



# PROGRESS REPORT ON THE STATE OF SHELTERS IN SOUTH AFRICA



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



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## ABBREVIATIONS AND ACRONYMS

<b>CGE</b>	Commission for Gender Equality
<b>CGE Act</b>	Commission for Gender Equality Act 39 of 1996
<b>CHC</b>	Community Health Clinic
<b>CPI</b>	Consumer Price Index
<b>DHS</b>	Department of Human Settlement
<b>DPW</b>	Department of Public Works
<b>DPWI</b>	Department of Public Works and Infrastructure
<b>ECDSD</b>	The Eastern Cape Department of Social Development
<b>EMS</b>	Emergency Medical Services
<b>FET</b>	Further Education and Training
<b>FSDSD</b>	The Free State Department of Social Development
<b>GBV</b>	Gender Based Violence
<b>GBVF</b>	Gender Based Violence and Femicide
<b>GDSCS</b>	Gauteng Department of Community Safety
<b>GRIP</b>	Greater Rape Intervention Programme
<b>HRC</b>	Human Rights Commission
<b>IEC</b>	Information, Education and Communication
<b>LGBTQIA+</b>	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual, Plus
<b>MOU</b>	Memorandum of Understanding
<b>NASHO</b>	National Association of Social Housing Organisations
<b>NAWONGO</b>	National Association of Welfare Organisations
<b>NDSD</b>	National Department of Social Development
<b>NDOH</b>	National Department of Health
<b>NGO</b>	Non-Governmental Organisation
<b>NHI</b>	National Health Insurance
<b>NPA</b>	National Prosecuting Authority
<b>NPO</b>	Non-Profit Organisation
<b>PFMA</b>	Public Finance Management Act
<b>PHC</b>	Primary Health Clinic
<b>PWD</b>	Persons With Disabilities
<b>SAPS</b>	South African Police Service
<b>SLAs</b>	Service Level Agreements
<b>TP</b>	Triangle Project
<b>VEP</b>	Victim Empowerment Programme

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# 1. INTRODUCTION

The Commission for Gender Equality (the CGE) is an independent statutory body created in terms of Chapter 9 of the Constitution of the Republic of South Africa, 108 of 1996 (the Constitution). The commission has a mandate 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 recommendation that the commission deems necessary.

During the financial year 2020/2021, the commission embarked on a process to monitor the implementation of the recommendations following a consultative engagement with key stakeholders during 2019. The monitoring of these recommendations is significant to track the implementation progress, challenges and issues raised in the quest of implementing the recommendations of the CGE emanating from the commission's 2019 shelter report.

## 2. FREE STATE DEPARTMENT OF SOCIAL DEVELOPMENT (FSDSD).

### 2.1 BACKGROUND

The Free State Department of Social Development (FSDSD) appeared before the commission on 2 December 2019 and was duly represented by the Chief Director: Social welfare Services, Ms Makgotso Motsemme Moselethe.

The following recommendations and observations were made:

- a) The commission observed that the shelters within the Free State are not functioning optimally and the number of available shelters within the province is insufficient

In its progress report, FSDSD submitted that it agrees that the number of available shelters within the province is insufficient. To address this, the Department has set aside R500 000.00 for the establishment of a shelter in Xhariep for the 2020/2021 financial year.

- b) Information provided suggests that the FSDSD had thus far failed to implement the National Association of Welfare Organisations and Non-Governmental Organisations (NAWONGO) judgment<sup>1</sup>, resulting in a costing model not being implemented for 11 years since the judgement and that the current costing model does not show progressive realisation

In its progress report, FSDSD submitted that it agrees with the finding. It was further submitted that the FSDSD has since received additional funding within equitable and earmarked funding. As a result, shelters received increased allocations to address the progressive realisation as contemplated by the NAWONGO judgement.

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<sup>1</sup> Case no: 1719/2010, Free State High Court, 2014.

- c) The commission noted the untruthful response from the DSD in terms of reasons for not funding shelters, with specific reference to the Goldfields Shelter

In its progress report, FSDSD submitted that it had a challenge with the non-submission of reports from the Goldfields Shelter which led to a concern that there was mismanagement of funds. It was further submitted that the Goldfields Shelter refused to be funded, indicating that the funding from DSD was not sufficient including the delays in transferring funds. However, funding to Goldfields Shelter has since been reinstated and the relationship with DSD is restored.

- d) It further observed that the DSD deliberately attempted to obscure the amount of funding allocated to shelters in its report to the commission

In its progress report, The FSDSD indicated that on the day of the investigative hearing it did have additional information to support its presentation. The additional information was not requested as part of the package sent prior the session; however, the department used the information to elaborate on what it presented. It was further stated that there was no intention on the part of the FSDSD to be untruthful in providing information on how shelters are funded and that it did clarify that there are no costing criteria for funding of shelters.

The table below submitted is said to illustrate that the FSDSD has benchmarked with other programmes on how to cost for shelters, considering the findings of the commission and plans to address them. It was stated that the budget will ensure compliance with norms and standards, shelters be disability friendly and accommodate children.

#### **Shelters for Free State and budget allocations**

<b>Name of Shelter</b>	<b>2020/2021</b>
Goldfields Advice Family Organization	R724 850.00
Reaphela Safe House	R592 884.00
Thusanang Advice Center	R725 562.00
Child-Welfare Bethlehem	R726 343.00
Wepener Child Welfare	R875 716.00
Phelononofa Shelter	R954 850.00
<b>Grand Total</b>	<b>R4 600 215.00</b>

#### **a) Analysis**

The department referenced funding that has been set aside for an additional shelter due to the current insufficient number of shelters to serve the province. Of concern to the commission is that FSDSD continues to operate without a funding model and, as such, poses questions as to how the amount of R500 000.00<sup>2</sup> was identified and agreed upon. It was further observed that this will be the second shelter for the same area.

<sup>2</sup> For the establishment of a Shelter in Xhariep for the 2020/2021 financial year.

The response in relation to the implementation of the NAWONGO judgment is concerning. During the initial hearings of the commission on 03 December 2019, the FSDSD indicated that it has since engaged KPMG to assist with the development of a costing model. This could not be implemented due to insufficient budget. The FSDSD has failed to provide a detailed response as to the steps taken in respect of the implementation of the court judgement and how the NGOs which are the applicants in the matter eventually benefited.

It was observed that due to the absence of a costing model, the department is unable to respond to the factors being considered when budget allocations are done and therefore the concern on expenditure of the allocated budget remains. The table provided only highlights the funding of seven shelters whilst during the in the initial hearings it was submitted that there are seven shelters and one safe house in the Free State. See table below:

#### **Shelters for Free State and budget allocations**

		2020/2021	2020/2021		2020/2021	
<b>Departmental Budget Allocation</b>		1 197 009 000	1 316 131 000		1 375 324 000	
District	Name of Shelter	Equitable Share	Equitable Share	VAWC Earmarked ES	Equitable Share	VAWC Earmarked ES
Fezile Dabi	Tumahole Shelter	209 851	220 973		319 103	
Mangaung	Rea Phela Safe House	134 874	142 022		195 374	274 250
Mangaung	Wepener Shelter		256 763	1 233 783	275 716	1 000 000
Thabo Mofutsanyane	Thusanang Shelter	228 954	318 545		328 052	274 250
Thabo Mofutsanyane	Tshepo Ya Rona Shelter	229 650	319 843		328 843	274 250
Lejweleputswa	Phelononofa Shelter			1 233 783		1 000 000
Lejweleputswa	Goldfield Shelter	294 392				650 000
Xhariep	Philani	103 499				
		<b>1 201 220</b>	<b>1 258 146</b>	<b>2 467 566</b>	<b>1 447 088</b>	<b>3 472 750</b>

It is therefore unclear why the remaining shelters are not benefiting from the increased funding.

#### **b) Conclusions**

The commission previously raised a concern that shelters within the Free State province are not sufficient and not functioning optimally. The establishment of the additional shelter in Xhariep shows that the FSDSD is taking positive steps towards addressing this concern. The slow progress is, however, noted with concern.

The non-implementation of the NAWONGO judgement is contributing to the budgetary concerns raised, taking into consideration the departments' submission that the process followed with KPMG could not be concluded due to insufficient budget. The earmarked funding that was used to respond to said judgment is clearly not a long-term solution.

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The absence of a proper funding model draws into question the budget allocation for existing and newly established shelters.

Recommendations:

- The FSDSD should provide further information on the costing model used for the establishment of the shelter in Xhariep for the 2020/2021 financial year as well as the implementation of the NAWONGO judgment.
- Clarity on the remaining shelters in terms of funding is sought from the FSDSD.
- FSDSD to conduct an internal investigation / audit on the current number of shelters operational within the province versus the need for more shelters. This will enable the FSDSD to determine the number of shelters still to be established and attach a time frame to this process for purposes of tracking progress.

### **3. NORTHERN CAPE DEPARTMENT OF SOCIAL DEVELOPMENT (NCDS)**

#### **3.1 BACKGROUND**

The Department of Social Development Northern Cape (NCDS) appeared before the Commission on 03 December 2019.

The following recommendations were made to the NCDS:

- The NCDS should establish shelters in the Namakwa District
- The NCDS must ensure that the Postmasburg shelter becomes operational. This should be achieved by June 2020
- The commission will engage the Auditor-General of South Africa, the Minister of Social Development and other relevant authorities regarding the major discrepancies on the allocation of funding between the National Department of Social Development (NDS) and NCDS, as well as possible auditing or investigation of the discrepancies
- The NCDS must develop, within six months, effective and efficient mechanisms to accurately record funding allocation to shelters
- The NCDS should adequately and uniformly resource shelters. As such, a uniform policy for shelter funding must be in place and implemented
- The NCDS should at least offer the minimum wage to house mothers

#### **3.2 PROGRESS REPORTS**

The NCDS provided the following progress in respect of the above mentioned recommendations:

The NCDS should establish shelters in the Namakwa District

The Minister of Public Works initiated a process whereby her department is handing over buildings/ structures to the NCDS, which can be utilised as shelters. In the Northern Cape, two structures were identified in Kimberley and Ritchie. Due to a shelter in Kimberley and Ritchie, which is 30 km outside Kimberley, a request was made through the NDS to Department of Public Works (DPW) to identify a structure in Springbok where there is a need for a shelter.

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NCDS D had a meeting with a non-governmental organisation (NGO) called YEDWA Safety Home situated in Springbok (Namakwa District), which wishes to establish a shelter in the area. The NGO approached the Nama-Khoi Municipality to request assistance with identifying and allocating a suitable building in Namakwa District to establish a shelter.

On 15 August 2020, the NCDS D had a meeting with the mayor's office in the Nama-Khoi Municipality. As much as the Nama-Khoi Municipality identified a property that NC DSD can utilise as a shelter, it was discovered that the property belongs to the Department of Public Works as it is rightfully the custodian. As such, the NCDS D engaged the DPW which identified two structures.

According to the DPW, one of the structures identified belongs to the province and the second structure belongs to it. According to DPW, its structure was presented to SAPS in 2019, but it was never utilised. DPW indicated that a letter will be written to SAPS to confirm if it is still going to utilise the building.

The NCDS D indicated that, in realizing the delay from DPW it approached the provincial public works department regarding the two properties that could be utilised as a shelter. It turned out that both properties belong to the province, and the one NCDS D saw as the potential property was going to auction. As such, NCDS D sent a letter to the head of department (HOD) at Public Works on 21 October 2020. A follow up was made sent to Public Works in February 2021 and its response is expected by 30 March 2021.

The NCDS D has budgeted R700 000.00 for the establishment of the centre which includes purchasing of furniture and operational costs for the last quarter of this financial year. Once the suitable structure has been allocated, the NGO will be assisted with the compilation of a business plan and once approved, the funds will be transferred to the NGO.

The NCDS D must ensure that the Postmasburg shelter becomes operational. This should be achieved by June 2020.

In its progress report, NCDS D stated that it is still in progress of fast tracking the operationalisation of Postmasburg shelter. The NC DSD submitted that its Donor (Kolomela Mine) drafted a memorandum of understanding (MOU) to be signed by the DPW as custodians of public infrastructure and Kolomela Mine. Kolomela submitted an MOU, but the process was delayed by the rezoning of the building that needed to be in place before the MOU is signed. Kolomela appointed a service provider to facilitate the rezoning.

The NCDS D must develop, within six months, effective and efficient mechanisms to accurately record funding allocation to shelters.

The NC DSD submitted that it developed the following mechanisms to record funding accurately:

- The one NGO-managed shelter is based on its needs as indicated in the annual business plan and the available departmental budget. Operational costs are allocated in two (2) branches and the posts are subsidized monthly based on claims submitted. Quarterly narrative and expenditure reports are submitted.
- The shelters managed by the NCDS D are funded through the District Goods and Service Budget based on the prioritised needs and available budget. The districts follow supply chain management processes to procure goods and services. They submit monthly monitoring tools indicating expenditure incurred and projected.

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The NCDS D should adequately and uniformly resource shelters. As such, a uniform policy for shelter funding must be in place and implemented

In its progress report, the NCDS D cites that it is challenged with the fact that there is lack of strong NGOs in the victim empowerment programme (VEP) sector. Because of this challenge, the NCDS D took over the responsibility and ensured that shelter services are provided to victims of gender based violence (GBV). The Northern Cape has six shelters that are operational. Five of the six are managed by the department. The province does not have a separate funding policy for shelters. However, the national funding policy (process) applies to all funded NGOs.

