigns.

2.6 Greater synergy is required between the VEP, the Victims’ Charter, the Minimum Standards and the Uniform Protocol on Victim Management to ensure services are better co-ordinated. This in turn will avoid duplication of services and the more efficient use of resources.
2.7 More needs to be done in order to evaluate and develop the lay counsellors at Thuthuzela centres across the country to enable them to adequately serve their purpose effectively by equipping them and fostering greater accountability.

3. Progress on implementing the recommendations

The following section looks at the responses presented by the Department to the questionnaire on the progress made on implementing the public hearing recommendations.

3.1 Victim Empowerment Programme

In response to the challenges faced regarding the availability of resources to ensure that the VEP serves the needs of people it is intended for, the Department developed the Domestic Violence Guidelines for victims of abuse in 2010. Stakeholders were trained and these guidelines where rolled-out to provinces insofar as the budgetary provisions could allow during the year in question. A Generic Integrated Set (GIS) and a Monitoring and Evaluation Tool was also developed in order to monitor trends in the VEP.

The Department took a further interdepartmental step of participating in the development of the Domestic Violence Strategy and booklet led by the Department of Justice. A best practice One Stop Centre and Victim Support Model, addressing the needs of Domestic Violence victims was developed to render holistic service to victims of crime and violence and the model was launched in September 2011 in Limpopo.1

The Department has also put in place mechanisms to assist and reassess the VEP funding criteria to civil society organisations (CSOs) by standardising the criteria for all CSOs by requiring that the organisations involved be Non-Profit Organisations (NPOs) where the nature and scope of the services rendered is considered along a specified criteria which includes consideration of the target groups, the organisational project objectives, its outcomes and outputs, its work plan, profile, staff and technical capacity insofar as diversity is concerned, financial matters, its co-ordination, sustainability, monitoring and evaluation systems.

The Department reported on its partnership with the European Union and the United Nations Office on Drugs and Crime. Through this, funding of 18 million Euros has been made available for grants to be disbursed to CSOs providing direct services to domestic violence victims as well as to research and policy institutions conducting research in the areas of victim empowerment. The Department reports that it has awarded 68 grants to well established SCOs and 47 grants to emerging organisations.

The Department has appointed a service provider to conduct a feasibility study on the implications of introducing VEP legislation. The service provider has since been conducting provincial consultative workshops to gather inputs.

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1 This model will be monitoring trends in the selected government departments involved in addressing the issues pertaining to victims of domestic violence namely: - The Department of Social Development, The South African Police Service, The Department of Justice and Constitutional Development and The Department of Health.
An Interdepartmental Committee for the Victims Charter was established in 2008 to educate communities on the rights of victims. This committee reports quarterly to the National VEP Management Forum. Through the Victims Charter, the VEP has a rights-based approach in providing services to all stakeholders. Minimum Standards for service delivery were developed and aligned to the Victims Charter. The VEP Domestic Violence guidelines document has also been aligned with the Victims Charter.

In terms of addressing critical training needs in the VEP required for capacitating one stop centres such as the Thuthuzela Care Centres, the Department has partnered with the NPA in providing sexual offences training for Thuthuzela Care Centres.

Notwithstanding the Department’s feedback in this regard, evidence suggests that there is a lack of interdepartmental collaboration between all role players responsible for victim empowerment. Batho Pele principles are not being applied satisfactorily and the attitude of officials often lacks the embodiment of the objective of victim empowerment. For this reason, one potential way of addressing these concerns could be the development of legislation on victim empowerment that entrenches the minimum standards of service delivery. Also critical is the training of VEP officials and the provision of adequate shelter services.

3.2 Counselling

On 31 August 2011, the Department briefed the Committees on the need for direct support that needs to be extended to domestic violence victims in the form of counselling, the provision of shelters and one stop centres. It also briefed the Committees on victim participation and empowerment with regard to parole board hearings. This has been encouraged to foster a sense of closure and facilitating the return of the perpetrator to the community with the complainant being aware that restorative justice has taken place from Department of Correctional Services (DCS).
The Department noted that counselling services to domestic violence victims are provided in Thuthuzela Care Centres in all the provinces. In some instances, the Thuthuzela centres have been known to be defined as shelters. Yet, technically this should be the case as the length of time that victims can stay in conjunction with the programmes that can be undertaken for purposes of victim empowerment does not qualify these facilities as shelters.

The EU Funding has also been utilised to train the Departments’ social workers, cluster departments and CSOs on trauma counselling and leadership. The set target number was 1,800 officials to be trained. The Department reported that the training project exceeded the target number in 2010. Two thousand Government officials and emerging CSOs were trained on management of trauma.

