

Criminal justice responses: assessing the implementation of the DVA in Gauteng

HBS/TLAC Launch of Shadow Report

10 September 2013



HEINRICH
BÖLL
STIFTUNG



Time	Agenda Item	Activity information	Presenters
10:00 - 10:30	Registration	Signing in, Tea & coffee	
10:30 – 10:40	Welcome	Welcoming and Agenda	Shireen Motara. Director, TLAC
10:40 – 10:50	Project	Background on project, other project activities and Domestic Violence in South Africa	Claudia Lopes, Project Co-ordinator, HBS
10:50 - 11:10	Presentation	Presentation of findings	Dianne Massawe, Senior Researcher, TLAC
11:10 -11:20	Presentation	POWA on working in courts	Teboho Mashota POWA
11:20 – 11:30	Presentation	Criminal Justice System and the DVA	Mr Joe Makume DOJ&CD
11:30 – 12:00	Presentation	Response to report findings and working in courts	Asha Ramla Chief Magistrate
12:00 – 1:00	Discussions	Questions & Answers	Dianne Massawe, Senior Researcher, TLAC
1:00 – 1:15	Final Inputs	How to take findings forward	Asha Ramla Chief Magistrate
1:15 – 1:30	Closing	Closing	Dianne Massawe, Senior Researcher, TLAC
1:30	Lunch		

About the “Enhancing State Response to GBV” project

- TLAC/HBS partnership – 2 year project implemented in Gauteng & Western Cape
- Aim of the project: capacitate civil society to hold the state accountable to the implementation of the DVA and SOA
- Components of project
 - Capacity building
 - Research
 - advocacy
- Activities have included:
 - shadow reports,
 - town-hall meetings with local government and community members;
 - awareness raising murals
 - roundtable discussions with MPs, MPL’s, parliamentary researchers, CSO
 - dialogues with Trade Unions, CSO and social movements

Violence against women in SA

- Crime police statistics on women:

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	Total per category
Murder	2 602	2544	2436	2457	2594	2286	14 919
Attempted Murder	3 362	3016	2966	3008	2842	2416	17 610
Sexual Offences	34 816	31 328	30 124	36 093	35 820	31 299	199 480
Common Assault	100 390	94 286	91 390	94 176	89 956	87 191	557 389
Assault GBH	69 132	64 084	61 509	62 143	60 630	57 345	374 843
Total	210 302	195 258	188 425	197 877	191 842	180 537	1 164 241

Focus on Domestic Violence

- Research:
 - 51 % of Gauteng women admitted to being victims of DV (Gender Links & MRC, 2010)
 - Only 3.9% of the sample reported the police (Gauteng)
 - 75% men admit to DV (Gauteng)
 - intimate partner violence is the leading cause of women's death, 1 in every 2 women killed is killed by her partner, more than double the rate in the US (MRC femicide study, 2009)
 - 1999 (1st study) – every 6 hrs a woman is killed by her intimate partner
 - 2009 (follow-up study) – every 8 hrs a woman is killed by her intimate partner
- If applying these ratios to female homicides of 2011/2012 – it is probable that out of the 2286 women, 1143 were victims of femicide = **95 women murdered every month or 3 women a day!**

The DVA & Protection Orders

The Criminal Justice System:

- 1st state response to DV was the Prevention of Family Violence Act (1993) – the act was limiting however & DV rates unacceptably high
- In 1997, the DOJ estimated that 1 in every 4 women were victims of DV
- In response to limitations and call for overhaul of the PFVA, the DVA was developed by the SA Law Commission & multi-sectoral group
- DVA is impressive but implementation has been problematic - in 2009, public hearings on the implementation of the act revealed:
 - non-compliance with DVA by police
 - failure of the police to attend to DV
 - failure to inform victims about their rights
 - “negative”, “demeaning” and “discriminatory” attitude of police and court officials
 - Officials ill-equipped to deal with DV
 - Problems accessing courts (during and after-hours)
 - undue delays in court processes
 - lack of privacy in court

The DVA & Protection Orders

- PC and SC on WCPWD made several recommendations to various gvt dpts
- Since the hearings, dpts have made presentations to parliament on progress of implementation
- But do problems persist while the rates of DV continue?
 - 1 in every 4 women is victim
(today: 26.6m females in SA, hypothetically = 6.65 million victims of DV)
 - Since the hearings to 2011: 668 865 interim PO's have been applied for
(av of 18 579 p/month p/year)
- Objective of TLAC/HBS study was to determine if people continue to experience similar challenges to those raised in 2009 and the impact that problems may cause