The NCDS D should at least offer the minimum wage to house mothers

The NCDS D has been offering house mothers in all the shelters R3 500.00 per month as per its Minimum Wage Report. However, the recommendation made by the commission to increase the salary of house mothers was considered. As of 1 April 2020, house mothers earn R5 000 per month.

### **3.3 ANALYSIS**

NCDS D made progress in establishing a shelter in the Namakwa district. It allocated R 700 000.00 for the establishment for the shelter in Namakwa. It also actively assisted the NGO with its business plan and by communicating to the DPW regarding the allocation of the building to be used as a shelter.

The NCDS D has also kept consistent communication with the private sector and the DPW to fast-track the operationalisation of the Postmasburg shelter. The rezoning of the building is in progress and its finalisation is expedited.

The NCDS D does not have a specific funding policy for shelters but subjects all NGOs to the normal funding policy. The commission observed that there is lack of mechanisms to adequately and uniformly resource shelters which require to be addressed by the National Treasury and the NDSD. Such desirable national policy will address not only the Northern Cape uniformity challenges but all provinces.

The NCDS D has increased the salary of house mothers from R3 500.00 to R 5000.00 per month.

### **3.4 CONCLUSIONS**

The NCDS D has not yet established a shelter in Namakwa and Postmasburg as per the commission's recommendation This is the only recommendation that the NCDS D has not complied with.

### **3.5 RECOMMENDATIONS**

The NCDS D should take further and deliberate actions to expedite the establishment and operationalising of the Shelter in Namakwa and Postmasburg by 30 August 2021.

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## 4. WESTERN CAPE DEPARTMENT OF SOCIAL DEVELOPMENT (WCDS D)

### 4.1 BACKGROUND

The Western Cape Department of Social Development (WCDS D) appeared before the Commission for Gender Equality (CGE) on 2 December 2019 and was duly represented by the Head of Department (HOD), Mr Robert MacDonald.

The following finding and recommendation were made:

- a) The WCDS D further conceded that access to shelters for PWDs were not initially a considered standard; however, its response indicated that it had commenced with a process of funding allocations based on the outcome report by the Commission on the State of Shelters.
- b) The commission recommended that training for staff, focusing on members of the lesbian, gay, bisexual, transgender, queer, intersex, asexual, plus (LGBTQIA+) community and their respective needs, be implemented within six months following the hearing.

### 4.2 PROGRESS REPORT

#### Access:

WCDS D submitted that it has funded the St. Anne's Home Shelter in 2018/2019 financial year to build a ramp for wheelchairs and further renovated two bathrooms to make it more accessible for persons with disabilities (PWD). The amount involved for the said renovation project was R141 588.

It was further said that the victim empowerment programme (VEP) monitoring team also highlighted the need for a ramp at the Saartjie Baartman Centre for Women and Children, which was subsequently completed by the shelter.

#### **The VEP further partnered with the Services to Persons with Disabilities**

Programme on 26 November 2019 to sensitise the disability sector on gender-based violence and service available for victims.

It was stated that these sessions were also supported by various stakeholders such as:

- The National Prosecuting Authority (NPA) presenting on relevant legislation
- Representative of the Western Cape Shelter Movement presenting on available shelter services; d
- Representative of Mosaic who presented on services available at the Thuthuzela Care Centres as well as how to access court support services. This session highlighted challenges and identified possible solutions. The table below was provided by the WCDS D highlighting matters discussed:

Challenges	Recommendations
<ul style="list-style-type: none"> <li>Shortage of qualified interpreters at service points such as SAPS</li> <li>Challenges with maintenance courts and prosecution of cases</li> <li>Poor services rendered by SAPS to victims</li> <li>Delays in responding to VEP cases prosecutors not meeting 21 days.</li> <li>Lack of health services to victims especially persons with disabilities</li> <li>Lack of information on Sexual Offences Act</li> <li>Strengthen capacity of GBV NPOs on disability and capacity building within Persons with Disabilities organisations</li> <li>Thuthuzela Centres are not disability friendly.</li> </ul>	<ul style="list-style-type: none"> <li>Disability programme and VEP to highlight possibly at VE forums</li> <li>NGO representative provided details and clarity</li> <li>Advocacy of disability and VE programmes</li> <li>NPA representative to take up the issue</li> <li>Department of Health to address</li> <li>Need for specific training identified</li> <li>Need for capacity building sessions and referral pathways</li> <li>NPA provided information and issues to be taken up within NPA</li> </ul>

### **Further outcomes reported:**

WCDS reported that through the National Strategic Plan on Gender Based Violence and Femicide, it had conducted an internal assessment of gender based violence (GBV) services and opportunities for closer collaboration. Through the process, closer linkages with the Persons with Disability Programme will be forged. It was further stated that the Persons with Disability Programme has assisted funded VEP shelters with specific cases in within the shelters and closer links have been built. This is a commendable achievement for the province where stakeholders work together to ensure a better responsive service.

### **Training:**

In its progress report, WCDS submitted that it had partnered with Triangle Project (TP) to facilitate sensitisation workshops on the needs to the LGBTQIA+ community. It was further submitted that the TP offers professional services to ensure the full realisation of constitutional and human rights for LGBTQIA+ persons and their families.

The WCDS indicated that the sensitisation workshops will consist of five modules, as set out below:

<b>Module 1</b>	Introduction to the social constructions of gender
<b>Module 2</b>	Beyond Binaries: Gender and sexuality, sexual orientation, identity, expression and sex characteristics
<b>Module 3</b>	Barriers to a violent free society: Religion, culture and tradition
<b>Module 4</b>	Gender based violence: Hate Crimes; Intimate partner violence; domestic violence and the provision of inclusive and affirming service to LGBTQIA+ victims of gender-based violence
<b>Module 5</b>	National Strategic Plan on GBV: How to integrate and include violence against LGBTQIA+ in programmes

The department submitted that its initial plan was to commence with the sensitisation workshops in May 2020, however due to the Covid-19 pandemic, new timeframes were negotiated following which the department had to explore option of digital platforms to conduct the workshops.

It was submitted that the first workshop was conducted on 12 August 2020, targeting social workers and social auxiliary workers of the VEP, based at shelters and service, Thuthuzela Care Centres and community-based organisations. 28 Participants attended the workshop.

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The remaining workshops were be conducted as follows:

Target Group	Proposed dates
30 newly appointed GBV social workers	29 & 30 September 2020
30 Court support workers	28 & 29 October 2020
30 VEP Shelter and SSO Managers/Directors	1 & 2 December 2020

The CGE was further invited to attend one of the sessions which will allow for analysis on the content.

### 4.3 ANALYSIS

The TP is an LGBTQIA+ human rights organisation, based in Cape Town and working throughout the Western Cape province. It provides direct services to LGBTQIA+ people in the form of psycho-social and health services as well as providing platforms to develop community activism and outreach. It conducts research and provides a coordinated advocacy and policy development presence for LGBTQIA+ people and human rights.<sup>3</sup>

The initiative of the WCDSO to collaborate with a well-established organisation known for its services relating to the LGBTQIA+ community is commended. That said, attendance registers were not provided to confirm that the training indeed took place and how the selection was made in terms of who needed to attend the training. The initiative does, however, prove the commitment of the WCDSO to comply with the recommendations by the commission.

One does, however, need to consider the impact that the Covid-19 pandemic had on South Africa and the fact that shelters played a critical role during this period. Earlier training through virtual platforms would have been supported in order to empower officials linked to shelters to be better prepared for scenarios where assistance had to be extended to the LGBTQIA+ community. This is recorded against the independent report done by the Human Rights Commission (HRC) in the Western Cape regarding the Strandfontein Shelter at the beginning of the national lock down. Said report noted that there were 19/20 transgender persons in the camp who reported that they feel extremely unsafe and have been threatened by other residents. Situations could have worsened where such a person would have required safe housing, which would have left the WCDSO unprepared.

However, considering that the commission only made one recommendation in respect of the WCDSO, the response received from shows that the intention of the department is indeed to comply.

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<sup>3</sup> <https://www.saferspaces.org.za/organisation/entry/triangle-project> .

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## 4.4 CONCLUSION

The CGE observed that the WCDSO showed positive progress in respect of the recommendation listed above. The pace at which the department progressed to address issues outlined by the CGE was satisfying.

## 4.5 RECOMMENDATIONS:

- It is recommended that the CGE attend one or more of the workshops to satisfy itself that the content of the said workshops is sufficient and support gender equality in shelters specifically regarding the LGBTQIA+ community.
- The WCDSO to provide information in relation to the disability sensitisation workshops with specific reference to the content of the sessions as well as the challenges and resolutions referred to in the response.

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## 5. EASTERN CAPE DEPARTMENT OF SOCIAL DEVELOPMENT (ECDSD)

### 5.1 BACKGROUND

The Department of Social Development Eastern Cape (ECDSD) appeared before the Commission for Gender Equality (CGE) on 03 December 2019.

The following findings and recommendations were made to the ECDSD:

#### Findings:

- The commission finds that the requisition forms are a hindrance in providing quick services of gender-based violence.
- The establishment of a men's shelter by the department is commendable as it recognises that all persons are equally susceptible to gender-based violence (GBV) offences and therefore need shelters.

#### Recommendations:

- The ECDSD should develop a funding criterion for shelters that are aligned with the decision of the National Association of Welfare Organisations and Non-Governmental Organisations (NAWONGO) judgement. To this end, the criteria must be able to determine whether a shelter is properly funded without relying on the shelter's business plan.
- The ECDSD must share its action plan with the commission once it is finalised. The ECDSD must provide the commission with feedback by June 2020.

### 5.2 PROGRESS

The ECDSD provided the following progress in respect of the above mention recommendations:

The ECDSD should develop a funding criterion that is aligned to the NAWONGO judgement

The Eastern Cape submitted the following criteria for funding of shelters:

In terms of the policy on financial awards applied by the department in funding non-profit organisations (NPOs) including shelters, the following eligibility criteria form the basis on which the service providers/ non - profit organisations will be eligible for financing:

- Be a legal persona and registered in terms of the Non-profit Organisations Act, 1997
- Proof that the applicant organisation has taken reasonable steps to apply for such registration and has proof of such application; or
- Registration in terms of any other prescribed service-specific legislation such as the Children's Act, 2005, or the Prevention and Treatment of Substance Abuse Act, 2008. In terms of both sets of legislation, service providers will in addition be required to be accredited for the rendering of statutory services. Provide services or intend to provide services for the people and specific communities in line with the department's priorities and objectives;
- Have a constitution that embraces the provision of social development services;
- Where applicable, demonstrate the ability to provide effective and efficient services;
- Promote equitable distribution of services, taking into account historical imbalances, including race, gender and the urban/rural divide;

- 
- Promote inclusiveness and representativity in the management and organisation of services, including the establishment of management committees that broadly reflect the communities they serve; and
  - Be able to account for the utilisation of financial awards made by the department in an acceptable manner and in terms of the prescripts of the Public Finance Management Act 1 of 1999 (PFMA).

This implies that the focus:

- Should be on the efficiency, economy and effectiveness of programmes and best practice financial management;
- Support and commit the department to share resources and transfer skills to emerging organisations; and
- Provide services according to the service packages, norms and standards.

The ECDSD noted the following to be key areas for consideration regarding decision-making by government for financing purposes:

- Alignment to the departments mandate and key strategic priorities;
- Demonstrate the ability to manage and implement the proposed services in terms of service delivery expertise, trained human resource capacity, compliance to service delivery norms and standards;
- Practice good governance and be able to account for the utilisation of financing made by the department (PFMA of 1999);
- Effectiveness and relevance of expected outcomes;
- Social integration, diversity and equity;
- The integration of special development areas in all service levels;
- Services that help in the re-allocation of resources to ensure more equity between and within provinces;
- Networking between organisations and communities; and
- Provision of developmental social services to rural areas.

The ECDSD to provide the commission with its GBV action plan once it is finalised.

The ECDSD advised the CGE that it was not able to comply with the recommendation from the commission in light of the approval of the National Strategic Plan on Gender Based Violence.

Provincial legislatures are expected to comply and implement the national strategic plan. In turn, the Eastern Cape government has developed its integrated provincial plan for the implementation of the national strategic plan. This requires buy-in from all stakeholders including government, civil society and Chapter 9 institutions.

The establishment of the integrated provincial plan resulted in the function of developing the GBV action plan being taken from the ECDSD to the premier's office.

The provincial integrated plan will be signed off by the executive council of the province prior to its implementation. Currently the provincial integrated plan is in draft form and the premier's office is responsible for coordination and development of the provincial integrated plan.

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### **5.3 ANALYSIS**

The ECDSD made significant progress in complying with the CGE recommendations by establishing a funding criterion that meets the requirements that were set by the NAWANGO judgement. This is a significant breakaway by the ECDSD from the previous criteria that solely dependent of the business model of the shelter.

The ECDSD is not able to submit to the commission the provincial GBV action plan. The adoption of the national strategic action plan by the South African government had its good intention to curbing the raising incidents of gender-based violence in the country. However, removing the Department of Social Development as the primary implementor of the national strategic plan is delaying the ECDSD in developing a provincial GBV action plan.

