



Western Cape  
Government

Community Safety



Provincial Policing Needs and Priorities (PNP) Report for the Western  
Cape 2018/19 on Gender-Based Violence

**Department of Community Safety**

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## ACRONYMS

<b>AFU</b>	Asset Forfeiture Unit
<b>AHR</b>	Alcohol Harms Reduction
<b>CoCT</b>	City of Cape Town
<b>CI</b>	Crime Intelligence
<b>CPF</b>	Community Police Forum
<b>CSC</b>	Community Service Centre
<b>CSIP</b>	Community Safety Improvement Partnership
<b>DoCS</b>	Department of Community Safety
<b>DoH</b>	Department of Health
<b>DOJ &amp; CD</b>	Department of Justice and Constitutional Development
<b>DOTP</b>	Department of the Premier
<b>DSD</b>	Department of Social Development
<b>DVA</b>	Domestic Violence Act
<b>ECD</b>	Early Childhood Development
<b>ESTA</b>	Extension of Security of Tenure Act
<b>FBO</b>	Faith-Based Organisation
<b>FCS</b>	Family Violence, Child Protection and Sexual Offences
<b>GBH</b>	Grievous Bodily Harm
<b>GHJRU</b>	Gender, Health and Justice Research Unit
<b>LGBTI</b>	Lesbian, Gay, Bisexual, Transgender, and Intersex
<b>MRC</b>	Medical Research Council
<b>NGO</b>	Non-Governmental Organisation
<b>NHW</b>	Neighbourhood Watch
<b>NPA</b>	National Prosecuting Authority
<b>PNP</b>	Policing Needs and Priorities
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>SAPS</b>	South African Police Service
<b>TCC</b>	Thuthuzela Care Centre
<b>UCT</b>	University of Cape Town
<b>VFR</b>	Victim Friendly Room
<b>VEP</b>	Victim Empowerment Programme
<b>VisPol</b>	Visible Policing
<b>GBV</b>	Gender-Based Violence
<b>WCED</b>	Western Cape Education Department
<b>WCLA</b>	Western Cape Liquor Authority

## 1. INTRODUCTION AND BACKGROUND

As part of its annual Policing Needs and Priorities (PNP) consultations, the Department of Community Safety (DoCS) decided to focus the attention of its policing needs and priorities determination on four themes for 2018/19. The themes are Gender-Based Violence (GBV), Schools Safety, Commuter Safety, and Drugs and Policing. The first of the four PNP's kicked off with a GBV workshop which was hosted at the Isivivana Centre in Khayelitsha on the 17<sup>th</sup> September 2018. The workshop was hosted in partnership with Sonke Gender Justice, with the support of the Gender, Health and Justice Research Unit (GHJRU, UCT) in order to provide subject matter expertise into the structure and process for the workshop. The workshop aimed to feed into the determination of the policing needs and priorities mandated by section 206 of the Constitution and section 23 of the Western Cape Community Safety Act,<sup>1</sup> in terms of which the Minister of Police is obliged to seek input from provincial governments about their policing needs and priorities.

The key aim of the GVB workshop was to:

- To determine policing needs and priorities on gender-based violence in order to formulate policy or other recommendations for stakeholder implementation.

These workshops are part of the departmental 'whole of society' approach that seeks to build safety, not for the community but with it. The aim is to ensure that provincial government departments are responsive to the safety needs of communities, to enhance efficiency through the integration of services, to establish partnerships and to include communities in local structures created around safety.<sup>2</sup> The PNP thematic workshops feed into the DoCS Community Safety Improvement Partnership (CSIP) which has the following objectives:

- Promotion of professional policing through effective oversight;
- making public buildings and spaces safe; and
- establishing viable safety partnerships within communities.

GBV has consistently been raised and recorded as a concern at PNP workshops conducted by the Department since 2015. In addition, according to various studies, 25% of people in South Africa experience physical violence in their lifetimes, 5% experience sexual abuse and approximately 45% experience psychological abuse.<sup>3</sup> According to the South African Police Service (SAPS), from a Provincial overview, the Western Cape accounts for 32.6% of the country's crimes that are related to domestic violence, as well as a high percentage of sexual offences and other assaults.<sup>4</sup> Sexual violence and domestic violence is common in communities but these are not always reported to the police.

The workshop brought together key players and experts in the various fields to intensely engage and discuss the challenges, to identify the policing needs and priorities, and to develop recommendations

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<sup>1</sup> Act 3 of 2013.

<sup>2</sup> CSIP Blueprint, 2016.

