



EYE ON THE MONEY:  
WOMEN AND GOVERNMENT PRIORITIES  
IN SOUTH AFRICA



WOMEN'S LEGAL CENTRE

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**Authors:** Joy Watson  
Lisa Vetten  
Penny Parenzee  
Thokozile Madonko  
Sanja Bornman

**Edited by:** Christi Van der Westhuizen

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#### **The Women's Legal Centre**

7th Floor  
Constitution House  
124 Adderley Street  
Cape Town  
8000

Tel: 021 424 5660  
Fax: 021 424 5206

email: info@wlce.co.za

[www.wlce.co.za](http://www.wlce.co.za)

Design by Clarissa Harteveld



## FOREWORD

On 17 June 2014 President Jacob Zuma delivered his second State of the Nation Address (SONA) for the year, the African National Congress having won the June 2014 general elections.

It was apparent from the second SONA that the ruling party will move full-steam ahead with the priorities already outlined in the first SONA, and further articulated in the national budget, as outlined in February 2014.

The fifth administration has opted to appoint Susan Shabangu as the Minister for Women in the Presidency. In his second SONA, President Zuma stated,

*"The Minister in the Presidency responsible for Women's development, Ms. Susan Shabangu, will work with other Government departments, agencies, the private sector and non-governmental organisations, to promote women's socio-economic empowerment, development and human rights."*

While the appointment of Minister Shabangu and the co-operative spirit of the President's words are to be welcomed, the second SONA did not cast any further light on how the fifth democratic administration intends to spend its money in a way that will specifically improve the lives of women in South Africa. It was recognised that crime against women and children is a serious and all too pervasive problem, but no detail was provided on how the state intends to better equip the criminal justice system to combat it. The campaign to reduce maternal mortality will continue as part of the national health insurance scheme, but seemingly not intensified. It is government's intention to generate 1 million jobs in the agriculture sector by 2030, but no mention was made of women as beneficiaries with respect to these jobs, nor prioritizing women's access to and control of land.

The President also stated that the National Development Plan (NDP) will be the fifth administration's road map for socio-economic transformation. This does not augur well for women's poverty and inequality, as the NDP controversially fails to consider or address gender inequality, and there is no scope for re-shaping it now.

Over the next five years, the newly constituted parliamentary Portfolio Committee on Women in the Presidency will hopefully play an important oversight role in ensuring that government spending reaches women in a meaningful way.

18 June 2014

# EXECUTIVE SUMMARY

This review of the national budget for 2014, as delivered by finance minister Pravin Gordhan on 26 February 2014, gauges the extent to which government invests in what it has identified as priorities for the country and assesses the impact of government spending choices for the 2014/15 financial year on women. It looks back at spending during the 2013/14 financial year and how government departments that perform key functions in respect of women in South Africa chose to spend their share of the budget. The portfolios chosen for review include:

- 1 JUSTICE AND CONSTITUTIONAL DEVELOPMENT**
- 2 POLICE**
- 3 HEALTH**
- 4 RURAL DEVELOPMENT AND LAND REFORM**

The review raises issues to be monitored during the course of the 2014/15 financial year and beyond.

## JUSTICE

The 2014/2015 budget speech is entirely silent on the resources allocated to addressing violence against women. This, coupled with the fact that it is virtually impossible to track monies allocated to violence against women in the budgets of related departments, means that it is difficult to hold government to account on 1) its planning for expenditure in this regard and 2) its performance in relation to such expenditure.