### **5.4 CONCLUSIONS**

The ECDSD has initiated steps in complying with the commission's recommendations. Where the ECDSD did not manage to comply with the commission's recommendations it provided the commission with cogent reasons for its noncompliance.

The ECDSD has established a funding criterion that meets the requirements of the NAWANGO case, which will ensure that the Eastern Cape shelters are adequately funded.

### **5.5 RECOMMENDATIONS**

The ECDSD should submit to the commission an update on the approval of the provincial integrated action plan on GBV every three months until the approval of the action plan by the Provincial Executive Council.

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## 6. GAUTENG DEPARTMENT OF COMMUNITY SAFETY (GDCS)

The Gauteng Department of Community Safety (GDCS) appeared before the Commission for Gender Equality (CGE) on 2 December 2019 and was duly represented by the former Head of Department (HOD), Ms Yoliswa Makhasi.

### a. The following recommendations were made in relation to the GDCS:

- The GDCS must review its sexual harassment policy to ensure that it follows the standards of the Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 2005;
- Ikhaya Lethemba( IKL )must review its policies to ensure that it does not discriminate against those living with disabilities and members of the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA+) community;
- IKL must provide a proper breakdown of the various NGOs it works with and their staff compositions. Proper qualifications and/or skills must be properly set out in this breakdown;
- IKL must conduct sensitisation workshops with the clients on issues of the LGBTQIA+ community within six months of issuing this report, and further furnish the commission with the training content and registers within two months of completing the workshops; and
- IKL should develop a standard operating procedure (SOP in relation to the intake and accommodation of the LGBTQIA+ and those victims with disabilities.

### 6.1 PROGRESS

The GDCS must review its sexual harassment policy to ensure that it follows the standards of the Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, 2005.

In relation to the Sexual Harassment (SH) policy, the GDCS, has indicated that it has reviewed its policy in line with the standards of the Code of Good Practice 2005, and has attached same to its submission. The CGE has received the copy of the sexual harassment policy, and the analysis of the policy will be delineated below.

- IKL must review its policies to ensure that it does not discriminate against those with disabilities and members of the LGBTQIA+ community.

IKL, has indicated that in relation to the (SOP), the shelter provides services for all victims of gender based violence (GBV), and this is inclusive of people with disabilities and those of the LGBTQIA+ community. IKL further made an undertaking that it will review its policies to ensure that it does not discriminate based on gender.

- IKL must provide a proper breakdown of the various NGOs it works with and their staff compositions.

Proper qualifications and/or skills must be properly set out in this breakdown.

IKL has provided the list of centres whom it works with, which are:

- Ithemba Rape and Crises Centre
- Teddy Bear Clinic
- Lifeline Benoni
- Ithemba Volunteers
- Lifeline Volunteers

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IKL has provided the list of qualifications, but not all the listed officials and their qualifications have been listed.

- IKL must conduct sensitisation workshops with the clients on issues of the LGBTQIA+ community within six months of issuing this report, and further furnish the Commission with the training content and registers within two months of completing the workshops

IKL has indicated that it will conduct training in due course and inform the commission of the outcome. It should, however, be noted that there has been no evidence that has been submitted to the CGE which indicates that the sensitisation workshops have been conducted at IKL.

- IKL should develop a standard operating procedure in relation to the intake and accommodation of the LGBTQIA+ and those victims with disabilities

IKL indicated that it does provide services to those with disabilities and those of the LGBTQIA+ community, however same will be incorporated into its policy and SOP review.

## 6.2 ANALYSIS

The entity has made progress in relation to the sexual harassment policy, by developing one and ensuring that there are measures that will assist in dealing with sexual harassment. However, it has been noted that the policy caters for staff members, and not necessarily victims at the IKL centre. The policy's definition of sexual harassment is in line with definition of the Code of Good Practice on the Handling of Sexual Harassment in the Workplace, 2005, but makes no provision for instances where there is bullying and victimisation in the workplace. The policy does make provision for sexual harassment on people of the same sex to also report violations of this nature. This can be a practice where this happens to a person of the same sex. Reference can be made to the case of *Roas v. Balter*, where a supervisor made frequent sexual advances to a male driver. These included grabbing the plaintiff's buttocks, sticking out their tongue to lick the plaintiff's face, and further making sexual suggestions through drawings.<sup>4</sup> The policy is gender blind, and does not address such issues, and it is important to perhaps consider same in reviewing the policy further.

The policy is further silent on reporting mechanisms where a colleague is unable to report to HR, and allowance must be made for instances where matters are reported to a colleague. The code makes provision for informal and formal procedures<sup>5</sup>, and it is therefore imperative that IKL consider making such provisions in its policy.

Based on the submitted information, it is reflected that there are only 13 people with qualifications from the listed entities.

The shelter was further requested to list people who it has partnered with and their various qualifications. However, only 13 people have been listed, and it is not clear what the other responsibilities entail in relation to the listed people.

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<sup>4</sup> <https://www.spigglelaw.com/employment-blog/can-sexual-harassment-happen-when-both-parties-are-the-same-sex/> accessed 15 March 2021.

<sup>5</sup> Refer to Clause 8.6 and 8.7 of the code.

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IKL has not provided a clear indication on what the admission criteria is for people with disabilities and the LGBTQIA+ community. Although it is suggested that it does accommodate all persons and that it does not discriminate, no information was submitted on the selection criteria in relation to persons with disabilities (PWD) and the LGBTQIA+ community.

There has not been much progress on the implementation of the recommendations, apart from the review of the sexual harassment policy.

### **6.3 CONCLUSION**

IKL has shown commitment in working with the CGE and ensuring that it adheres to the recommendations. It has been noted, however, that not much information has been provided especially in relation to the admission criteria for PWD and the LGBTQIA+ community, and how its policies address this challenge. Therefore, it is imperative that CGE continue to work closely with IKL to ensure that there is compliance and that they adhere to the recommendations.

### **6.4 RECOMMENDATIONS:**

The following recommendations are therefore made in relation to IKL:

1. IKL must provide reviewed policies and SOPs in relation to the admission criteria which includes PWD and the LGBTQIA+ community;
2. IKL should provide the CGE with registers and content of the issues related to the sensitisation workshop in relation to issues of the LGBTQIA+ community; and
3. IKL should review their sexual harassment policy, to ensure that it covers clients as well as staff members. IKL should further ensure that their policy is not gender blind and that provision is made for all persons regardless of the sex or gender.

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## 7. DEPARTMENT OF SOCIAL DEVELOPMENT, MPUMALANGA (MPDSD)

### 7.1 BACKGROUND

The MPDSD appeared before the Commission for Gender Equality (CGE) on 02 December 2020. It was duly represented by the Head of Department, Mr Xoli Mahlalela, accompanied by Ms Rennie Mothlal.

The commission made the following adverse findings during the hearings:

- That funding to Standerton Victim Empowerment Centre (VEC) for the year 2019 was stopped due to alleged financial mismanagement;
- Allegations of fraud, mismanagement, gross negligence and misappropriation of funds and theft were levelled against the former Chief Executive Officer, Chairman and Financial Manager of GRIP Shelter. All of them were summarily dismissed and criminal cases of fraud and theft reported and registered at Nelspruit SAPS under CAS 131/06/2019;
- Proposed funding of the GRIP Mkhonto shelter by the MPDSD, whereas it is not registered and/or does not appear on the national database of NPOs. GRIP responded that it has a head office established in Nelspruit at Simunye Building, 46 Anderson Street. Management from its head office provides support and oversight to care rooms established in police stations, hospitals, and courts. The Mkhonto shelter is registered under GRIP's non-profit organisation (NPO) number and not a standalone shelter; and fully funded by the MPDSD;
- Amazing Grace Shelter in Malelane had its name changed to Uthandiwe Children's Home;
- There are no CCTV cameras installed in some shelters around Mpumalanga province;
- Shelters do not accommodate persons with disabilities (PWD);
- The MPDSD failed to submit the following requested information to the Commission:
  - a. Standard operating procedures (SOPs) and policies,
  - b. Code of conduct
  - c. Skills programmes offered in the shelters
  - d. Reports on the status of some shelters
  - e. Service level agreements
- The MPDSD has further failed to submit information in relation to bed capacity in every shelter per month, number of family rooms per shelter or SAPS, accessibility for people with PWD and Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA+) people in shelters, and number of female and male children admitted at the shelter for the past three financial years.
- The MPDSD has submitted data of shelters accredited for human trafficking in Mpumalanga. These are:
  - a. Masikhulumeni Madoda
  - b. Hands Off Women and Children
  - c. Mpumalanga Shelter Movement
  - d. Siphephile Haven
  - e. Badplaas Shelter
  - f. Vuwiselo Victim Empowerment Shelter
  - g. Schoemansdal Victim Empowerment Shelter

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The following recommendations were made to the MPDSD to submit to the commission, that is:

- a. SOPs and policies for admissions in Mpumalanga shelters
- b. Information of the past three financial years in terms of bed capacity in every shelter per month, number of family rooms per shelter per SAPS station, accessibility for persons with disabilities, and number of female and male children admitted in shelters
- c. MPDSD's code of conduct in shelters
- d. MPDSD's sexual harassment policy
- e. MPDSD's skills programmes offered in the shelters and proof that they are accredited
- f. Processes followed in allocation of funds to GRIP Mkhonto shelter that is unregistered
- g. How the MPDSD measures, or tools used to assess, impact of services in shelters to ensure that it offers objective criteria
- h. A detailed report on why the National Shelter Movement received the second largest funding in its first financial year
- i. Why there is no consumer price index (CPI) related increase from 2018/2019 to 2019/2020 for the following shelters:
  - GRIP
  - Grace Shelter
  - Calcutta Shelter
  - Mhala VEP Center
  - Vuwiselo VEP
  - Khayalokuthula
  - Tirhisano
  - Middelburg VSC

## 7.2 PROGRESS

### Standard Operating Procedures for Admissions in Mpumalanga Shelters

There is an operating procedure followed in every shelter. Before a person can be admitted there is screening by completing form CW2. Once done, form CW5 is completed in case the client is accepted. Whilst the client is at the shelter, they are assessed and a care plan drafted according to their needs.

On planning and contracting, the social worker plays a role. The intervention phase is where psychological services are rendered to compile a report.

This is followed by evaluation on progress on all services rendered. A report must be compiled. Once the client is ready then services are terminated, and they released back to the society.

There is a Policy on Admission of Victims of Crime and Violence in Victim Empowerment Programme (VEP) Facilities that is utilised by all shelters in Mpumalanga. The purpose of the policy is to promote the protection of victims of crime and their rights, to ensure that therapeutic, psychological, group sessions, health services, and other services are rendered to empower victims with economic skills. The policy provides for types of clients eligible for admission in the shelters and procedures.

### Bed capacity

Name of Shelter	Bed capacity
GRIP (Ekhaya) Shelter	06
GRIP Mkhonto	09
Grace Shelter	06
Hlayisani Centre of Hope	06
Masikhulumeni Madoda Shelter	04
Masisukhumeni Women's Crisis Centre	08
Schoemandsdal Victim Centre	07
Calcutta Victim Support Shelter	10
Vuwiselo Victim Empowerment Shelter	08
Mhala Victim Empowerment Shelter	06
Badplaas Shelter	08
Siphephile Haven Shelter	12
Hands Off Woman and Children	18
Tirhisano Women Empowerment Shelter	05
Foundation for Victims of Crime	08

### Number of family rooms per shelter or SAPS

Name of Shelter	Family rooms
GRIP (Ekhaya) Shelter	01
GRIP Mkhonto	01
Grace Shelter	02
Hlayisani Centre of Hope	01
Masikhulumeni Madoda Shelter	00
Masisukhumeni Women's Crisis Centre	01
Schoemandsdal Victim Centre	01
Calcutta Victim Support Shelter	01
Vuwiselo Victim Empowerment Shelter	01
Mhala Victim Empowerment Shelter	00
Badplaas Shelter	00
Siphephile Haven Shelter	01
Hands Off Woman and Children	01
Tirhisano Women Empowerment Shelter	00
Foundation for Victims of Crime	02

There are no family rooms in the following shelters:

- a. Masikhulumeni Madoda
- b. Mhala Victim Empowerment
- c. Badplaas
- d. Tirhisano Women Empowerment

### **Accessibility for PWD and LGBTQIA+ in shelters**

The MPDCD informed the commission that it promotes non-sexist approach against persons with disabilities and LGBTQIA+ in shelters.

### **Number of female and male children admitted in shelters**

Name of Shelter	2017/18		2018/19		2019/20	
	M	F	M	F	M	F
GRIP (Ekhaya) Shelter	33	45	37	55	10	36
GRIP Mkhonto	00	00	00	00	17	19
Grace Shelter	10	10	06	19	15	12
Hlayisani Centre of Hope	06	09	14	11	12	03
Masikhulumeni Madoda Shelter	00	00	00	00	00	00
Masisukhumeni Women's Crisis Centre	46	75	32	70	74	118
Schoemandsdal Victim Centre	07	18	17	15	93	50
Calcutta Victim Support Shelter	10	12	07	17	15	07
Vuwiselo Victim Empowerment Shelter	09	30	08	60	12	19
Mhala Victim Empowerment Shelter						
Badplaas Shelter	13	05	09	08	11	11
Siphephile Haven Shelter	00	00	01	06	03	04
Hands Off Woman and Children	07	03	10	12	12	12
Tirhisano Women Empowerment Shelter	04	16	10	36	25	42
Foundation for Victims of Crime	00	00	05	03	07	05

No data is available for shelters for men and the Mhala Victim Empowerment Centre.