<sup>3</sup> Studies available at: WHO. (2018). 'Prevalence studies of intimate partner violence'. Available at: <http://apps.who.int/violence-info/studies?area=intimate-partner-violence&aspect=prevalence&country=ZA>, accessed 18 February 2018, cited in Department of Community Safety. (2018). *State of Policing in the Province: PNP Report*. (unpublished report).

<sup>4</sup> Honourable Bheki Cele, Minister of Police. (11 September 2018). "Crime situation in RSA twelve months 01 April 2017 to 31 March 2018". A presentation to the Portfolio Committee of Police on the release of the 2017/18 crime statistics.

to adequately address gender-based violence. It provided a platform to share best practices, look at policy options, and identify creative and evidence based solutions. It also examined the roles of different stakeholders and addressed the systemic shortcomings in policy implementation. This enables the Department to make policy or other recommendations and to articulate the key policing needs and priorities for the Western Cape.

“Gender-based violence (GBV) is the general term used to capture violence that occurs as a result of the normative role expectations associated with each gender, along with the unequal power relationships between the two genders, within the context of a specific society.”<sup>5</sup> While women, girls, men and boys can be victims of GBV, research shows that it affects South African women and girls much more than it does for men and boys. A 2016 Stats SA and South African Medical Research Council survey shows that one in five women experience violence at the hands of a man. There are numerous cases that go unreported. GBV can be physical, sexual, emotional, financial or structural. According to various studies, 25% of people in South Africa experience physical violence in their lifetimes, 5% experience sexual abuse and approximately 45% psychological abuse.<sup>6</sup> According to the SAPS, 22% of malicious damage to property charges are related to domestic violence, as well as a high percentage of assaults and other violent offences.<sup>7</sup> Sexual violence and domestic violence is common in communities but these are not always reported to the police. Domestic violence includes not just physical violence but also insults, belittling, cursing, threats, degrading and humiliating behaviour. These forms of abuse are often the precursors to physical violence. Communities do not always trust the police, or they do not have a satisfactory experience when reporting to the police.<sup>8</sup>

The 2017 State of Policing in the Province PNP report found that there is still a significant amount of non-compliance with the Domestic Violence Act by the SAPS and recommended more focused police activity in areas where domestic violence was rife. It also identified the need to address GBV holistically among a number of role players.

## 2. PROJECT OBJECTIVES

- To identify the policing needs and priorities for the Western Cape Province on gender-based violence;
- to focus on key themes and stimulate debate to consider key policy positions, policy gaps and decisions;
- to improve stakeholder relations around key themes where these are lacking;
- to influence the allocation, distribution and utilisation of policing and safety resources in line with the identified policing needs and priorities and safety concerns;

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<sup>5</sup> Bloom, Shelah S. (2008). *Violence Against Women and Girls: A Compendium of Monitoring and Evaluation Indicators*. Carolina Population Center, MEASURE Evaluation, Chapel Hill, North Carolina, p. 14.

<sup>6</sup> Studies available at: WHO. (2018). ‘Prevalence studies of intimate partner violence’. Available at: <http://apps.who.int/violence-info/studies?area=intimate-partner-violence&aspect=prevalence&country=ZA>, accessed 18 February 2018, cited in Department of Community Safety. (2018). *State of Policing in the Province: PNP Report*. (unpublished report).

<sup>7</sup> Honourable NPT Nhleko, Minister of Police. (2 September 2016). “The Sociology of Crime in South Africa”. A presentation to the Portfolio Committee of Police on the release of the 2015/16 crime statistics.

<sup>8</sup> Department of Community Safety. (2017). *Provincial Policing Needs and Priorities Report 2016/17*, p. 56.

- to facilitate communication between the Department and local community representatives and other key stakeholders;
- to encourage stakeholders that are active in the field of safety and security to partner with the Department in the context of the “whole of society” approach to address crime and safety levels.
- to make policy or other recommendations on gender-based violence

### 3. METHODOLOGY

The GBV workshop was a one-day consultative workshop where various key stakeholders and representatives from civil society, particularly those based in Khayelitsha were invited. Sixty three participants took part in the workshop on 17 September 2018. At the start of the workshop each participant was handed a file containing certain key documents which were intended to contextualise and guide the discussions – these included the programme, key presentations and findings on the harms and risks of alcohol in Khayelitsha. The workshop started off with presentations setting the scene, followed by small group discussions. After the presentations, the floor was opened for questions and answers which were directed to the presenters. This was then followed by a tea break. After the tea break the plenary was divided into four randomly assigned groups with 10-15 participants per group to discuss four predefined questions. The four questions that the groups discussed were:

- What is working well?
- What are the key challenges?
- What measures need to be taken to address the challenges?
- What must be prioritised and by whom?