The total national budget for 2014/2015 is an estimated R1.25 trillion. The spending priorities in terms of this are as follows:

|                                  |                |
|----------------------------------|----------------|
| Education and related functions: | R253,8 billion |
| Health:                          | R145,7 billion |
| Social protection:               | R144,5 billion |
| Housing and community amenities: | R142,9 billion |
| Economic affairs:                | R142,8 billion |
| Public order and safety:         | R115,7 billion |
| General public services:         | R65 billion    |
| Employment and social security:  | R57,3 billion  |

The provision of effective service delivery in the criminal justice system has clear gendered implications, which need to be planned for and costed. The department is also meant to give effect to the National Development Plan (NDP), which sets out the policy vision for building safer communities over the course of the next 16 years. The NDP acknowledges that violence against women is unacceptably high. It further links safety and security to socio-economic development and equality. The socio-economic status of women affects their experience of their constitutional rights and their recourse to justice when these rights are infringed. It acknowledges that women living in conditions of poverty, for example, where they have to use communal or open toilets or walk long distances through unsafe areas, are rendered particularly vulnerable from a safety perspective. One of the key components of the NDP policy vision is that the justice, crime prevention and security (JCPS) cluster must adopt a single set of objectives, priorities and performance measurement targets for the criminal justice system to allow for better inter-departmental collaboration.

The expenditure trends for the justice department over the medium term in terms of its spending focus will be on improving services in courts, re-engineering state legal services, implementing new pieces of legislation, opening high courts in Polokwane and Nelspruit and accelerating access to services. As a result, a significant part of the department's allocation over the medium term is expenditure on compensation of employees, property payments and capital expenditure in the programme on court services and the National Prosecuting Authority.

The department envisages that this spending will improve access to justice by increasing the number of high courts from 14 to 16 by 2015/16, re-establishing the sexual offences courts and increasing the number of criminal court cases finalised from 473,480 to 486,026 in 2016/17. Spending on infrastructure was at R784,6 million in 2013/14 and is expected to increase to R1 billion over the medium term. The gendered implications of the spending focus and trends should be closely monitored regarding violence against women.

**"THE GENDERED IMPLICATIONS OF THE SPENDING FOCUS AND TRENDS SHOULD BE CLOSELY MONITORED REGARDING VIOLENCE AGAINST WOMEN."**

In 2013, parliament's portfolio and select committees on women, children and persons with disabilities sourced information on the money spent on violence against women by the departments of justice and constitutional development, social development, health and police. This constituted part of an attempt to clarify spending on gender-based violence, which succeeded to some extent. The compilation of budgets is such that this information is not transparent. It is problematic that such clarification cannot be easily done, for example by civil society organisations seeking to hold government entities accountable. It is therefore unclear to what extent departments plan expenditure on violence against women.

Proper planning and costing are critical to ensuring the success of adequate service delivery. With the budget as silent as it is on expenditure on violence against women, there is no yardstick for measuring performance in relation to planning, costing and spending.

## POLICE

Addressing violence against women has been a stated policing priority since at least 1996 and the release of the National Crime Prevention Strategy. More recent policies and programmes have reaffirmed this prioritisation.

In the presidency's medium term strategic framework (MTSF) for 2009–2014, crime and corruption form part of government's 10 strategic priorities. The "intensification of efforts to combat crimes against women and children and the promotion of the empowerment of victims of crime" is listed as a sub-priority within this larger goal. The right to freedom and security is given expression in two key pieces of legislation: the Domestic Violence Act (116 of 1996) (DVA) and the Criminal Law (Sexual Offences and Related Matters) Amendment Act (32 of 2007) (SOA).

Parliament, the Independent Complaints Directorate (ICD) and the police have observed that police officers lack training on the DVA. The training programme appears to make some effort to address these past criticisms. It also represents an improvement on previous efforts, with 3,626 officers trained on domestic violence in 2008/09 and 3,181 in 2009/10. A greater reach is evident in sexual offences training. In 2009/10 a total of 67 "first responder to sexual offences" courses were conducted for 1,363 officers. In 2009/10, 69 courses around investigating sexual offences were offered to 1,302 general detectives and five family violence, child protection and sexual offences (FCS) investigation courses offered to 250 FCS and general detectives. The FCS units represent the SAPS's most feted intervention against violence towards women. Indeed, in the SAPS Strategic Plan for 2010 – 2014, the specialised FCS units are the only response to violence against women. In 2013, the minister of police reported that 176 such units existed nationally, staffed by 2,139 personnel.