### **MPDSD's code of conduct in shelters**

The developed standard code of conduct requires that shelters adhere to accessibility, confidentiality, and safety and security. There is strict monitoring of adherence by the department on shelters.

### **DSD's sexual harassment policy**

The MPDSD submitted its sexual harassment policy. The policy was approved in 2009 by the HOD. The policy clearly sets out types of behaviour that constitute sexual harassment and is accommodative to victims of gender-based violence in the shelters. It also protects the complainant that reported any sexual harassment complaint, provided they are MPDSD employee. It very silent, however, on victims of gender-based violence in the shelters.

### **DSD's skills programmes offered and proof that they are accredited**

The skills programmes offered at the shelters are not accredited. Only certificates of completion are provided by the department after completion. The programmes are baking, hairdressing, food security and gardening, sewing, bead work, quilting, computer literacy, and security guard training.

### **Process followed on allocation of funds to GRIP Mkhonto shelter that is unregistered**

GRIP Mkhonto is an extension of GRIP Nelspruit and operates under NPO registration as GRIP Nelspruit.

### **How MPDSD measures, what tools it uses, to assess impact in shelters to ensure that it offer objective criteria**

There is a monitoring tool developed to monitor objectives of shelters as per service level agreement signed with the department. This is usually done quarterly and six-monthly progress reports are submitted by shelters to the department.

**Detailed report on why Mpumalanga Shelter Movement received the second largest funding in its first financial year**

The Mpumalanga Shelter Movement of SA received R 1 800 000 because it has offices in three districts, namely: Nkangala, Gert Sibande and, Ehlanzeni. It purchased tools of trade and pays rent and salaries to social work managers. Other expense includes travelling.

**Why there is no CPI related increase from 2018/2019 to 2019/2020 for the shelters identified**

The department responded that there was no CPI related increase for the identified shelters because some shelters received money for infrastructure upgrades and admission was relatively low in some shelters.

**MPDSD to provide the CGE with clarity on the need for men’s shelter.**

Men are victims of violence in that they experience a level of abuse that they require accommodation and psychosocial support. A shelter funded by the MPDSD for men, Masikhulumeni Madoda, has a bed capacity of four. There is an organisation called Men’s Voice that renders prevention services there.

**MPDSD to provide the CGE with budget that is spent on shelters in percentages**

Item	2017/2018		2018/2019		2019/2020	
	Final Appropriation	Actual Expenditure	Final Appropriation	Actual Expenditure	Main Appropriation	
Compensation for employees	997 16	702 16	049 18	049 18	429 19	
Goods and services	829 1	822 1	992 1	972 1	553 3	
Transfer and subsidies (NPOs)	694 12	694 12	189 18	189 18	958 21	
Payment for capital budget	284	284	448	447	100	
<b>Total</b>	<b>804 31</b>	<b>502 31</b>	<b>678 38</b>	<b>657 38</b>	<b>040 45</b>	
<b>Total department budget</b>	<b>438 1484</b>	<b>275 1474</b>	<b>468 1538</b>	<b>906 1523</b>	<b>599 1656</b>	
<b>% of VEP against dept budget</b>	<b>2.1%</b>	<b>2.1%</b>	<b>2.5%</b>	<b>2.5%</b>	<b>2.7%</b>	

**MPDSD to provide CGE with complaints handling manual**

In terms of the complaints handling manual, complaints are attended to by the house mother, social worker, and the centre manager. If unresolved, then it is escalated to the departmental social worker monitoring the shelter.

Complainants can deposit complaints in the identified box and are also afforded the opportunity to report complaints as anonymous.

**MPDSD to share with the CGE copies of service level agreements signed with shelters for the previous two financial years**

Copies of service level agreements (SLAs) were provided by the department. That is, agreements signed for the financial years 2019/2020, 2020/2021 and 2021/2022. All these SLAs were signed in 2018. The request for the previous two (2) financial years being 2017 and 2018.

### **MPDSD must submit a cost plan on shipping containers at Badplaas Shelter and the plan put in place to improve infrastructure**

The department, together with the Department of Public Works (DPW) has started the process of handing over the structures for sheltering and implementation of VEP services. A structure has been identified in Badplaas for the purposes of a shelter. There are renovations to be completed before occupation and use thereof can take place.

### **MPDSDs plan to improve accommodation of LGBTQIA+ community**

The admissions policy promote non-sexism, which covers for the admission and accommodation of members of the LGBTQIA+ community.

### **Share the department's findings of the finalised forensic report on GRIP Shelter in Nelspruit**

Nothing came forth from the department except to say that the investigations on the matter is with SAPS Nelspruit.

### **Submit costed plan for the improvement of security of all shelters**

<b>Name of Shelter</b>	<b>Security structures</b>	<b>Additional security needed</b>
GRIP (Ekhaya) Shelter	Brick wall, burglar bars, Automated gate, 24/7 ADT security alarm system (Private security company)	None
GRIP Mkhonto	High security fence with a lockable gate, alarm system, burglar bars on windows and doors	None
Grace Shelter	High Concrete wall with lockable gate and burglar doors	CCTV cameras, barbed wire on the fence and a security guard at a cost of R 115 000.00
Hlayisani Centre of Hope	CCTV camera and security guard on night duty	None
Masikhulumeni Madoda Shelter	None	None
Masisukhumeni Women's Crisis Centre	CCTV Cameras, Security guards and gate, Dura wall with electric fence. Burglar proof on windows and doors.	Panic buttons and beams at cost of R 58 000.00
Schoemandsdal Victim Centre	24/7 Security guards, Alarm system, and burglar bars	CCTV camera and electric fence at a cost of R 12 000.00
Calcutta Victim Support Shelter	Concrete fence and lockable gate. 24/7 Security guard with CCTV cameras. Burglar bars on windows and doors.	None.
Vuwiselo Victim Empowerment Shelter	Concrete wall fence with razor wire, X4 Eye cameras, Trelidor, and burglar bars installed	Electric fence to be installed at a cost of R 20 000.00
Mhala Victim Empowerment Shelter	None	None
Badplaas Shelter	Concrete fence with a razor wire and lockable fence.	Two additional security guards and electric fence at a cost of R 75 000.00
Siphephile Haven Shelter	Fenced with a gate	Additional security guards at a cost of R 30 000.00 pa
Hands Off Woman and Children	Security guards and gate, alarm system, barbed wire on concrete fence, burglar bars on windows and doors.	CCTV cameras at a cost of R 14 000.00

Name of Shelter	Security structures	Additional security needed
Tirhisano Women Empowerment Shelter	Wall fence.	Upgrading of a wall with electric fence and remote gate. Painting needed and alarm system at a cost of R 100 000.00
Foundation for Victims of Crime	Armed security with access, electric fence and gate, intercom at the gate	CCTV cameras at a cost of R 15 000.00

There is no submitted cost for improvement of security at Masikhulumeni Madoda and Mhala Victim Empowerment shelters.

**Provide information on the status quo of Amazing Grace Shelter and the name change to Uthandiwe Children's Home**

Amazing Grace is a shelter for unaccompanied children and does not fall under the VEP, but the Child Protection Programme. No clear answer is provided as to the name change.

**Please, indicate which shelters are accredited for human trafficking in Mpumalanga.**

Masisukumeni Women's Crises Centre is the only shelter accredited for human trafficking. Taking into consideration that Mpumalanga province is close to Swaziland and Mozambique, it is a worrying that there are only shelter accredited for human trafficking.

### 7.3 ANALYSIS

Based on the above observations there is progress made by the department in respect of allocated costs for improvement in the shelters. However, it is noted that funding is inconsistent and there is nothing to support the notion that assessments were done prior to allocation of funds. There is a plan of action put in place to improve security in shelters and ensure that victims of GBV are taken care of.

The MPDSD has an existing sexual harassment policy to ensure that workers, especially vulnerable ones, enjoy their working environment; and so is the SOP on admissions at the shelters. Progress made thus far is welcomed pending confirmation via an onsite visit.

The department could not provide service level agreement for the previous two financial years.

It is therefore recommended that the CGE conducts an onsite visit to confirm if improvements have been made since the proposed plan was drawn up before lockdown in February 2020. Clarity must be sought on the status of security in the following shelters: Masikhulumeni Madoda and Mhala Victim Empowerment Shelters.

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## 7.4 CONCLUSION

MPDSD's funding model is inconsistent. The admission policy can be regarded as best practice in that it provides for screening of victims before admission, as do its counselling services. The challenge is with the sexual harassment policy in that it is seen to address the needs of employees and excludes victims of GBV in the shelters. It ought to be accommodative of the needs of PWD and members of the LGBTQIA+ community in the shelter.

MPDSD does not have service level agreements signed with shelters for the previous two financial years as requested by the CGE.

Above all, the progress made by MPDSD is not in compliance with the CGE recommendations. It is observed that there is a room for improvement despite Covid-19 hindering the implementation of some recommendations.

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## **8. NORTH WEST DEPARTMENT OF SOCIAL DEVELOPMENT (NWSD)**

### **8.1 BACKGROUND**

The NWSD appeared before the Commission for Gender Equality (CGE) on 4 December 2019 and was duly represented by the Acting Head of Department, Ms Masego Mekgwe.

### **8.2 THE FOLLOWING FINDINGS WERE MADE:**

It must be noted that the NWSD did not submit the required information before and during the investigative hearing. Consequently, the following findings were made:

- The NWSD has not properly advised the commission on what informs the decrease of funding of shelters, etc;
- The NWSD pays funding late and this affects the implementation of projects and programmes in shelters;
- The NWSD did not submit the required information before and during the investigative hearing. Relevant information was only submitted after the hearing;
- The findings captured in the Commission's 2015 report titled, 'A Ship Without a Captain' remain applicable to the NWSD. An overview of the findings by the commission in this report indicated again a lack of clarity between the Victims Charter and the victim empowerment programme (VEP); and
- The NWSD has not developed a proper funding model to ensure it protects victims of crime. As a result, some shelters have been closed or did not receive funding.

The commission accordingly made the following recommendation:

- It is recommended that the cost-centre model and the equitable share should be studied in detail to ascertain whether it works out fairly for all shelters. In addition, the NWSD must provide a plan with proper timelines on how the late payment of funding will be addressed so that shelters and, in turn, survivors, are not adversely affected by late payment of funds.

### **8.3 PROGRESS**

The department advised that it facilitated the development of a draft integrated North West Provincial Gender Based Violence and Femicide Response Plan in consultation with stakeholders. The response plan is derived from the National Strategic Plan on Gender Based Violence and Femicide (2020 – 2030). This plan guides stakeholders on the provision of services.

NWSD also advised that NGOs providing victim empowerment services applied for funding in line with the Public Finance Management Act 1 of 1999 and other relevant legislation that regulates payments to entities and non-profit organisations.

The department has developed a funding plan for NPOs providing services to victims. The following was considered in allocating funds to the NPOs.

- Programme mandate
- Availability of budget
- Compliance to programme guidelines
- Compliance checklist

The budget allocation for NGOs providing VEP services for the financial year 2020/21 per organisation is as follows:

District	Service Point	Organisation	SLA Amount
<b>Dr Kenneth Kaunda</b>	Potchefstroom	Tlokwe Crises Centre	R 1 200 000.00
	Potchefstroom	Banna Ba kae	R600 000.00
	Ventersdorp	Banna Buang North West	R1 200 000.00
<b>Bojanala</b>	Moses kotane	Madikwe Victim Support Forum	R450 000.00
	Rustenburg	Kitso Ke Lesedi Social Development	R650 000.00
	Madibeng	Grace Help Centre	R1 300 000.00
		Thusego Safe House	R649 640.00
	Rustenburg	Phokeng Trauma Centre	R580 000.00
<b>Dr RS Mompoti</b>	Moses Kotane	Botshabelo Crises Centre	R500 000.00
	Kagisano Molopo	Sirologang Trauma Relief	R580 000.00
	Greater Taung	Pudimoe Crises Centre	R614 800.00
<b>Ngaka Modiri Molema</b>	Mamusa	Amalia Victim Empowerment	R557 240.00
	Ramotshere Moiloa	Dirisanang information and care givers	R500 000.00
	Mafikeng	Lifeline NW Mafikeng crises centre	R1 000 000.00
	Ditsobotla	Thusanang Trauma Centre	R800 000.00
		Fountain of Hope	R480 000.00
	Ratlou	Home of Hope	R680 000.00
		Botshelo Jwa Rona	R1 000 000.00
	Tswaing	Leretlhabetse Victim Empowerment	R650 000.00
	Mafikeng	Men for Real	R750 000.00

During the 2019/20 financial year, when the commission embarked on the public investigative hearing process, NWSDSD submitted the following tables as a reflection of the budget allocation.

NO	NAME OF SHELTER	STATUS		
		2017/18	2018/19	2019/20
1.	Khuseleka One Stop centre	- R1 000 000	- R887 000	- R1 900 000
2.	Grace Help Centre	- R870 000	- R1 000 000	- R1 200 000

## 8.4 ANALYSIS OF BUDGET ALLOCATION:

The table provided in the 2020/21 financial year, does not reflect the Khuseleka One Stop Centre and there are no clear reasons why it is excluded.