The four focus group discussions were moderated by two facilitators from DoCS, one facilitator from the GHJRU and one from Sonke Gender Justice. The facilitators were responsible for collating and capturing the group’s inputs onto a worksheet. Each group also had a scribe that was responsible for writing up the discussions of the group and recording the discussions with a digital voice recorder.

#### 3.1 Target group

Invitations were extended to key stakeholders and experts from various fields including:

- Local and Provincial Government Departments as well as other state agencies such as the National Prosecuting Authority (NPA)
- The South African Police Service (SAPS) Provincial Family Violence, Child Protection and Sexual Offences (FCS) Head
- SAPS Provincial Visible Policing (VisPol) Commander
- SAPS Provincial GBV and Victim Empowerment Programme (VEP) Coordinator
- SAPS, Khayelitsha Cluster FCS Unit Commander
- SAPS Khayelitsha Cluster FCS Unit Forensic Investigators and other members from the FCS unit in Khayelitsha

- Civil Society Organisations
- Academic Institutions
- Community Police Forums (CPF)
- Accredited Neighbourhood Watches (NHW)

### **3.2 Structure of the workshop**

The opening of the workshop was done by Ms Amanda Dissel, Director: Policy and Research from the Department of Community Safety (DoCS). Thereafter, Professor Lillian Artz, Director: Gender, Health and Justice Research Unit (GHJRU) at the University of Cape Town (UCT) made a presentation on the scope of GBV and reflections on the Khayelitsha Commission and other policies. This was followed by a presentation from Mr Dean Peacock: Co-Executive Director, Sonke Gender Justice on the causes and drivers of GBV and the role of policing in addressing it. Thereafter Brigadier Sonja Harri: FCS Provincial Head and Lieutenant Colonel Taswell Pause: GBV and VEP Coordinator, from the SAPS made the last two presentations which focussed on reflections from the criminal justice system.

After the focus group discussions, each of the four group facilitators gave feedback to the plenary on the discussions that took place within their respective groups which was then followed by a short summary on the general policy or implementation recommendations towards an improved law enforcement response to GBV.

### **4. LIMITATIONS OF THE STUDY OR RESEARCH PROJECT**

- For the workshop, we targeted participants representing specific interest groups and therefore the small sample size could mean that the groups were not fully representative of the larger population.
- The time frame allocated for discussions was limited. However, since most participants were well versed in the topic, it was more likely that they represented the issues relevant to GBV.

## 5. SUMMARY OF KEY PRESENTATIONS

### 5.1 Opening remarks by Ms. Amanda Dissel, Director: Policy and Research, DoCS



Ms. Amanda Dissel, opened the workshop, welcomed all the guests and set the scene for the programme of the day. In her opening remarks, Ms. Dissel accentuated the legislative mandate for the determination of the PNP's.

Ms. Dissel said that it has been four years since the Khayelitsha Commission of Inquiry handed down its extensive report following its investigation into inefficiency and breakdown in relations between the community and police in Khayelitsha. She stated that the Commission was sparked in large part by an outcry on the high number of murders and rapes of women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) members in Khayelitsha, and of the delays in seeking justice for those victimised in those attacks.

She further made mention that the two cases forming the basis of the complaints giving rise to the Commission were that of Zoliswa Nokonyane who was murdered on 6 February 2006, allegedly for being a lesbian and refusing to use a men's toilet at a shebeen and that this case was only finalised in 2012 with the conviction and sentencing of four young men. In addition, she stated that there was



also the case of Nandipha Makeke who was raped and murdered in 2005 and two men were convicted and sentenced for that offence in 2008.

Ms. Dissel said that it is unfortunate that this horrific abuse and degradation of woman still continues and that the rape and murder of Sinxolo Mafevuka in October 2016 was an example of this. She said that the police had moved swiftly in that case to arrest her cousins for her murder, but they were ultimately acquitted in December 2017 on the basis of insufficient evidence linking them to the crime as the High Court had pointed to a number of deficiencies in the investigation of the case.

Ms. Dissel cited that in the week prior to the workshop, the SAPS had released the annual crime statistics showing that murder had increased by 12.6% in the Western Cape, and 6.9% nationally, with Khayelitsha and Harare still being among the top 30 in the country for the highest number of murders. Murders in Khayelitsha had increased by 7.26% in the last year. She said that for the first time, the SAPS had given statistics relating to murders of women and children, which both showed significant increases.

She emphasised that these figures, and stories of the individuals affected, should make people reflect about whether the combined efforts of government and civil society are making an impact on crime, and particularly GBV in the worst affected communities. She said that in our engagement with the communities, there are several factors which police and communities regard as key indicators for high rates of violence and that these all impact on communities in different ways. These include social-economic factors such as poverty and overcrowding; proximity and proliferation of alcohol outlets; drug trade and substance abuse; availability of firearms; GBV and domestic violence; and gangs.