The SAPS budget is allocated between five programmes: administration; visible policing; detective services; crime intelligence; and protection and security services. In the 2014 budget vote – but not the 2013 budget vote – the civilian secretariat for police (CSP) was referenced as a separate department within the budget. Other shifts include that while the SAPS's five strategic goals in 2013 listed crimes against women and children, the SAPS made no specific mention of crimes against women and children in 2014.

Initiatives to address sexual offences and domestic violence will largely be contained within the CSP and the visible policing and detective services programmes. Visible policing consumed almost half of the police's total budget (47,7 percent) in 2012/13 while detective services received 19,8 percent – less than the money allocated to administration (25,6 percent). Allocations to both increased in 2013/14, with visible policing now receiving 51,4 percent and detectives 20,7 percent while administration was reduced to 21 percent.

In 2014 a further objective was added to crime prevention: providing victim-friendly services to survivors of sexual offences and abuse. There is, however, no reference in the budget to funding for such rooms. The 2013/14 annual performance plan (APP) identifies the criminal asset recovery account as the source of funds to furnish and expand these facilities. SAPS policy documents do not reveal who staffs these rooms and so do not acknowledge the role of either local community volunteers or non-profit organisations in maintaining these victim-friendly facilities.

The CSP is a national office staffed by 55 people and consisting of four programmes, of which civilian oversight, monitoring and evaluation is directly relevant to initiatives addressing violence against women. This programme, which assesses police compliance with the DVA, employed 24 people in 2013/14 and accounted for the second-largest portion of the CSP budget after administration – comprising 25,8 percent and 38,6 percent of the budget, respectively.

## HEALTH

To assess government's performance with regards to women's health, it is important to look at both health policies and the budgets allocated towards achieving those policies from the perspective of women. Over the last 20 years, notwithstanding the great strides made with government's HIV and AIDS programmes, it has failed to adequately address the health needs of women. The department of health's 12-month progress report on the national health insurance pilot districts, produced in 2013, is presented in a generally positive tone but its findings illustrate the many challenges facing South Africa's health system. By the end of the 2012/13 financial year, only 77 percent of the budget allocated to the pilot districts through conditional grants had been spent. Moreover, 90 percent of the funds were only used in the fourth quarter of the financial year after the department of health revised its grant criteria. The report explains that this occurred because there was "the lack of specific and clear guidance on the range of NHI initiatives it could be used to support". Notably, all the districts undertook annual district health expenditure reviews, but no further information is provided in the progress report on the outcomes of these reviews.

It is clear that the government in 2013 failed, yet again, to incorporate gender into health policy and budgets. The annual district health barometer provides district-level data on key women's health issues – from maternal mortality and cervical cancer screenings to childhood immunisation and teen pregnancy rates. The barometer shows South Africa has yet to effectively implement measures to improve women's health. For example, maternal mortality rates continue to vary largely between provinces. Mpumalanga's maternal mortality rate is 175,8 per 100,000 births, while Limpopo's Capricorn district has a shocking maternal mortality of more than double the national average, at 292,2 deaths per 100,000 births. Furthermore, about half of women who die in childbirth succumb to AIDS-related infections, meaning that diagnosing women with HIV infection is critical.

The failure to address women's health holistically is also demonstrated by the department of health's failure to adequately address cervical cancer. The 2013/14 health budget speech raises the issue of cervical cancer as "one of the biggest killers of women". Despite it being a preventable disease, cervical cancer remains South Africa's biggest women's health problem, affecting one out of 41 women. In spite of the screening policy for cervical cancer, the national and provincial health department fail to ensure sufficient resources, for example, accessible and appropriately equipped and staffed facilities for diagnosis and treatment.