According to the allocation for the 2019/20 financial year, Grace Help Centre received R1 200 000, and it received R1 300 000 in the 2020/21 financial year.

The table below was provided by NWDSD in 2019 and it reflects funding of NPOs including crisis centres rendering VEP services in the province from 2017 to 2019.

DISTRICT	SERVICE POINT	ORGANISATION	2017/18	2018/19	2019/20
Dr Ruth Segomotsi Mompoti	Mamusa	Amalia	R0.00	R340 000.00	R 0.00
	Kagisano Molopo	Sirologang Trauma Relief	R500 000.00	R500 000.00	R580 000.00
	Naledi	Life Line Khuseleka	R1 000 000	R887 000	R1 900 000
	Greater Taung	Pudimoe Crisis Centre	R400 000.00	R500 000.00	R580 000.00
Bojanala	Rustenburg	Kitso Ke Lesedi	R550 000.00	R571 000.00	R650 000.00
	Rustenburg	Phokeng trauma centre	R 600 000.00	R500 000.00	R550 000.00
	Moretele	Thusego Safe House	R400 000.00	R500 000.00	R550 000.00
	Moses Kotane	Botshabelo crisis centre	R 350 000.00	R400 000.00	R460 000.00
	Moses Kotane	Madikwe Victim Support Forum	R400 000.00	R400 000.00	R0.00
	Madibeng	Grace Help Centre	R870 000.00	R1 000 000.00	R1 200 000
		Loago La Rona	R200 000.00	R300 000.00	R0.00
Ngaka Modiri Molema	Ramotshere Moiloa	Dirisanang information & care giver	R200 000.00	R350 000.00	R 460 000.00
	Mafikeng	Lifeline NW Mafikeng crisis centre	R700 000.00	R500 000.00	R 1 600 000
		Men For Real	R 0.00	R670 461.88	R690 000.00
	Ratlou	Home of Hope	R 350 000.00	R420 000.00	R620 000.00
		Botshelo Jwa Rona	R 0.00	R 0.00	R 1300 000
	Ditsobotla Ditsobotla	Thusanang Trauma Centre	R400 000.00	R498 000.00	R 580 000.00
		Fountain of Hope	R334 000.00	R400 000.00	R430 000.00
Tswaing	Leretlhabetse	R 0.00	R300 000.00	R1 974 000	

DISTRICT	SERVICE POINT	ORGANISATION	2017/18	2018/19	2019/20
Dr Kenneth Kaunda	Matlosana	Lifeline Klerksdorp (Kosh Crisis Centre)	R500 000.00	R500 000.00	R600 000.00
	Maquassi Hills	Lifeline Klerksdorp (Kgakala crisis centre)	R400 000.00	R500 000.00	R600 000.00
	JB Marks in Tlokwe	Lifeline Tlokwe Crisis Centre	R400 000.00	R500 000.00	R600 000.00
		Banna ba Kae	R 0.00	R400 000.00	R600 000.00
	Ventersdorp	Banna buang	R450 000.00	R567 277.40	R600 000.00

Similarly, during the 2019/20 period, the Amalia Victim Empowerment Centre in the Dr RS Mompoti District did not receive any allocation of funds, however, during the 2020/21 financial year, they received R557 240.

## 8.5 LATE PAYMENTS

The commission made a recommendation to the effect that NWDS should advise how the challenge of late payments will be addressed so that victims do not suffer.

NWDS, in its implementation report, advised that it still experiences challenges with late payments due to non-compliance by the organisations. The following challenges were noted:

- Non-compliance with Central Supplier's Database requirements
- Inconsistent addresses on business and bank details
- Incomplete sign off, of business plans
- Negative audit outcomes
- Financial miss-management
- Outstanding narrative reports in terms of the NPO Act 71 of 1997

NWDS also advised that non-compliance can result in risk factors for the department, therefore NWDS assists the organisations to comply with the compliance check-list before signing off, on the service level agreement. Organisations where non-compliance issues cannot be resolved run the risk of not being funded.

NWDS also advised that it continues to build the capacity of NPOs in line with departmental NPO capacity building guidelines and it also advised that it conducts visits in order to monitor compliance.

## 8.6 ANALYSIS

NWDS has advised that it has a cost centre that has been created and that the budget is allocated through the equitable share. One of the reasons why the commission is conducting this investigation is to ascertain, in no uncertain terms, whether shelters in the country have or operate on uniform, SOPs. Clearly, shelters operate differently, particularly when it comes to funding as has been mentioned in the report. It is therefore imperative that the notion of the cost centre is explained in detail in relation to the funding processes:

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“The equitable share formula is the formula that is used by National Treasury to decide how to divide the state revenue between the national government, provincial governments and local governments. Social development services for vulnerable groups are mainly delivered at a provincial level, it is therefore important that the provincial departments of social development receive adequate budget to enable them to fulfil their service obligations. However, evidence shows that social development services are not adequately budgeted for at provincial level. The formula does not have a component for social services to vulnerable groups”<sup>6</sup>.

Considering the definition of equitable share, the funding model for shelters does not provide adequate funding, if the formula itself does not have a component for social services to vulnerable groups.

## 8.7 RECOMMENDATIONS

NWDSO has not adequately responded on whether it has examined the cost model and the equitable share formula and to what extent it has done so. It is further not stated if the cost model can be improved and to what extent. NWDSO ought to address this aspect comprehensively.

# 9. GAUTENG DEPARTMENT OF SOCIAL DEVELOPMENT (GDSD)

## 9.1 BACKGROUND

The Gauteng Department of Social Development (GDSD) appeared before the Commission for Gender Equality (CGE) on 2 December 2019 and was duly represented by the Head of Department (HOD), Ms Thembeni Mhlongo. The following recommendations were made in relation to the GDSD:

- The GDSD should review its funding model and budget allocation to ensure consistency with the funding and/or costing model
- The GDSD must review its guidelines to properly set out criteria employed for admission of children who do not meet standard criteria. The GDSD must further review its guidelines to ensure that these are gender sensitive
- The GDSD must schedule sensitisation training for staff, to adequately sensitise staff on issues of the LGBTQIA+ communities
- The GDSD must review its costing budget in relation to the subsidy of women and children accommodated at shelters. The GDSD must provide the reviewed costing within 30 days upon issuing of this report

## 9.2 PROGRESS

The GDSD should review its funding model and budget allocation to ensure consistency with the funding and/or costing model. The GDSD has indicated that it has a funding model, but the budget allocation has been inconsistent, and shelters are not funded equally. The GDSD has developed a model which will be effective from April 2021 for the allocation of budget.

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<sup>6</sup> <https://pmg.org.za/committee-meeting/12194>. Social Development Budgetary Review & Report 2010.

The GDSD must review its guidelines to properly set out criteria employed for admission of children who do not meet standard criteria. The GDSD must further review its guidelines to ensure that these are gender sensitive. It is submitted that shelters in Gauteng have their own accommodation criteria for children and boys that are over 12 years. It is submitted that in Gauteng, there are 22 shelters, and only two have a family unit which can accommodate children.

The GDSD must schedule sensitisation training for staff, to adequately sensitise staff on issues of the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA+) communities. The GDSD has indicated that it has embarked on a capacity building of staff and non-profit organisation (NPO) staff. The capacity-building was based on awareness and training on issues of the LGBTQIA+ community. GDSD further indicated that admission of the LGBTQIA+ is not based on a face value judgement but how a person perceives themselves. The GDSD also indicated that it experiences challenges with people who are pansexual, as they may perceive themselves as men, and later as women, and it is often challenging in admitting them to the shelter. The GDSD has further indicated that some beneficiaries are not comfortable sharing rooms with transgender and asexual persons.

The GDSD must review its costing budget in relation to the subsidy of women and children accommodated at shelters. The department must provide the reviewed costing within 30 days upon issuing of this report. The GDSD has provided its reviewed costing plan, which will be in full implementation in the following year. The costing model is reflected below:

Personnel costs	Staff categories	No of staff	Monthly salary	Monthly staff costs	Annual staff costs
Personnel costs	Social worker	1	R13 571.58	R13 571.58	R162 859.00
	Social auxiliary worker	1	R10 981.50	R10 981.50	R131 778.00
	Centre manager	1	R5 843.00	R5 843.00	R70 116.00
	Cooks	2	R1 654.00	R3 308.00	R39 696.00
	Handy man/ driver	1	R1 654.00	R1 654.00	R19 848.00
	Security officer	3	R1 984.00	R5 952.00	R71 424.00
	House mother	3	R3 307.17	R9 921.50	R39 686.00
				R 51 231.58	R 535 407.00

Operational and programme costs per shelter

Operational and programme costing	Breakdown of cost allocation	Monthly rate per beneficiary	Annual cost per beneficiary	Comments
Operational and programme costs	Three meals a day	R1 520.00	R18 240.00	The monthly allocation is based on number of beneficiaries per shelter
	Cleaning, laundry & gardening services			
	Basic cosmetics for beneficiaries			
	Water and electricity			
	Transport and communication costs			
	Other admin costs			
	Outreach programmes			

Analysis of overall cost per shelter and cost per capita based on number of beneficiaries

Personnel costs	Staff categories	No of staff	Monthly salary	Monthly staff costs	Annual staff costs
Number of beneficiaries	Monthly operational & programme costs based on beneficiaries	Monthly staff costs	Monthly overall costs	Monthly per capita	Annual per capita cost
50	R 76 000.00	R51 231.58	R 127 231.58	R 2 544.63	R 30 535.58
25	R 38 000.00	R51 231.58	R 89 231.58	R 3 569.26	R 61 071.16
20	R 30 400.00	R51 231.58	R 81 631.58	R 4 081.58	R 76 338.95
15	R 22 800.00	R51 231.58	R 74 031.58	R 4 935.44	R 101 785.27
10	R 15 200.00	R51 231.58	R 66 431.58	R 6 643.16	R 152 677.90

### 9.3 ANALYSIS

The costing model, which has been reviewed, adequately provides equal apportionments in relation to the various shelters, and this addresses the inconsistencies. However, it is still not clear from the budget what the allocated subsidies for women and children are. The costing model needs to address this.

The GDSD has submitted that it only has two shelters which house as a family unit, but according to Section 28 (3) of the Constitution, a child is defined as a person under the age of 18 years. The fact that shelters in their guidelines do not make for provision for boy children over the age of 12 years may be viewed as discriminatory. Shelters need to review this guideline and ensure that it is in line with both national and international standards.

The GDSD has further mentioned, that in terms of its guidelines, it does not accommodate someone at face value. The provisions of the guidelines do, however, speak directly to a person's sex, and not necessarily gender, which may have to be reviewed to ensure that they are gender sensitive. Measures and mechanisms need to also be in place for those that must share and are persons of the LGBTQIA+ community.

### CONCLUSION

The CGE should continue to work closely with the GDSD, to ensure the implementation of recommendations especially the new revised costing framework. This will enable the CGE to assess whether there has been progress or not.

### RECOMMENDATIONS

- GDSD to provide clarity in relation to the reviewed costing model, in as far as it relates to the subsidy of women and children
- GDSD to review its admission guidelines, to ensure that it has measures and that it does not discriminate boys who are over 12, but under 18 years.
- Admission guidelines need to be reviewed in as far as gender is concerned, and correct wording to be implemented that will accommodate persons with disabilities and the LGBTQIA+ community.

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## 10. NATIONAL DEPARTMENT OF HEALTH (NDOH)

### 10.1. BACKGROUND

The NDOH appeared before the commission on 6 December 2019 and was duly represented by the Acting Director General, Dr Anban Pillay.

The following recommendations were made:

- a. The NDOH must develop norms and standards for the provision of services to domestic and gender based violence (GBV) survivors, including:
  - i. The creation of an area-relevant shelter referral list
  - ii. The sensitive treatment of survivors of GBV
  - iii. The required services for survivors and their children at shelters and duties of care
  - iv. The prioritisation of survivors of GBV at clinics and hospitals
  - v. Transport for survivors to health facilities and the provision of primary healthcare at shelters
  - vi. Clear, sensitive norms for the provision of services to the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual(LGBTQIA+) community, persons with disabilities (PWD) and other vulnerable survivors
- b. The NDOH is to issue a circular by the end of December 2019 on the prioritisation of GBV survivors at health facilities at all levels. A copy of the circular is to be provided to the commission.
- c. The NDOH is to develop a programme on harmful social norms and myths that facilitate the spread of GBV, rather than to focus only on a legislative approach.
- d. The NDOH is to make mental health services as well as detoxification facilities more accessible to shelter residents. The NDOH must revert with the proposed roll-out plan.
- e. The NDOH must provide a report on the training that frontline staff, managers, and senior managers have received on GBV.
- f. The NDOH has a duty to educate communities around issues of health and it must engage the community around the stigma surrounding survivors, and where to seek help.
- g. The NDOH is to partner with the SAPS to develop a shelter referral list at health centres and ensure that these are kept in a safe space.

### 10.2. PROGRESS

The creation of an area-relevant shelter referral list

The NDOH advised that it received a National Shelter List. It also advised that this is receiving attention from it, the department of social development (DSD) and the South African Police Service (SAPS). They also advised that they held meeting in October 2020 to plot health facilities against the national list, using the referral system of the SAPS.