## 5.2 Presentation by Professor Lillian Artz, Director: Gender, Health and Justice Research Unit, University of Cape Town.



Professor Lillian Artz's presentation focused on the scope of gender-based violence, the Khayelitsha Commission and other policies, reflecting on progress made.

With regard to the scope of GBV, Professor Artz expressed concerns that the data reflects that South Africa is number 13 of the 20 global hotspots for murder and that the country has the highest rates of reported rape and sexual offences cases in the world, with interpersonal violence rating between 10 and 12 on the list of reasons why women die in South Africa. She also made mention of data from the Medical Research Council (MRC) which stated that 3 women are killed daily at the hands of their partners.

Professor Artz added to Ms. Dissel's opening remarks regarding what had been revealed in the national crime statistics released for 2017/18 by the SAPS. She indicated that they have shown that nationally murder had increased by 6.9%, attempted murder had increased nominally by 0.2%, that there had been an increase of 10.9% of the murder of girls, 20.4% of boys and 11% of women. She said that in real terms, this meant that during the year, 291 more women, 117 more boys and 29 more girls were killed in our country. Additionally, she mentioned that it had been reported by the SAPS that 56 people are killed every day in our country and for this reason South Africa is high up globally in terms of international murder statistics. As she continued to reflect on the national crime statistics, she said that according to SAPS data, rape had increased marginally by 0.5%, sexual assaults, which are all

crimes that are not rape as it is defined in the Sexual Offences Act had increased by 8.2%, and assault with the intent to inflict grievous bodily harm (GBH) had decreased by 1.9%.

Professor Artz stated that in the context that she is working in, she has not seen any concerted efforts to continue systematically monitoring the implementation of laws, including the Domestic Violence Act, the Sexual Offences Act, or the Children's Act, and most importantly, the resources to address the problems that have previously been identified in implementation research. She also stressed the importance of collecting and generating meaningful data that could be used to generate appropriate interventions.

She said that although the Khayelitsha Commission of Inquiry was focused on Khayelitsha, it also had relevance for other stations in the Western Cape, and across the country, and that the Commission's recommendations relating to violence against women or GBV were very clear. Professor Artz said that it was important in this particular workshop to develop recommendations, but not to forget existing recommendations or policies that were already in place and to explore ways of enforcing these. She stressed that we needed to use this platform to establish what, if any difference has been made, and from there to develop further plans of action.

Prof. Artz reflected on the Optimus Study that she had conducted a few years back with her colleagues in which they had taken up the challenge of interviewing 9 717 children from across South Africa. She said that in the study they had spoken to children about abuse, sexual violence, harassment and bullying, etc. She indicated that what they had established from the study was that over a third of South African children had experienced some sexual abuse in their lifetime and that one in four children reported that they had been exposed to some sort of family violence during the course of their lifetimes.

As part of the study, they had reported to the Department of Social Development (DSD) and SAPS 228 cases of interviewed children who were at the time exposed to sexual abuse, which is a reportable offence under the Children's Act and Sexual Offences Act. She said that a year later they had interviewed 80 of those children and discovered that only 7 of them had received follow up calls from either the DSD or SAPS. In regard to policing, Prof. Artz said that there is still no functional protocol between the SAPS, Department of Health (DoH) and DSD around the management of sexual offences cases, or the monitoring thereof. She highlighted that though various forums exist, it is still very difficult for them as researchers to monitor the success or the utility of those protocols, but on the other hand, many non-governmental organisations (NGO) take up the gap and provide essential services to victims of crime and violence in cases where they don't get the services from the state. She also felt that SAPS need to be more open to engagement with and assistance from civil society in terms of support and other training interventions.

### 5.3 Presentation by Mr Dean Peacock, Co-Executive Director: Sonke Gender Justice



Mr. Dean Peacock focused on the causes and drivers of gender-based violence and the role of policing in addressing it.

He said that the first principle when having any conversation about GBV, is acknowledging that GBV as a term obscures what people are actually talking about. He emphasized that what people are really talking about is men's violence against women and children, as well as men's use of domestic violence, sexual violence and intimate partner violence because the vast majority of violence is perpetuated by men against children, men against women and men against other men.

Mr. Peacock stated that patriarchal gender norms are at the heart of GBV, including patriarchal norms that grant men a sense of entitlement to women's bodies because where there are inequitable gender orders, men have a sense of ownership or control of the women. He stressed that the key driver and the key cause of violence against women by men is the sense of impunity – that men feel like they can commit violence and there will be no negative consequences - not within their families, their neighborhood, their community, their faith congregation and not from the law. So, he said, that when men have a sense that they can use violence and face no negative consequences, that increases the likelihood that they will use violence and use it repeatedly.