The section in the state of the nation address (SONA) 2014 dedicated to health focused on "the good story", namely 300 new health facilities being built, including 160 new clinics and 10 newly built or refurbished hospitals, over the past five years. This is important because women tend to access health services more than men because of their reproductive health needs. They are also still often responsible for the health of children and the elderly. While the SONA referred to violence against women and children, it again failed to recognise

"IN 2014 A FURTHER OBJECTIVE WAS ADDED TO CRIME PREVENTION: PROVIDING VICTIM-FRIENDLY SERVICES TO SURVIVORS OF SEXUAL OFFENCES AND ABUSE."

the correlation between this type of violence and women's health and the cost of gender-based violence to the health system. SONA 2014 neither addressed South Africa's high maternal mortality rate, nor did it provide any details on progress in the NHI pilot districts. Other glaring omissions were the ongoing problem of drug stock-outs and the outstanding decriminalisation of sex work.

The finance minister's 2014 budget speech highlighted that R41 billion had been spent on HIV and AIDS programmes over the past five years and that R43,5 billion is budgeted for the next three years. This spending is critical, and antiretrovirals (ARVs) alone have in just a few years increased the life expectancy of women by a decade. Still, he presented a budget that was essentially gender-blind, allowing real public spending to grow over the next three years at just 1,8 percent while gross domestic product is expected to increase by 3,2 percent on average.

## RURAL DEVELOPMENT AND LAND REFORM

Rural development and land reform have been priorities since South Africa entered into democracy. However, the conceptualisation of rural development and land reform policies has continuously focused on addressing racial inequalities, while giving minimal attention to the ways in which gender and sex intersect with race. In rural development and land reform, government generally frames commitments to gender inequality within a broader normative context or as an "add-on" listing women as a particularly vulnerable sub-set of intended beneficiaries – without establishing any mechanisms to effect the required changes. The consequence of the peripheral and increasingly invisible status of women is that their land needs, as voiced by women's movements and land rights organisations, have remained unaddressed.

In the 2013 SONA, the president identified rural development and land reform as priority areas. Nevertheless, the speech did not meaningfully engage with these issues. Of particular concern was the lack of recognition of rural women's challenges with respect to access to land, agrarian reform and food security. The failure to address the exclusion of women within land reform and land restitution was particularly worrisome considering that the president delivered the SONA during a period of heated debate about the Traditional Courts Bill. Advocacy groups drew attention to the implications of this bill in further entrenching discrimination against rural women.

It is apparent that the 2013 SONA set the tone in rendering women invisible in relation to rural development and agrarian reform over the 2013/14 financial year. The 2013/14 budget vote for rural development and land reform does not prioritise women. Instead, priorities are articulated through "gender-neutral" concepts such as "households", "claimants" and "small emerging farmers", which in practice results in the favouring of men. With the invisibility of women a constant theme during the 2013/14 financial year, the latter part of this period saw diminished prioritisation of the land reform and restitution programmes.

The 2014 SONA fleetingly mentioned land reform, with no reference to women. The diminished attention to rural development and land reform in the SONA was also apparent in the 2014 budget speech. The minister of finance limited input to supporting the NDP target of 1 million jobs in agriculture and land reform by 2030, with R7 billion in conditional grants allocated to provinces for supporting subsistence and smallholder farmers and improving agricultural extension services. While it appeared promising to have financial resources injected into support for subsistence and smallholder farmers – seemingly in line with the People's Budget's identified need for expansion of agricultural support – the nature of the support remained unclear, especially how it would differ from previous interventions beset by problems. The absence of any mention of rural women's position in respect to land indicated that once again, the prioritised plans and budgets for rural development and land reform fail to address women's inequality.

Demands must be placed on the department of rural development and land reform to formulate plans and budgets to address the rights and needs of rural women in a coherent and well-conceptualised manner.

"THE DIMINISHED ATTENTION TO RURAL DEVELOPMENT AND LAND REFORM IN THE SONA WAS ALSO APPARENT IN THE 2014 BUDGET SPEECH."