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Required services for survivors and their children at shelters and duties of care The NDOH advised that it has developed guidelines on the management of post exposure prophylaxis (PEP) in occupational and non-occupational exposures. The purpose of the guideline is to ensure that healthcare providers at all levels of care in South Africa are following the most up to date recommendations for PEP for HIV and hepatitis. The guideline is set to respond to women's needs on agency and choice in a rights-based approach.

The prioritisation of survivors of GBV at clinics and hospitals The NDOH advised that it is still discussing a circular which will alert heads of health departments in provinces that survivors of GBV should be prioritised when they attend clinics and hospitals. The commission is yet to receive a finalised circular.

Transport for survivors to health facilities and the provision of primary healthcare at shelters The NDOH advised that it had convened a meeting between the National Director of Emergency Medical Services (EMS) on transport for survivors of GBV in shelters. At the meeting, it was agreed that the director of EMS would table GBV to the National Committee of Emergency Medical Services on amongst other things, prioritising GBV survivors at health care facilities at all levels, planned patient transportation system for GBV survivors and developing standard operating procedures (SOPs) for call taking and dispatch for victims of GBV, and which SOP would be developed in consultation with relevant stakeholders. The NDOH noted, however, that there has been a delay due to the Covid 19 pandemic.

Clear, sensitive norms for the provision of services to the LGBTQIA+ community and PWD and other vulnerable survivors The NDOH advised that it would, in collaboration with other stakeholders, respond to this question, guided by the pillars within the National Strategic Plan for Gender Based Violence and Femicide. It advised that the commission can also collaborate.

The NDOH is to issue a circular by the end of December 2019 on the prioritisation of GBV survivors at health facilities at all levels. A copy of the circular is to be provided to the commission The NDOH advised that several planned activities had been delayed because of the departure of the former DG in November 2019. It also advised, however, that this circular would be prioritised.

The NDOH is to develop a programme on harmful social norms and myths that facilitate the spread of GBV, rather than to focus only on a legislative approach The NDOH undertook to collaborate with other stakeholders, and respond to this question, guided by the pillars within the National Strategic Plan for Gender Based Violence and Femicide. This recommendation does not seem to have been implemented.

The NDOH is to make mental health services as well as detoxification facilities more accessible to shelter residents. The NDOH must revert with the proposed roll-out plan

The NDOH provided the following response:

The National Mental Health Policy Framework and Strategic Plan 2014-2020 identifies and refers to violence and crime as one of the key determinants of mental health and mental illness. It states that the ongoing realities of violence and crime are exacting their toll on the mental health of South Africans, chiefly through the trauma experienced by victims.

- The policy framework and strategic plan 2013 to 2020 prescribe numerous mental health interventions that have been the focus of implementation by provinces since 2013.
- Among others, these include:
  - » Detection and stepped approach to management and referral of those identified to be suffering from depression and anxiety disorders at primary health clinics (PHC) using the Adult Primary Care Guidelines.
  - » Mental health training programmes for general health care staff at PHC level, district and regional hospitals. Some 1120 health professionals were trained during the 2019/20 financial year through collaboration with the Foundation for Professional Development.
  - » The issue of mental health services will also be discussed with the Department of Social Development in terms of shelters to come up with a concrete plan as the departments discuss the strengthening and establishment of Khuseleka Centres and other shelter needs.
  - » Provinces are incrementally establishing specialist mental health teams to support non-specialist PHC staff and community-based workers. Seventeen district teams have been established
  - » Clinical protocols have been made available for assessment and intervention at PHC level, through the integrated management guidelines, which include mental health
  - » Through the National Health Insurance (NHI) grant for mental health, a call was placed for psychologists and psychiatrists from the private sector and a list was made available to provinces for the purposes of contracting to augment human capacity.
- On detoxification, the NDOH advised that the provision of substance abuse prevention, treatment and rehabilitation services is guided by the principal act for this purpose, which is the Prevention of and Treatment of Substance Abuse Act 2008. The DSD is the implementing department in relation to this act and is funded for the implementation through the equitable share.

In this regard, there are government funded treatments and rehabilitation centres in provinces that were established by DSD. The DSD continues to invest in the construction of such treatment centres, realising the growing demand.

- There are also non-profit treatment and rehabilitation centres subsidized by DSD throughout the country
- The NDOH, through its health platforms (PHC, community health clinics (CHCs), general hospitals, and specialised hospitals), actively screens for substance abuse.
- At PHC level, the screening has been institutionalised in the substance use disorders algorithms in the adult primary care guideline, commonly referred to as APC. Both nurses and medical officials have been trained through regional training centres on the use of APC.
- In the APC algorithms, those identified with mild and moderate substance use disorders are managed as outpatients by the clinics. The Essential Medicines List and Standard Treatment Guidelines provide for the management of such cases. Those cases that screen positive for severe substance use disorders are referred to hospital for admission and detoxification. This is usually done within 14 days. These patients are then referred further for rehabilitation at the facilities that are run by the DSD. Hospitals facilitate the bookings and referrals to the rehabilitation facilities.
- Survivors who present with substance use disorders when they present themselves through the health platforms will be managed according to the process outlined above.

The NDOH must provide a report on the training that frontline staff, managers and senior managers have received on GBV

NDOH advised that the following training had been provided:

- Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 32, 2007 envisions a criminal justice system that is managed by skilled and competent health professionals who adhere to the Batho Pele Principles and the Victims' Rights Charter.
- Chapter 7 of the act mandates the NDOH to develop training courses to equip health professionals with appropriate skills and competencies to adequately manage sexual offences matters. The NDOH developed a training manual for nurses and doctors on the management of survivors of rape and sexual violence. The manual includes the following modules:

Magnitude of sexual violence and rape in South Africa; Mental health and counselling skills; Introduction to sexual rights with emphasis on transgenders; Prevention and treatment of HIV, STIs and pregnancy after sexual violence and rape; Introduction to vicarious trauma; History taking; Legal framework of sexual offences; Collection of forensic medical evidence; Documentation and completion of J88; Giving expert evidence; Mock trial; Introduction to sexual offences against children; Monitoring and evaluation.

**Number of health professionals trained April 2017 to March 2019 by health category**

and Province Province	2017	2017	2018	2018	2019	2019
<b>Nurses</b>	Doctors	Nurses	Doctor	Nurses	Doctor	
<b>Eastern Cape</b>	-	-	-	-	-	-
<b>Free State</b>	32	37	20	0	20	0
<b>Gauteng</b>	18	30	79	30	50	4
<b>Kwa-Zulu Natal</b>	-	-	-	-	-	-
<b>Limpopo</b>	6	0	-	-	70	20
<b>Mpumalanga</b>	40	0	-	-	-	-
<b>Northern Cape</b>	0	0	20	0	0	0
<b>North West</b>	-	-	-	-	39	0
<b>Western Cape</b>	-	-	-	-	-	-
<b>Total</b>	<b>96</b>	<b>67</b>	<b>119</b>	<b>30</b>	<b>179</b>	<b>24</b>

The NDOH advised, however, that the above table is for frontline workers and that some provinces have not been reporting and that information would be requested.

The NDOH also advised that it has an Annual Public Service Management Week which has been utilised to inform, educate, and engage senior management on gender mainstreaming. Collaborations were also made with provincial gender focal persons on compliance with the HOD's 8 Principles Plan of Action as determined by the DPSA.

The NDOH has a duty to educate communities around issues of health and it must engage the community around the stigma surrounding survivors, and where to seek help. The NDOH advised that, through various task teams for comprehensive community education and mobilization, it engages in exhibitions, door to door campaigns, community dialogue, and social mobilisation engagements to advocate, educate, and inform communities on prevention of ill-health, health services, and treatment and support for those affected and infected.

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All community engagements, education and information are paired with comprehensive health services. IEC material, public announcements and various radio slots and platforms are made available for information sharing and education. The department, through the Health Calendar, engages on various community activations and healthy lifestyles campaigns.

The work of the NDOH is also extended through funded partners such as Lovelife, Soul-City HEAIDS, MRC, WHO, CHAI, and many more across provinces.

### **10.3. ANALYSIS**

The NDOH has not addressed the recommendation about providing services for survivors and their children at shelters. It is critical that this is addressed, particularly as women often have to leave their children in the care of other people, leaving them vulnerable to further abuse, when they go to shelters.

The NDOH advised that a circular alerting heads of health departments in provinces, that survivors of GBV should be prioritised when they attend health care centres should be finalised before end of October 2020.

It is acknowledged that the Covid-19 pandemic caused a huge delay in many sectors, including of course, the health sector.

The NDOH advised that when it comes to clear, sensitive norms for the provision of services to the LGBTQIA+ community, PWD, and other vulnerable groups, they will be putting plans in collaboration with other stakeholders.

### **10.4. RECOMMENDATIONS**

The commission is encouraged to note that the NDOH has taken its recommendations to heart and is accordingly working towards the full realisation thereof. The commission also acknowledges the adverse impact that Covid-19 has had on the implementation of other recommendations and the inherent delays caused by the lockdown.

The commission therefore requests the outstanding recommendations to be implemented and for the NDOH to provide timelines.

The NDOH is to submit a finalised circular on the prioritisation of GBV survivors at health facilities to the commission.

The NDOH is to advise on when they would be able to move forward with EMS in ensuring a dedicated transport system for survivors of GBV or alternatively prioritising survivors of GBV when it comes to transport.

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# 11. SOUTH AFRICAN POLICE SERVICE (SAPS)

## 11.1. BACKGROUND

SAPS appeared before the Commission for Gender Equality (CGE) on 5 December 2019.

The following recommendations were made to SAPS:

- SAPS must submit to the commission by July 2020, the new National Instruction on Domestic Violence that will have a requirement for commanders to ensure that members dealing with domestic violence are not perpetrators themselves
- SAPS must submit to the commission the audit report by the United Nations Women delegation on the SAPS' gender-based violence (GBV) training manuals. This is to be submitted by July 2020.
- The commission recommends that all members who assist with victims of sexual offences and GBV undergo specialised training on GBV. This must be done by August 2020.
- The commission recommends that the specialised training be offered at the SAPS basic training as a stand-alone course for all new recruits. This must be done by August 2020.
- If SAPS does not have a specialised course available, it must develop such and start with the rollout of the specialised training before the end of the financial year 2020/2021.

## 11.2. PROGRESS

SAPS provided the following progress in respect of the above-mentioned recommendations:

### **National Instruction on Domestic Violence**

The South African National Instruction 7 of 1999 on Domestic Violence has been amended by consolidation Notice 15 of 2020 and a copy of the amended national instruction was submitted to the CGE. S6(9) of the amended national instruction mandates commanders to ensure members must undergo regular training on the manner in which complaints of domestic violence must be dealt with.

### **United Nations Audit Report**

SAPS submitted that it is yet to receive the audit report despite submitting and allowing the United Nations access to evaluate the material. Since the United Nations team was granted access to evaluate the materials, SAPS has not received any communication from the United Nations.

### **Special training on GBV**

SAPS submitted that due to the Covid-19 pandemic, it could not commence with providing the specialised training on gender-based violence. In the same light, however, SAPS made a firm commitment to provide the training as soon as the Covid-19 national regulations allow for trainings and mass gathering.

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## 11.3 ANALYSIS

SAPS has taken the recommendations of the commission very seriously and has complied with the recommendations. In instances where SAPS has not complied with the recommendation, it has provided cogent reason for their failure to do so.

It is important to note that SAPS' role in providing a victim of GBV with a shelter is limited to assisting the victim in securing a shelter. Against this backdrop, SAPS has placed measures to ensure that a victim of GBV does not suffer from secondary victimisation by its members by enacting the National Instruction of 1999 on Domestic Violence and continued education of its members.

## 11.4 RECOMMENDATIONS

The commission is encouraged to note that SAPS is complying with the commission's recommendations.

The SAPS should provide the Commission with a report on the commencement of the specialised training on GBV of its members within six months.

# 12. NATIONAL TREASURY

## 12.1 BACKGROUND

The Department of Finance (Treasury) appeared before the Commission for Gender Equality (CGE) on 02 December 2019.

The following recommendations were made to the Department of National Treasury:

- Treasury and the Department of Social Development (DSD) must develop a standardised shelter funding procedure
- Treasury and the DSD must develop a consistent budget allocation, administration, and minimum standard requirements for shelters
- Treasury and the DSD must provide for the standardised and adequate resourcing of shelters nationally
- The DSD and Treasury must consult with relevant departments and elevate shelters as a sub-programme to monitor compliance
- Treasury must conduct training for its employees on the engendering of the budget
- Treasury should hold the departments accountable for failure to adhere to regulated governance practices and failure to account for where misspending is known
- Treasury and the DSD should keep data to track the number of persons or shelters that benefited from the annual allocations
- Treasury and the DSD must develop the minimum standard policy at nationally level providing for the needs of persons with disability, the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual LGBTQIA+ community and accredited skills development programmes to survivors at shelters.

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## 12.2 PROGRESS

As per response from Treasury addressed to the CGE, it was advised that the DSD is responsible for oversight and support of shelter programmes. Therefore, budget and allocations to department and programmes is, and has always been, informed by departmental plans and resources available.

It was asserted that the DSD is responsible for policy and implementation of victim empowerment programmes. The recommendation to the CGE was that it is the DSD which is placed at a best position to provide progress report.