He also talked about the damage that the exposure to violence has on children and how this impacts on the intergenerational cycle of violence. He said that it is very clear from many studies that the single greatest predictor of a man's use of violence in a relationship is whether he witnessed violence at some stage in their childhood and that since this is well-known, interventions should be in place to address it.

Mr Peacock spoke about a study that Sonke Gender Justice had done in Diepsloot where they had interviewed 2 603 men. In the study they had asked them a range of questions about their attitudes towards gender and their life experiences. He said that 56% of the men in the study said that they had perpetrated sexual violence or domestic violence in the past 12 months. Mr. Peacock indicated that this had been the highest levels that they had seen anywhere in the world and that they had seen astonishingly high levels linked in some ways with the Optimus Study which Prof. Artz had spoken about. He stated that out of the 2 603 men that participated in the study, 84% reported that they had been physically abused or neglected in their childhood, 39% of them reported that they had been sexually abused and 60% of them reported that they had been exposed to some sort of trauma as an adult due to the fact that they had been assaulted, mugged or been victims of other violent crimes. He said that 74.7% of the men had reported levels of drinking which were considered problematic, 49.8% of the men reported depression and 50.3% of the men reported symptoms that were consistent with post-traumatic stress disorder (PTSD).

He stressed that the abuse of alcohol is also strongly associated with victimization and men who abuse alcohol are much more likely to perpetuate violence as there is a very clear association between alcohol, abuse and violence. He stated that domestic violence and the lethality of intimate partner violence is linked to access to guns and other types of weapons and that economic inequalities also amplify gender-based violence. He said that the data tells us that economic inequalities, high levels of unemployment and employment stress are very strongly associated with the use and the perpetration of violence.

Mr. Peacock emphasised that good programmes that are well-implemented and with the necessary funds behind them can reduce levels of violence. He believes that if political will is backed with sufficient resources to put in place broad multi-faceted strategies, we can provide proper criminal justice support to survivors of violence and hold perpetrators accountable.

He said the enforcement of by-laws relating to alcohol is absolutely critical. On the issue of guns, the Domestic Violence Act and the Firearms Control Act are very clear on the removal of guns when there is a protection order but, very often that does not happen. He felt that the single most effective strategy is not only implementation but also collaboration between key stakeholders because where there is a coordinated plan, levels of violence will surely reduce. Drawing from the literature we know that there must be a multi-faceted, coordinated response that brings all of the key stakeholders together and that there must be resources backing it.

## 5.4 Presentations by the South African Police Service

Two presentations were given by members of the SAPS.

### 5.4.1 Presentation by Brigadier Sonja Harri, Family Violence, Child Protection and Sexual Offences Investigations Provincial Head: SAPS



Brig. Harri informed the participants about the FCS unit. In the Western Cape, there are 26 FCS units that serve under her command. Twenty five of the units serve stations in clusters and deal with sexual offence cases at those stations. One unit is a provincial unit which investigates serial rapes and electronic crimes across stations and clusters within the Western Cape. In total, the FCS unit has 286 officers and members, and there are 22 forensic social workers that assist with the investigations of the unit.

She said the mandate of the FCS unit also includes dealing with intra-familial crimes. Non-compliance of protection orders is also part of the mandate where this forms part of an attempted murder or an assault GBH case that is already being investigated by the unit. The investigation of sexual offences like singular and serial rapes, incest and sexual assault are part of the mandate of the FCS unit. Assault GBH, attempted murders for child victims that are not gang-related, child pornography under the Film and Publication Act, kidnapping of children, missing children and domestic violence cases, are also dealt with only if an existing sexual offence case is already being investigated by FCS unit.

Brig. Harri said that although it is not the FCS unit's mandate to investigate child murders, she decided that in the Western Cape when they deal with a child that has gone missing and is unfortunately found murdered, she will not hand the dockets over to the local detectives. This is so as to maintain the relationship and trust with the child's parents or caregivers. She said that the FCS unit has a very good relationship with the National Prosecution Authority. Once the case comes in, they alert the office of the Director of Public Prosecutions (DPP) and an advocate is allocated to the case from the beginning, which serves to shorten the trial period and allows families to get closure.

In terms of the achievements of the FCS unit, Brig Harri said that for 2017/18, the unit had secured 67 life sentences and 52 imprisonments of 20 years and above. In the 1<sup>st</sup> quarter of 2018/19 they have secured 14 life sentences and 14 sentences of imprisonments of 20 years and above. The FCS unit accomplished a 100% conviction for cases where the children went missing and unfortunately were found murdered.

