

Opinion: Batho Pele, Public Service Charter! Abused Women just want better service

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At the end of August Minister of Public Service and Administration, Lindiwe Sisulu launched the Public Service Charter. According to the minister, “we launch the Public Service Charter with a fervent intent to professionalise and encourage excellence in the public service and to improve service delivery programmes.” She recognises the constitutional responsibility of the State to respect, protect, promote and fulfil the rights of citizens set out in the Bill of Rights; “and to deliver services to the citizenry commensurate with their hopes and aspirations”.

Flashback to 1997 when Zola Skweyiya, then Minister of Public Service and Administration, launched the White Paper on Transforming Public Service Delivery, also known as the *Batho Pele* (People First) White Paper. The *Batho Pele* strategy was underpinned by eight principles, some of which are to increase access to services, ensure higher levels of courtesy, provide more and better information to services, and increase openness and transparency about services. The White Paper provides for specific actions to be taken by government departments to deliver on the principles. It must be said that the White Paper is actually a good document and quite practical. But sadly, as with many other good government documents and laws, implementation is where it all goes pear shaped.

Police statistics indicate that South Africa has had an average of 2.9 civil unrest incidents per day, over the last three years. Most of these instances of civil unrest are service delivery protests where principles of service delivery such as the aforementioned access to services, higher levels of courtesy, better information to services, increased openness and transparency about services fail to reach communities. One area of inequitable, substandard service delivery has been very evident in the work we have done for many years.

So pardon my scepticism Minister Sisulu. Just ask the many women (and some men) who every single day attempt to access justice through our court system. A study conducted by Tshwaranang Legal Advocacy Centre to end violence against women (TLAC) and the Heinrich Boell Foundation, across nine courts in Johannesburg and Ekurhuleni shows that the legal system is still failing women. In this case, women who sought to access protection orders from these nine courts all had different experiences, most of them negative.

The Domestic Violence Act of 1998 (DVA) affords those living in domestically violent and abusive relationships an opportunity to apply for a protection order, a legal document most would be familiar with if it were referred to as a restraining order – blame American courtroom dramas. It is a court order that limits an alleged abuser’s access to the person being abused with the threat of arrest if and when contravened. The threat of arrest for contravening the protection order has proven to be an effective deterrent against beatings, insults, threats to children and harassment from calls, text messages and other means of contact by abusers. However this court order only has the desired effect if and when civil servants within the court system and South African Police Services (SAPS) enforce it.

Our research however, pointed to the fact that the Batho Pele principle of “higher levels of courtesy” and “provide more and better information to services” seems to fail to speak to the professionalism of certain court officials. Applicants of protection orders interviewed for the

research study were not always provided with complete and accurate information by court officials. Applicants were at times treated with disrespect – being yelled at or spoken harshly to when asking court officials for information. Applicants also made reference to how certain court officials would play Solitaire or troll the social media on court computers while applicants were waiting to be assisted. According to the Department of Justice and Constitutional Development (DOJCD), this issue was remedied by restricting access to these amenities.

77% of the applicants for protection orders across the nine courts, did not have English as their first language, yet the application forms are not provided in any other language besides English. Applicants spoke a wide range of South African languages, and there were some non-South African applicants who could only be assisted if they had a friend who understood English. This situation was compounded by the fact that a large number of applicants had to complete the forms on their own. In some cases, they asked for assistance from the security guard at the court. Only two of the nine courts had two NGOs available to assist applicants.

The amount of time applicants need to set aside in applying for protection orders is a problem that needs urgent attention. In a country where widespread poverty leaves so many desperate to eke out a living, where people need any opportunity to be economically active, this applicant's response shows how poor delivery touches the most desperate aspects of people's lives "time is an issue as some of us are working. I couldn't go to work today because of the wait." In fact, some women who need protection orders fail to apply for these because of a potential loss of income for hours, if not entire days. Their ability to assert their rights are forfeited in exchange for being able to feed themselves and their dependents.

Poor court infrastructure makes long waiting periods worse. Our research spoke of cases where a lack of infrastructure meant that clerks of the court had to share offices, affording no privacy to applicants, sharing intimate details about the trauma they experienced as victims of domestic violence. In other cases, waiting facilities were completely absent, where applicants have to wait in the rain and harsh elements for hours to obtain their orders.

Support services from the SAPS, in many instances failed to "respect, protect, promote and fulfil the rights of citizens" as is their constitutional duty as evidenced by applicant's testimonies. Where police have been issued a protection order to execute, or where an applicant has approached the police for assistance on domestic violence matters, some reported that they were rather met with misguided attempts at mediation on the issue, giving advisory gems such as "if you cook for your husband you will not fight and he will not beat you."

Threats and insults by perpetrators of domestic violence also seem to pass with impunity. At least two of our respondents had very similar accounts of police inaction "they should have arrested him, as he was insulting me in front of them" and "they should have arrested ...because he was busy threatening me in front of them."

When we ponder failures in service delivery and the principle of Batho Pele, we tend to limit our thinking to houses not being built, schools lying derelict as textbooks fail to arrive and angry masses taking to the streets to violently protest and set tyres alight in the streets. What we fail to remember is that these failures in service delivery have an intrinsic and

insidious influence on the lives of those bypassed by these most essential service delivery needs.

A protection order, in many instances, is the only protection women have from perpetual abuse that at times culminates in extremities such as murder. The lives of people are at stake here and when poor infrastructure, linguistic inaccessibility, poor professionalism and a failure to protect the most vulnerable from abuse is perpetuated, despite a 16 year old plan that was meant to remedy these failures, can the Minister of Public Service and Administration's charter be the turnaround we need?

With the unfortunate fate of most charters failing to be living documents and being relegated to gracing the halls of public buildings as no more than text covered wallpaper, the charter could and would have little success as the Batho Pele initiative.