## INTRODUCTION

This review of the national budget for 2014, as delivered by finance minister Pravin Gordhan on 26 February 2014, gauges the extent to which government invests in its priorities for the country and assesses the impact on women of government spending decisions for the 2014/15 financial year. It also looks back at expenditure during the 2013/14 financial year and how government departments performing key functions in respect of women in South Africa chose to spend their share of the national budget.

**The priority areas chosen for this review include:**

- 1 Justice**, because the criminal and civil justice systems are where women go to exercise their constitutional rights and to access justice for violence perpetrated against them. It is also where women seek access to legal remedies made available through instruments such as the Domestic Violence Act and the Maintenance Act.
- 2 Police**, because this is where women and girls must report violence and receive assistance. The South African Police Service (SAPS) has wide-ranging legislative duties towards victims of domestic and sexual violence, who are most often women and girls.
- 3 Health**, because South Africa continues to have an unacceptably high maternal mortality rate, and women and girls between the ages of 15 and 24 are four times as likely as their male counterparts to become infected with HIV.
- 4 Rural development and land reform**, because women continue to bear the brunt of landlessness in South Africa and the slow pace of land reform is affecting women even more than men.



# JUSTICE AND CONSTITUTIONAL DEVELOPMENT



## 1 INTRODUCTION

This section analyses Vote 24, the budget of the department of justice and constitutional development in 2014/15. The budget speech is entirely silent on the resources allocated to addressing violence against women. Coupled with the fact that it is virtually impossible to track monies allocated to violence against women in the budgets of the related departments, it becomes difficult to hold government to account on its planning for expenditure in this regard and to monitor its performance in relation to such expenditure. The total national budget for all portfolios and entities in 2014/2015 is an estimated R1,25 trillion. The spending priorities are:

|                                  |                |
|----------------------------------|----------------|
| Education and related functions: | R253,8 billion |
| Health:                          | R145,7 billion |
| Social protection:               | R144,5 billion |
| Housing and community amenities: | R142,9 billion |
| Economic affairs:                | R142,8 billion |
| Public order and safety:         | R115,7 billion |
| General public services:         | R65 billion    |
| Employment and social security:  | R57,3 billion  |

# JUSTICE AND CONSTITUTIONAL DEVELOPMENT

Public order and safety sits relatively low down in the list of government priorities. This section examines only the justice component of public safety. In the 2014/15 budget allocation, the justice department received an appropriation of R17,892 billion. This has increased from the R16,7 billion allocated in 2013/14. The MTBPS was announced on 23 October 2013 with the tabling of the Adjustments Appropriation Bill and the Division of Revenue Amendment Bill. In terms of this, the department received an additional R72,3 million to cover the costs of increases in personnel remuneration. The amount, higher than anticipated, was used largely to cover the upgrading of clerical posts. The 2014/15 budget is allocated to five programmes, as reflected in the table below:

Table 1: Budget Summary – Department of Justice and Constitutional Development 2014/15

| Programme                                      |                        |
|--|------------------------|
| Programme 1: Administration                    | R1,853 billion         |
| Programme 2: Court Services                    | R6,060 billion         |
| Programme 3: State Legal Services              | R925 million           |
| Programme 4: National Prosecuting Authority    | R3,252 billion         |
| Programme 5: Auxiliary and Associated Services | R3,070 billion         |
| Judges' Salaries                               | R829 million           |
| Magistrates' Salaries                          | R1,901 billion         |
| <b>Total expenditure estimates</b>             | <b>R17,892 billion</b> |