Brig. Harri stated that despite the successes, there are many challenges that the unit has – resourcing being one of them. She said that it has taken many years to get to the 286 officers and members that they currently have in the unit. There are many concerns for the FCS Unit, including that the suspects are becoming younger. These suspects are dealt with in terms of the Child Justice Act. Another concern is that the female sections in the correctional services facilities are full, meaning that it is difficult to find facilities to accommodate female suspects and those who are sentenced to imprisonment. She noted that two-thirds of women arrested for attacks and the murdering of their intimate partner have at some point been subjected to abuse, and this reflects the failure of society and the police to help them before they reach this point. Brig. Harri also noted that there are also concerns that there is an increase in the number of serial rape and murder cases that are investigated in the unit. There is also the ever growing monster in the form of child pornography which can be attributed to the fact that children have smart phones and can easily access internet sites which are not suitable for their viewing. In some cases, the children are lured by adult perpetrators who chat to them on the different social media platforms.

One of the challenges facing the unit is how they are measured for success. They do a lot of awareness-raising in the community which results in more cases and complaints being logged with them. In her view, an increase in crime statistics should be viewed as a positive achievement.

In terms of good practices, Brig. Harri said that although the FCS units are not fully staffed, success is achieved by making the decision to make the 26 units operate as a single unit, defying station and cluster boundaries when it is necessary to do so in order to ensure service delivery. The FCS unit also work with dedicated sexual offences courts and Thuthuzela Care Centres (TCC). Another good practice is that the FCS unit has good working relationships with the NGO's and other Departments as well. There is increased cooperation with crime intelligence (CI), especially with their child pornography cases and serials. Brig. Harri said that they work with the Asset Forfeiture Unit (AFU), especially in pornography cases where cash is traded online. If they identify trends, they include CI to do their analysis, register projects and where applicable conduct threat-based operations.

#### 5.4.2 Presentation by Lieutenant Colonel Taswell Pause, Provincial Gender-Based Violence and Victim Empowerment Programme Coordinator: SAPS



Lt Col. Pause started his presentation by stating that he deals with the social crime prevention aspects of policing. He then proceeded to explain the concept of secondary traumatisation which he views as a common outcome of the insensitive treatment of a victim by a member of the criminal justice system, government institution or the community and also includes the blaming of the victim for the offence. He explained that this term and its meaning is crucial to understanding the road that victims of crime have to travel through when they do report a crime. He said that in each of those incidences, services have to be rendered to that particular victim. The impact of secondary traumatisation can be seen from as early as when a person needs to report an offence and this trauma occurs even before the case gets to court and the victim has to testify in that case.

Lt Col. Pause stated that police officials, especially the front line services need to be empowered as do the victims. He emphasized that where both parties are empowered, the likelihood of secondary traumatisation occurring is limited when victims report crimes at the police stations. He said that no official must lose sight of the Charter of Victims' Rights which includes the minimum standards of services that victims are entitled to when they visit a police station or any civil service provider for assistance. He said that SAPS is educating their frontline members in terms of victim's assistance based on the minimum standards that must be adhered to as every victim has the right to be treated with fairness and respect for their dignity and privacy. He highlighted that at each police station there is a Victim Friendly Room (VFR) where a victim can be interviewed separately and privately from the general public at a Community Service Centre (CSC). If there is no VFR room available, the police must make an alternative plan to ensure the privacy of the victim.



Lt Col. Pause stated that for services that SAPS cannot provide, they refer victims to key stakeholders in the community and that each police station is required to keep a list of service providers who are known in the local community. He said that it must be known what type of services they offer, what types of victims they see, if it is only women, children or men and also if it is free of charge. This is to avoid a situation where the police do all the ground work but then end up referring a victim to a door that is closed.

Currently in terms of the Victim Friendly Services, Lt Col. Pause said that their Station Commanders as well as the Provincial Commander are assessed on the number of members that are trained on the four learning environments which are domestic violence, sexual offences, vulnerable children, and victim empowerment. For a station to be compliant from a training aspect, they must have 50% or more members that are trained in one of two areas of those learning environments.

He stressed that it is important that all service providers dealing with victims of crime note that there is a road that the victim journeys through when they go through the criminal justice system and that they have to deal with different people. Therefore, each of the parties involved in dealing with the victim and providing a service to them must be equally accountable in terms of following through with regard to service provision.

## 6. FOCUS GROUP DISCUSSIONS



## 6.1 What is working well?

In general, participants felt that there is a good policy framework. The legislation is in place and there is commitment and passion from various stakeholders to assist victims of GBV. There are several provincial forums such as the VEP Forum and Gender Justice Forum facilitating the key role players to engage on issues of GBV.