## 13. LIMPOPO DEPARTMENT OF SOCIAL DEVELOPMENT (LPDSD)

### 13.1 BACKGROUND

The LPDSD appeared before the Commission for Gender Equality (CGE) on 3 December 2019 and was duly represented by the Head of Department Ms Daphney Ramokgopa. The LPDSD was afforded an opportunity to respond to a questionnaire that sought to determine, among others, the challenges and funding model at the LPDSD.

The commission made the following findings

- The LPDSD does not fund enough shelters to deliver services to survivors
- The province has only two shelters to serve five million people in the province. The DSD is failing in its duty of care
- The LPDSD is accommodative of Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual people (LGBTQIA+) and has strengthened relations with LGBTQIA+ organisations in the province
- The LPDSD has approximately 72 VEP sites in the province
- The sexual harassment policy is in a draft format. Some skills development programmes at the shelters are not accredited

Against this backdrop the following recommendations were made

- The LPDSD must speed up the process of accrediting its skills development programmes within six months of publication of this report
- The LPDSD must urgently finalise its sexual harassment policy within three months of publication of this report
- The LPDSD must submit to the commission clear plans to establish new shelters in the province. A plan should be submitted by 31 July 2020.

### 13.2 PROGRESS

The DSD must speed up accrediting its skills development programmes within six months of publication of this report.

It is submitted that the LPDSD is in consultation with the National Department of Social Development (NDSD) to have the skills development programmes offered in Khuseleka One Stop Centre accredited. The process of accreditation is lengthy and involves accrediting both the programmes and the institution offering the programme.

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The Department has engaged the two SITAs for computer and sewing programmes and the advice offered was that the department should utilise further education and training (FET) colleges to provide the accredited programmes as people offering the programme should have proper qualification and be accredited. Presently, the centre does not have the qualified staff, nor is it accredited to offer skills development.

The LPDSD submits that it is in the process of engaging local FET colleges to enter into a service level agreement for them to offer the programmes on its behalf. LPDSD reasons that, due to lockdown, the process of engagement with FET colleges was put on hold. As things stand, the department has no capacity to offer the programmes on its own, hence the effort to use a specialised institution (FET) to offer the programmes on its behalf.

The LPDSD must urgently finalise its sexual harassment policy within three months of publication of this report

The LPDSD is yet to develop the sexual harassment policy. LPDSD states that the Draft Departmental Sexual Harassment Policy was supposed to be consulted with the Limpopo Chamber: Public Health and Social Development Sectoral Bargaining Council (PHSDSBC) for adoption prior to approval. According to the LPDSD, "unfortunately, due to Covid--19 the draft policy could not be presented to the chamber. However, the department is still in consultation with the Limpopo Chamber: PHSDSBC to secure an opportunity to present the Policy in their sitting so that the Policy could be adopted and finalised".

In the meantime, the department is managing sexual harassment in the workplace guided by the approved Policy and Procedures on the Management of Sexual Harassment in the Public Service, which was approved by the Minister for Public Service and Administration and its implementation came into effect from 01 April 2014.

The LPDSD must submit to the commission clear plans to establish new shelters in the province. A plan should be submitted by 31 July 2020.

Regarding this recommendation, LPDSD states that due to inadequate budget to build new shelters, it approached Limpopo Department of Public Works, Roads, and Infrastructure to assist with identification of unused government buildings that can be utilised as permanent shelters by the department. Thus far, it is affirmed that the identified buildings are in Lulekani (Mopani District), Phiphidi (Vhembe District) and Thabazimbi (Waterberg District). LPDSD has provided the following as identified buildings:

Vhembe VEP Identified Vhembe Construction of 30 beds 01-Mar-2022 31-Mar-24  
R 27 533 000, 00  
Shelter Victim Empowerment  
Shelter

Sekhukhune Identified Sekhukhune Construction of 30 beds 01-Mar-22 31-Mar-24  
R 27 533 000, 00  
VEP Shelter Victim Empowerment  
Shelter

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Capricorn VEP Identified Capricorn Construction of 30 beds 01-Mar-23 31-Mar-25  
R 27 533 000,00  
Shelter Victim Empowerment  
Shelter

Mopani VEP Identified Mopani Construction of 30 beds 01-Mar-23 31-Mar-25  
R 27 533 000, 00  
Shelter Victim Empowerment  
Shelter

Waterberg VEP Identified Waterberg Construction of 30 beds 01-Mar-23 31-Mar-25  
R 27 533 000,00  
Shelter Victim Empowerment  
Shelter

## CONCLUSION

The LPDSD has not complied with the recommendations of the commission. The failure to comply with the recommendations are attributed to both Covid-19 and budgetary constraints. Whilst these factors play significant role, the LPDSD must provide adequate progress on the sexual harassment policy and the accreditation of skills programmes.

## 14. DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE (DPWI)

### 14.1 BACKGROUND

The DPWI appeared before the Commission for Gender Equality (CGE) on 9 December 2019 and was duly represented by the Director General (DG), Adv. S Vukela. The DPWI was afforded an opportunity to respond to a questionnaire that sought to determine, among others, its role and contribution to shelters and associated safe places in South Africa.

Against this backdrop the following recommendations were made

The project of allocating buildings to shelters has already commenced. It is therefore recommended that:

- The comprehensive and final report be submitted at end of March 2020 to the commission
- The DG of the DPWI writes to provincial heads of departments to make properties available for the programme
- The DPWI provides a list of the type of buildings to be allocated for shelter purposes

## 14.2 PROGRESS

DG of the DPWI writes to provincial heads of departments to make properties available for the programme. Letters to provincial heads of departments were not done. The Minister of the Department of Public Works and Infrastructure did, however, hold a virtual meeting with provincial MECs and HODs of Social Development and Public Works to make properties available for the programme on 01 June 2020. The minutes of the meeting were shared with the commission.

DPWI provides a list of the type of buildings to be allocated for shelter purposes

DPWI provided that 54 buildings have been identified in all provinces. It is stated that to date the following buildings were renovated: six properties in Gauteng and six in the Western Cape. It is affirmed that the lease agreements of the said properties are being finalised.

The DPWI states that the properties in the following provinces were inspected and awaiting recommendations by the departments for social development: Mpumalanga, Northern Cape, and Free state. According to the DPWI, due to the financial constraints, the minister has proposed that for the financial year (2020/21) two properties per province be identified and renovated in preparation to be handed over to DSD. The identification will be informed by the needs of the DSD. Provincial social development departments have been roped in the project as implementation takes place in provinces.

A list of identified properties has been attached for ease of reference.

	REGION	PROPERTY DESCRIPTION	TOWN
1	BLOEM	04 CO/ EAST AVE & HAROLD STREET	CLOCOLAN
2	BLOEM	33 MALLARD STREET	VIRGINIA
3	BLOEMFONTEIN	20 FRANK KING AVENUE	WARDEN
4	BLOEMFONTEIN	20 HIGHLANDS AVENUE	VIRGINIA
5	BLOEMFONTEIN	29 LOUIS BOTHA STREET	WESSELSBRON
6	BLOEMFONTEIN	01 DE VILLIERS STREET	KOFFIEFONTEIN
7	BLOEMFONTEIN	VAN DER LINGEN STREET	KROONSTAD
8	BLOEMFONTEIN	06 SCHEEPERS STREET	EDENVILLE
9	BLOEMFONTEIN	17 EAST STREET	PETRUSBURG
10	BLOEMFONTEIN	14 WEEBER STREET	ODENDAALSRUS
11	DURBAN	45 BELL STREET:ERF 766 PT 1	HOWICK
12	DURBAN	4 FIRST AVENUE :ERF 581	STANGER
13	DURBAN	2 AF LEITCH DRIVE :ERF 360	MELMOTH
14	DURBAN	1 AF LEITCH DRIVE :ERF 361	MELMOTH
15	DURBAN	6 CHRCHILL AVENUE: ERF172	PORT SHEPSTONE
16	DURBAN	199 VOORTREKKER STREET; ERF 138 AND ERF 139	GREYTOWN
17	DURBAN	24 BAUHINIA BEND : ERF 750	RICHARDS BAY
18	DURBAN	29 SIYAYI DR : 9737F : ERF 103	MTUNIZNI
19	MMABATHO	DITSOBOTLA	COLIGNY
20	MMABATHO	3RD AVENUE	SCHWEIZER RENEKE
21	MMABATHO	11/13 DE BEER STREET	ORKNEY

22	MMABATHO	51 BROOKE STREET	STILFONTEIN
23	MMABATHO	53 RUTH FIRST STREET	CHRISTIANA
24	MMABATHO	21 WILLIAM ALEXANDER	FOCHVILLE
25	MMABATHO	7 HORVITCH STREET	
26	MTHATHA	IDUTYWA 314	IDUTYWA
27	MTHATHA	BUTTERWORTH 174	BUTTERWORTH
28	MTHATHA	LUSIKISIKI 36	LUSIKISIKI
29	MTHATHA	MTHATHA 640	MTHATHA
30	NELSPRUIT	WILLOWSTR 16	CAMDEN
31	NELSPRUIT	MOROELA STREET 29	CAMDEN
32	NELSPRUIT	NIESHOUTSTR 32	CAMDEN
32	NELSPRUIT	POPLARSTR 31	CAMDEN
33	NELSPRUIT	POPLARSTR 35	CAMDEN
34	NELSPRUIT	ROOIHOUTSTR 22	CAMDEN
35	NELSPRUIT	BETASTR 9	CAMDEN
36	NELSPRUIT	ERF 1111 PORTION 0 OF BETHAL	BETHAL
36	NELSPRUIT	ADMIN BUILDING	BETHAL
37	POLOKWANE	21 HAAROOFF STR	GROBLERSDAL
38	POLOKWANE	238 WORST STR	MARBLEHALL
39	POLOKWANE	34 KREMETART STR	PHALABORWA
40	POLOKWANE	19 COMBRETUM STR	PHALABORWA
41	POLOKWANE	94 4TH STR	MOOKGOPHONG
42	POLOKWANE	52 9TH AVENUE	MOOKGOPHONG
43	POLOKWANE	151 9TH STR	MOOKGOPHONG
44	POLOKWANE	19 SOETDORING STR	MOOKGOPHONG
45	POLOKWANE	36 9TH AVENUE	MOOKGOPHONG
46	POLOKWANE	38 9TH AVENUE	MOOKGOPHONG
47	POLOKWANE	12 SOETDORING STR	MOOKGOPHONG
48	POLOKWANE	21 WILDEVY STR	MOOKGOPHONG
49	POLOKWANE	44 9TH AVENUE	MOOKGOPHONG
50	POLOKWANE	48 9TH AVENUE	MOOKGOPHONG
51	PORT ELIZABETH	CRADOCK/WHILEY	STEYNSBURG
52	PORT ELIZABETH	CRADOCK/WHILEY	STEYNSBURG
53	PORT ELIZABETH	BRAKFONTEIN, T LEFT, FORK RIGHT, FORK RIGHT, AFTER BRIDGE RIGHT, T LEFT	GONUBIE
54	PORT ELIZABETH	OFF R390, 3KM FROM MORTIMER TRAIN STATION	MORTIMER

## CONCLUSION

The Commission is satisfied with the progress reports submitted by the DPWI.

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## 15. DEPARTMENT OF HUMAN SETTLEMENTS

### 15.1 BACKGROUND

The Department of Human Settlements (DHS) appeared before the Commission for Gender Equality (CGE) on 5th December 2019 and was duly represented by the Deputy Director General (DG), Mr Ahmed Vawda.

Regarding the DHS, the commission observed that:

- The DHS has, over the years, received grants from National Treasury and such grants have been apportioned to provincial DHS
- The role of the provincial department, over and above the specifics stated in the Housing Act, has been to implement programmes that are stipulated in the National Housing Code
- The DHS submitted that it has the latest information on a national policy development concerning a special housing needs programme that would be complementary to the National Housing Code. Accordingly, this programme aims to cater for the construction of shelters for people with special housing needs
- In terms of funding, DHS confirmed that it is not receiving financial assistance from the government. It relies on donations and private sector credit
- The DHS submitted that it is in the process of sending letters to provinces to highlight which projects provided shelter to the victims of GBV. The Commission is yet to receive a formal confirmation that this has been done

Although the Housing Act requires all three spheres of government to promote the housing needs of marginalised groups disadvantaged by unfair discrimination, failure to provide housing needs to persons with disabilities (PWD) amounts to unfair discrimination. As such:

- i. DHS has not proactively conceptualised its role as providing shelter for victims of abuse and has thus discriminated against them
- ii. DHS has not finalised its special needs housing policy
  - The department admitted that there is a disjuncture between its conception of a shelter and the issue of shelters that the Commission is focusing on. To this end, the department noted concerns regarding the financing structure for emergency and special needs housing

In view of the findings, the commission recommended the following:

- The department to finalise its special needs housing policy by June 2020, including the guidelines for the implementation thereof
- The department should consider liaising with the National Shelter Movement and the CGE on the issues of shelters
- The department to submit its draft special needs housing policy to the commission.

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## 15.2 PROGRESS

- » The special needs policy programme has been drafted and was supported by executive management of the department. The commission awaits conformation of the approval by cabinet to enable commitment.
- » The department has complied because, after the hearings, a workshop was held on 15 January 2020 and presentations made on special needs housing (which has GBV as one of its categories). The engagement held by the department was to prepare a memo for the minister for the submission and adoption of the special needs policy to the Ministers and Members of Executive Councils (MINMEC) and a possible presentation at cabinet.