In instances where lay counsellors are assigned to trauma centres, hospitals, police stations and courts, the counsellors are often ill equipped to deal with the counselling needs of victims of domestic violence. The training of volunteer counsellors is often not monitored and or evaluated. There is a need to ensure that there is an adequate provision of educational bursaries, and training for psychologists and specialist psychiatrists to give effect to the VEP. The VEP requires the Department to invest in the training of counsellors at trauma centres in order to provide for the effective counselling of victims of domestic violence. The aim here is ensure that there is a large enough pool of suitably skilled personnel who can provide rehabilitative counselling to victims of domestic violence at various points of contact in the system.

3.3 Provision of shelters

The Department was asked to report on the provision of sheltering services and improving the support to NGOs assisting in this regard. The Department was asked about what steps it had taken to improve the provision of VEP services to victims. As it currently stands, the Act places no obligation on the Department to avail shelters and counselling to victims of domestic violence. The Act provides that a member of the South African Police Service (SAPS) may:

“render such assistance to the complainant as may be required in the circumstances, including assisting or making arrangements for the complainant to find suitable shelter and to find medical treatment”,

Yet, no obligation is placed on the Department in this regard to provide such services. The public hearings brought to the fore that there was a severe shortage of shelters for women, particularly in rural areas. It was not evident if any measures were in place to address the shortage. In addition, the limited access to emergency shelters for victims of domestic violence required urgent attention. In order to improve the quality of shelter and counselling services, it was further recommended that regulations establishing

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2 Definition of Shelter: Is a residential facility providing short term intervention in a crisis situation (two weeks up to approximately six months as the need dictates). This intervention includes meeting basic needs (protection, food, and clothing) as well as support, counselling and skills development (victim’s rights and capacity building).
norms and standards in terms of the competencies of service providers in this field be developed.\textsuperscript{3}

The following are shelters that are currently on the database of the National Department of Social Development as at March 2009: -

<table>
<thead>
<tr>
<th>Province</th>
<th>Number of Shelters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Cape</td>
<td>15</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>11</td>
</tr>
<tr>
<td>Gauteng</td>
<td>27</td>
</tr>
<tr>
<td>Free State</td>
<td>10</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>5</td>
</tr>
<tr>
<td>Limpopo Province</td>
<td>9</td>
</tr>
<tr>
<td>Mpumalanga Province</td>
<td>3</td>
</tr>
<tr>
<td>Kwa-Zulu Natal</td>
<td>13</td>
</tr>
<tr>
<td>North West Province</td>
<td>3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>92</strong></td>
</tr>
</tbody>
</table>

However it must be noted that these figures\textsuperscript{4} include overnight facilities and so called “greendoor” facilities which offer shelter to victims of domestic violence crimes for shorter periods over a few days. These facilities are unfortunately included in the above furnished numbers by the Department, although legislation states that a shelter ought to be a facility offering accommodation to victims for a minimum of a 6 month period up to a year. The reason for a lengthier period for the purposes of defining what a shelter is, is necessitated by the need to effectively implement the VEP and counselling programmes.

Most shelters admit women and their children whilst excluding boys older than 8 to 12 years. Shelters should, ideally, have family accommodation facilities so as to accommodate families and avoid separating family members as far as is practically possible. Programmes should be developed to meet the needs of all victims of crime and violence and to prevent secondary victimisation\textsuperscript{5}.

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\textsuperscript{3} Comprehensive recommendations report of the PC on WYCPD tabled in the Parliament of the Republic of South Africa 25\textsuperscript{th} October 2010: 3073.


\textsuperscript{5} Telephonic interview with Ms Winda Fugard director of Sisters Incorporated Women’s Shelter on 1 November 2012.
4. Priority areas for follow up action

- **Clear obligation on State to provide sheltering services**

While the Act may stipulate that once a complainant of domestic violence reports an incident with the police, the police must: - “render such assistance to the complainant as maybe required in the circumstances, including assisting or making arrangements for the complainant to find a suitable shelter”\(^6\), there is no corresponding obligation on the Department to ensure that such shelters are available. This gap weakens referral systems and contributes to fragmented responses to domestic violence by various service providers.

- **Shelters**

Apart from social workers, it is not clear what other cadres of professionals, if any, are employed as part of a multi-disciplinary team to deal with domestic violence in terms of rendering psycho-social interventions. There is therefore a need to move away from an over-reliance on social workers and to move towards a more holistic response of providing psycho-social support to victims of domestic violence.

- **VEP**

The Victim Empowerment Programme is failing many victims of domestic violence, largely due to the inadequate allocation of resources to implement the programme, as well as the Minimum Standards for Service Delivery in Victim Empowerment. The lack of guidelines for the Victim Empowerment Programme (VEP) severely impedes service delivery in this regard.

**References**


\(^6\) Section 2(a) of the Domestic Violence Act 116 of 1998.


- Telephonic interview with Ms Winda Fugard director of Sisters Incorporated Women’s Shelter on 1 November 2012.