The victim referral systems that are in place for victims who have experienced sexual abuse and domestic violence is said to be working well as this promotes the integration of services and demonstrates collaboration between various key stakeholders. However, even though this system is working well there is a high risk that miscommunication might occur between the parties involved. Therefore, it is recommended that a coordination mechanism should be established. With this in place, the NGO's will be able to communicate with SAPS FCS unit more proficiently.

The FCS unit has recently received 10 – 15 new members who were previously part of the VisPol unit. These members are skilled and trained investigators who form part of a specialized unit.

Courts are said to be working more effectively with partners. There are also new sexual offences courts that have better facilities and expertise. In addition, having MOSAIC present in court helps to prepare the victims of GBV and it also minimizes the potential for secondary trauma for them.

In the Khayelitsha policing cluster, there are approximately four TCC's that are working well in terms of response. They provide support to victims and do community advocacy work. Furthermore, there are other community based initiatives that are helpful to victims of GBV. They offer various services, some of which screens intimate partner violence. They also do community outreach initiatives such as HIV testing and counselling. Rape Crisis also creates awareness through training and development.

Women on Farms, offers rights-based training to individuals and they mobilize change by building the capacity of communities. This kind of training helps because many women and dwellers staying on farms are not educated. When funds are available, this NGO offers workshops to men as well. They also do lobbying and advocacy work.

## 6.2 What are the key challenges?

The challenges that arose in the group discussions outnumbered the factors that are said to be working well. Many of the key challenges are associated with the lack of implementation of the policies that are already in place, as well as the lack of coordination between government departments and civil society.

The assessment of domestic violence cases appears to be a challenge because of the lack of capacity in SAPS. This results in a long process of obtaining protection orders. There is also the issue of the poor investigation of domestic violence cases at the police station which influence the arrest and bail conditions of the suspects. Brigadier Sonja Harri from the FCS Unit explained that perpetrators do get bail if they meet the requirements. There are sometimes flaws in the way SAPS documents cases

and this creates major problems for investigations which results in setbacks in the criminal justice system.

The prioritization at courts is low and victims receive little or no feedback. There is also minimal fast tracking of cases which results in the victim's safety being threatened. In most cases, members of the community have little or no understanding of bail and sentencing laws.

There is limited funding and assistance available to NGOs that offer critical services to victims and survivors of GBV. Thus, the budget allocation to NGOs or shelters needs to be revised. There is also a lack of psychosocial support and mental health trauma counseling for victims. Participants felt that the Western Cape Education Department's (WCED) should have attended the forum as many issues relating to GBV starts at schools. There was also the issue of the lack of psychosocial support and the overcrowding of classrooms that affects learners and gives rise to violence. Thus, social behaviour needs to be included in the curriculum and educators need to be capacitated to deal with these issues.

The heavy workloads and the lack of resources of service providers in government departments and civil society organisations are causing a fall-out of cases from reporting to trial. In addition, there is also lack of proper monitoring and evaluation which would assist to hold stakeholders accountable. Political infighting in government affects service delivery. It is only during the 16 days of activism that government was said to be more operational and vocal on issues of GBV. This was said to be an indication of a lack of strong political will to address GBV issues.



### 6.3 What measures need to be taken?

Regular engagements and follow-ups should be done with the FCS unit. With regard to investigators, they need to receive better training. Furthermore, parolees and repeat offenders need to be monitored regularly.

Better coordination, planning, regulation, and synergy are required between government departments and civil society. For better cooperation a Gender-Based Violence Forum is needed at an intermediate level. Civil society needs stronger social voices to be heard by the Portfolio Committee.

For perpetrators to be rehabilitated, they need to be removed from their homes. They also need to be monitored and given community service with other parolees.

With regard to farm dwellers and communities in rural areas, the Extension of Security of Tenure Act 62 of 1997 (ESTA) does not protect farm workers. The law is not sufficient and does not consider tenant security. Most times, the lease of the farmhouse is in the name of the husband and women have no rights. Therefore, it needs to be improved and be linked to GBV.

In order to prevent the community from losing hope in the criminal justice system, measures need to be taken regarding justice in the courts. Sentences given to perpetrators of rape sometimes depend on the attitude of the Magistrate so they do not regard GBV cases with the seriousness they deserve. It was mentioned with concern that suspects who are arrested for cable theft receive bigger sentences than those arrested for rape. Bail requirements are stricter than minimum sentences hence, the call for stricter laws to be implemented. Additionally, engagements should take place with the Regional Court President.

Certain interventions should be incorporated in schools including Early Childhood Development (ECD) to create awareness and responsibility. Educators should be capacitated and should be held accountable and fill in appropriate forms to refer children for assistance.