The department made strides in making sure that it complies with the recommendations and provided supporting documentation in respect of the policies that are either finalised or in draft but that are relevant to GBV and special housing needs. The list of documents will be detailed at the end of this report.

- » The department submitted the special needs draft policy. The commission awaits confirmation of approval by the cabinet.

» It was submitted by the department that in terms of the Building Regulation and Building Standards Act of 1977 as amended, municipalities have a responsibility of appointing building control officers whose function is to make recommendations to the municipality regarding any plans, specifications, etc that have been submitted. The building inspectors are expected to inspect the building erected and any activities on matters connected with and in respect of which approval was granted. If the municipality is of the opinion that any building is dilapidated or in a state of disrepair or shows signs thereof, or earthworks is dangerous and or shows signs of being dangerous it may by notice in writing order the owner of such building, land or earthwork to demolish it within a specified time.

Budget allocations and expenditure up to 30 Sep 2019 (summary report)

Provinces	Voted funds	Roll overs from	Revised Total Available funds	Transferred funds	Spent by provinces	Unspent against transferred funds	Unspent against total available funds	% spent against transferred funds	% Unspent of transferred funds	Unspent % of transferred funds	Unspent as % of total available
EC	1 960 278	-	1 960 278	953 931	939 261	14 670	1 021 017	48	98	2	52
FS	1 093 166	-	1 093 166	532 9115	324 437	208 478	768 729	30	61	39	70
GP	5 164 409	49 371	5 213 780	2 102 850	2 091 228	11 622	3 122 552	40	99	1	60
KZN	3 485 407	50 450	3 535 857	1 827 459	1 524 093	303 366	2 011 764	43	83	17	57
LP	1 301 677	61 270	1 362 947	928 182	629 538	298 644	733 409	46	68	32	54
MP	1 296 059	-	1 296 059	680 909	625 487	55 422	670 572	48	92	8	52
NC	470 262	6 797	477 059	274 851	132 358	142 493	344 701	28	48	52	72
NW	1 934 947	-	1 934 947	847 926	748 814	99 112	1 186 133	39	88	12	61
WC	2 073 610	-	2 073 610	980 252	1 196 002	-215 750	877 608	58	122	-22	42
<b>Total</b>	<b>18 779 816</b>	<b>167 888</b>	<b>18 947 703</b>	<b>9 129 275</b>	<b>8 211 218</b>	<b>918 057</b>	<b>10 736 485</b>	<b>43</b>	<b>90</b>	<b>10</b>	<b>57</b>

The department stated that it is yet to send letters to provinces to highlight which projects provided shelter to the victims of GBV. The commission is yet to receive a formal response that this was done.

The following table will reflect some of the NGOs that were supported by institutional subsidy as per the National Association of Social Housing Organisations (NASHO) 2016 Report

Scheme Name	Date	Scheme type	No. of units	Capital Funding mechanism	Revenue funding	Managing agent
Potters House	2000	Women's shelter	24 bedspaces	Transitional Housing Subsidy	DSD	Tshwane Leadership Foundation (TLF)
Lerato House	2010	Shelter for girls at risk	20 bedspaces	Institutional Housing Subsidy	DSD	TLF
Thusanang	2013	Move on communal housing for girls at risk	10 bedspaces + 1 unit for a Housemother	Institutional Housing Subsidy (IHSP)	In the end no support given by DSD so the scheme is housing single women at present	Yeast City Housing (YCH)
Thusanang	2013	Self-contained units for women moving on from the women's shelter	10 bachelor units	IHSP and Restructuring Capital Grant from the SHRA	No dedicated funding - Support given by TLF and YCH	YCH

It is important to highlight that the department has submitted the Special Needs Housing and the commission is satisfied with the content.

The department emphasises that there is a grant allocation formula that is used to allocate budgets to provincial human settlements departments. This allocation formula is updated from time to time and gets agreed upon between the MINMEC and the National Treasury. This is reflected in the Division of Revenue Bill.

It is further the department's submission that it uses business plans to plan and budget for individual projects per province. The provincial business plan provides a list of projects that will be implemented in a provincial space. This plan consists of monthly cash flows and targets. The business plan is basically a plan that covers all projects that will be implemented or under planning per province. The department notes the statement by CGE and wishes to emphasise that the housing needs are recorded in the needs register and this is the tool for assessing needs.

Province	Needs Register
Eastern Cape	1 185 502
Free State	483
Gauteng	1 932 346
KwaZulu Natal	20 695
Limpopo	20 525

Province	Needs Register
Mpumalanga	104 577
Northern Cape	188 897
North West	25 881
Western Cape	208 803
<b>SA Total</b>	<b>3 990 709</b>

It is submitted that there is a need register which records the housing needs of all people who have housing need. The business plans already highlight the number of projects per province and per programme. The beneficiaries who are classified as gender-based violence and femicide (GBVF) and SHN are included in the plans.

## 16. NATIONAL DEPARTMENT OF SOCIAL DEVELOPMENT (NDSD)

### 16.1 BACKGROUND

The NDSD is one of the departments that was requested to appear before the Commission for Gender Equality (CGE) and was represented by Mr. Mzolisi Toni in his capacity as the Acting Director-General (Accounting Officer). The department appeared on 02 December 2019.

16.2 Recommendations and findings based on the new information submitted after the hearing of 02 December 2019

- Department to provide a draft sector funding policy. To be provided on or before 20 December 2019
- Finalised or approved policy to be furnished to the CGE on or before 31 March 2020
- Identification of three existing shelters to pilot the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA+) friendly model. The wording must be refined to be inclusive and not discriminatory.
- Department to provide the commission with intersectoral policy once it is finalised.
- Department to provide information on Reaphela Safe House, which is in the Free State province and, particulars of applicant organisation. Furthermore, information relating to funding allocation, whether it's funded by the NDSD or through a special funding.
- The department must provide disaggregated data in terms of race and gender of 200 social workers.
- Various funding models for victim empowerment programme (VEP) and the percentage of the budget to implement the NAWANGO judgment
- Implementation plan for NAWANGO judgment
- Information relating to the standardisation of the minimum wage across the shelters
- Department to request more funds to implement the Nawongo judgment from provincial treasury level. Further to try funding through the private companies and other relevant donors
- Department to provide the commission with draft training and development framework

### 16.3 PROGRESS

The department has provided the sector funding policy as recommended by the commission. Through the analysis of the policy, the department makes it clear what is funded and not. Part of the policy Chapter 4 deals with transformation and it provides as follows "Transformation is about turning around the legacy of apartheid, equalising opportunities, building capabilities and making real the vision embodied in the Constitution of the Republic of South Africa". Further to the above, the policy has a critical role to play in realising transformation by ensuring that it fulfils its constitutional mandate to ensure that everyone has access to quality developmental social services, prioritising children, older persons, persons with disabilities, and those who are most vulnerable.

The policy that the department provided the commission is very clear in terms of what it seeks to achieve. In terms of monitoring the implementation of this policy, it is submitted by the department that in the past, transfers to non-profit organisations (NPOs) and other entities have not been managed transparently. This has changed in order to ensure accountability for the allocation and use of the public funds. The publication of information relating to transfer is an essential mechanism to improving transparency and accountability.

In terms of the policy, the department must put in place appropriate mechanisms to monitor compliance with this policy both by its own and NPO funding units and by provincial departments. The mechanisms include, inter alia, an annual analysis of the level at which provincial governments fund their provincial DSDs and how provincial DSDs allocate their budgets, reflecting comparative provincial information as set out in the policy guidelines.

#### **Reaphela Safe House**

The department did provide information regarding this safe. In terms of the allocations of social workers that are deployed and recruited in different provinces are as follows: -

Province	Service points	Post allocation
Gauteng	62	30
North West	19	10
Limpopo	72	20
Mpumalanga	100	18
Free State	24	16
Kwa-Zulu Natal	67	30
Western Cape	45	30
Eastern Cape	97	30
Northern Cape	56	16

The above statistics reflect the number of social workers recruited and different provinces deployed. The department indicated in its submission that it has secured funding for the appointment of all the 200 social workers. The funding will, however, reflect in 2020/2021 allocation letters to provinces as a ring-fenced / special allocation.

The NDSD must host national and provincial consultative processes to implement and finalise all these recommendations

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The commission is aware that the NDSD has embarked on various consultative process in provinces to develop an intersectoral shelter policy for victims of crime and violence. The objectives of the intersectoral shelter policy are to:

- Define the spectrum of sheltering and accommodation for victims of crime and violence
- Provide criteria guiding admission to shelters – the nature of the specific problems they assist with, as well as the categories of persons they assist
- Outline measures to be taken to ensure shelters promote a sense of inclusion and belonging among all their various residents
- Describe the minimum programme of services to be made available to residents, including their dependent children
- Outline the scope and nature of support to be provided to shelter residents on their exit from the facility
- Define shelters' various service specifications to enable their standardised funding
- Define the roles of various government departments in implementing different elements of the intersectoral shelter policy for victims of crime and violence

### **Intended outcomes of the policy**

The desired outcomes of the intersectoral shelter policy for victims of crime and violence:

- Every victim of crime and violence has equitable access to shelter services if and when they are needed
- Government departments, NGOs and other entities work together to create an effective and wide-ranging web of support and referral to victims of crime and violence who have sought assistance from shelters
- Government departments, NGOs and other entities work together to support and enhance the day-to-day functioning of shelters and the provision of a range of forms of support
- Victims of crime and violence and their dependent children enjoy increased well-being and are enabled to lead lives free from violence and abuse.

The commission observes that the intersectoral shelter policy for victims of crime and violence aims to address the various issues identified in the commission's shelter report. The commission is aware that the provincial consultative engagements have commenced on the policy and the commission shall form part of these until completion.

## **17. OVERALL OBSERVATIONS AND CONCLUSIONS**

The follow-up report on the implementation of the recommendations of the Commission for Gender Equality (CGE)'s 2019/2020 report reflects successes and challenges. The commission is encouraged that the entities have generally demonstrated their willingness to implementation of the recommendations. Notably, the commission observed the following:

1. The National Department of Social Development (NDSD) has developed the draft intersectoral shelter policy for victims of crime and violence aims to address the various issues identified in the commission's shelter report. The commission is aware that the provincial consultative engagements have commenced on the policy and the commission shall form part of these until completion.
2. Through the Department of Public Works (DPW), various properties/buildings are to be allocated for shelter purposes. The identification of these properties is informed by the needs of the Department of Social Development (DSD). Whilst this process has commenced, there are still

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concerns that the pace of allocating and developing these properties into shelter is rather slow. For example, in Gauteng there are about 22 shelters and only two have a family unit which can accommodate children.

3. There is a continuous exclusion of admitting boy children over the age of 12 years in various shelters. Their exclusion is not justified.
4. There are provinces that established additional measures to establish shelters post the engagements with the commission and this includes Free State DSD (additional shelter in Xhariep) and Northern Cape DSD budgeted R 700 000 and established a new shelter in the Namakwa district.
5. Covid 19-had impacted negatively on the implementations of various recommendations of the commission. For example, the recommended sensitisation workshops on Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA+) and sexual harassment could not immediately be held due to Covid-19 level restrictions. For example, the commission recommended that "Ikhaya Lethemba must conduct sensitisation workshops with the clients on issues of the LGBTQIA+ community within six months of issuing this report, and further furnish the commission with the training content and registers within two months of completing the workshops." This recommendation could not be fulfilled during the Covid-19 restrictions.
6. Provincial departments could not submit their GBV action plans pending approval of the National Strategic Plan on Gender Based Violence. The provincial legislatures are expected to comply and implement the National Strategic Plan. In turn, the Eastern Cape government has developed its integrated provincial plan for the implementation of the national strategic plan. The establishment of the integrated provincial plan resulted in the function of developing the GBV action plan being taken from the Eastern Cape Department of Social Development to the Eastern Cape Premier's office.
7. Sexual harassment policies were adopted by some entities such as Ikhaya Lethemba as per the recommendation of the commission. However, the Limpopo Department of Social Development (LPDSD) has failed to develop this policy within the timeframes and attributed this to Covid-19. Specifically, the LPDSD stated that due to Covid-19, the draft policy could not be presented to the Limpopo Chamber: Public Health and Social Development Sectoral Bargaining Council (PHSDSBC) for adoption prior to approval. In the meantime, the department is managing sexual harassment in the workplace guided by the approved policy and procedures on the management of sexual harassment in the public service which was approved by the Minister for Public Service and Administration and its implementation was with effect from 01 April 2014.
8. The South African Police Service (SAPS) has ensured that the South African National Instruction 7 of 1999 on Domestic Violence is amended by Consolidation Notice 15 of 2020. The amended national instruction mandates commanders to ensure members must undergo regular training on the way complaints of domestic violence must be dealt with.
9. It is concluded that the funding of shelters in South Africa is fraught with challenges, such as inconsistent funding and late/delayed payments which affects the agile functioning of shelters. The draft intersectoral shelter policy for victims of crime and violence presents an opportunity for the National Department of Social Development to address various challenges highlighted by provincial departments in this report.









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 Gender Commission of South Africa