Government officials have to be capacitated, developed and empowered in order to be able to carry out their duties effectively. Accountability is at the core – people must be held accountable for service delivery.

## 6.4 What must be prioritised and by whom?

What must be prioritised?	By whom?
<b>Victim-centered services</b>	
The roll-out of sexual offences courts throughout the Province	DoJ and NPA
More efficient communication and follow-ups with victims of GBV	SAPS and DSD
Understanding of SAPS structure, roles and responsibilities	SAPS
<b>Implementation of laws and policies</b>	
The gaps in the Domestic Violence Act (DVA) should be assessed and changes must be implemented to fill the gaps.	NGO's, academia and government stakeholders
The implementation of a National Gender-Based Strategy. This strategy needs to create awareness and define role clarification.	This needs to be endorsed by the Department of the President and all National and Provincial Departments.
A portfolio or inter-ministerial committee for Gender-Based Violence co-ordination and engagement should continue between government departments and NGO's. This co-ordination and engagement requires policy, monitoring, and implementation.	DoJ, NGO's and other government stakeholders
Alcohol interventions and review policies	DoCS - Western Cape Liquor Authority (WCLA)
It is important to integrate Gender-Based Violence into existing policy/strategy/legislation.	All government stakeholders

Systems design thinking and implementation approach. Policies also need to speak to local realities.	Requires a multi-faceted coordinated approach between all government stakeholders.
<b>Capacitation and resource allocation</b>	
With regards to budgeting, there is a need for adequate funding for service delivery.	Treasury
There is a need to increase the number of FCS members as well as a need for specialised officials to attend to GBV cases. Furthermore, the quality of general training (statement taking and warrants of arrests and protection orders) needs to be improved when it comes to the LGBTI community.	SAPS
CPF needs to be capacitated to monitor DVA matters	DoCS
Community empowerment and capacitation (who, by whom, on what, how?)	DSD, DoCS, NPA, SAPS, DoJ & CD, NGO's, FBO's
Training of CSC staff on gender roles and secondary victimisation/stigmatisation	SAPS
<b>GBV Programmes and initiatives</b>	
The rehabilitation of perpetrators is an interdisciplinary approach to the problem. Assessment should be done on the impact/effectiveness of existing programmes (DCS, DSD, NGOs, and NICRO) and resources should be provided to these programmes.	Men's Parliament on Gender-Based Violence.
Parental programmes to address normalisation of violence in the home	DSD, WCED, NGO's and all other relevant government departments

Community workshops on early childhood development	WCED and DSD
Workshops with community leaders on GBV	DoCS
Identify focus areas where GBV is most prevalent	SAPS
Integration of services on GBV plan	Presidency, SAPS, DSD
Release usable data and statistics at station level – at the moment it is not very easy to access such data	SAPS
There are insufficient statistics for Gender-Based Violence cases. The NPA in coordination with the DoJ&CD need to report on progress of DVA cases and the application of protection orders.	NPA, DoJ&CD
Better partnerships and collaborations and coordination via a formal multi-stakeholder structure consisting of SAPS and all government departments to be set up.	DoCS to set up MADAM-type forum inclusive of DSD, Treasury and Department of the Premier (DotP).

## 7. CONCLUSION AND RECCOMENDATIONS

Dr. Marlise Richter from Sonke Gender Justice facilitated the final session dealing with the general policy and implementation recommendations towards an improved law response to GBV. She summed up inputs from the plenary into three main themes:

- Challenging the social context
- Victim-centred services
- Implementation of laws and policies

In relation to challenging the social context, there is a need to transform the internal context of some of the institutions that we work with. The need to challenge the rape culture and toxic masculinities is work that needs to happen in all the forums and spaces in which people exist. Getting into schools and being able to transform or influence the curriculum is one way that the transformation can start taking place.

In terms of victim centered services, there was an emphasis on the communication with victims or survivors, with all stakeholders being aware of their roles and responsibilities in relation to rendering services to victims and survivors of GBV. There was an emphasis on the rollout of sexual offences courts that are well-staffed and well-resourced.

The third theme which came out very strongly was the implementation of policies and laws, with everyone saying that we have good policies and laws but what was lacking is the implementation thereof. There were some discussions about by-laws and how some of them are outdated.

In addition, some general recommendations were also noted, these include:

- Monitoring the implementation of the existing laws and legislation
- The need to build on existing interventions
- Enforcement of by-laws relating alcohol
- Implementation, coordination and collaboration
- Establish a multi-faceted and coordinated response to GBV
- Implementation of the Victims Charter, ensuring that all government departments know their roles and responsibilities
- There is a need to establish an effective communication mechanism between the SAPS FCS unit and civil society organisations.



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