## 2 STRATEGIC GOALS AND THE NATIONAL DEVELOPMENT PLAN

The spending priorities of the department should be contextualised in the framework of its strategic goals, which include the building of safer communities, fighting corruption and enhancing accountability. Key are improving the finalisation rates of cases, clearing the backlogs of criminal, civil and family matters in courts and at justice service points, providing access to quality guardian and probate services for citizens and giving the state better access to legal advice and services. The provision of effective service delivery in the criminal justice system has clear gendered implications, which need to be planned for and costed. The department is also meant to give effect to the NDP, which sets out the policy vision for building safer communities over the course of the next 16 years. The NDP acknowledges that violence against women is unacceptably high. It further links safety and security to socio-economic development and equality. The socio-economic status of women affects their ability to claim their constitutional rights and their recourse to justice when these rights are infringed. The plan acknowledges that women living in conditions of poverty, for example, where they have to use communal or open toilets or walk long distances through unsafe areas, are rendered particularly vulnerable. One of the key components of the NDP policy vision is that the justice, crime prevention and security (JCPS) cluster must adopt a single set of objectives, priorities and performance measurement targets for the criminal justice system to allow for better inter-departmental collaboration.

**"THE SOCIO-ECONOMIC STATUS OF WOMEN AFFECTS THEIR ABILITY TO CLAIM THEIR CONSTITUTIONAL RIGHTS AND THEIR RECOURSE TO JUSTICE WHEN THESE RIGHTS ARE INFRINGED."**

## 3 EXPENDITURE TRENDS

It is useful to locate the justice department's expenditure on gender-based violence (GBV) within its overall financial management in the 2013/14 period, when it received an allocation of R16,7 billion in 2013/14. Of a total of 55 targets planned for the year, 31 were not achieved.<sup>1</sup> This was largely due to inadequate monitoring of performance against targets. The Auditor General found that the department had not taken effective steps

1 Department of justice and constitutional development, 2012/13. *Annual Report*.

to prevent irregular, fruitless and wasteful expenditure.<sup>2</sup> In addition, the department did not prepare accurate and complete financial reports supported by reliable information. Moreover, it emerges at the top of a list of five departments most responsible for fruitless and wasteful expenditure. In 2012/13, it incurred fruitless and wasteful expenditure to the value of R39,2 million, followed by rural development and land reform (R35,7 million), Statistics South Africa (R6,7 million), public works (R4,3 million) and arts and culture (at R2,7 million). The period 2012/13 marked the justice department's first unqualified audit outcome in a seven-year period. However, one of the entities for which it is responsible, namely the South African Human Rights Commission, received a qualified audit opinion.

## 4 2013 BUDGET VOTE AND BUDGET REVIEW AND RECOMMENDATION REPORT

Some of the key issues in parliament's 2012/13 budget review and recommendation report on the department and from the quarterly expenditure reports in 2013 are the following:

- **Inability to meet targets:** On the whole, the department did not deliver on 31 out of 55 planned targets. The breakdown is as follows: in the administration programme, six out of 11 targets were missed; court services, eight out of 12 targets; and in state legal services, seven out of 11 targets. The NPA missed 57,5 percent of total programme indicators. Close scrutiny is required as to why delivery has been so poor. One related factor could be the fact that while the department has done steps in filling vacant posts, vacancies in key positions remain a challenge.
- **Sexual offences courts:** Both the NPA and Legal Aid South Africa indicated that they are not in a position to appoint additional prosecutors and legal aid practitioners unless additional funding is provided. Given this constraint, the NPA has removed all vacant posts from its staff establishment and is unable to fill any posts going forward. It will therefore be unable to provide additional prosecutors for new courts such as the dedicated sexual offences courts. Notwithstanding the prioritisation of the rollout of sexual offences courts, there does not appear to be additional funds for the establishment of these courts. The department has to report to parliament on progress made in 2014.
- **Capital expenditure:** While the budget to build new justice service points, including courts, is substantial, the department grapples with spending its capital expenditure budget largely due to delays on the part of the public works department. In 2012/13, only two percent of the budget for building and fixed structures was spent.
- **Maintenance of court buildings and security:** In the 2012/13 period the department did not report any maintenance work at court buildings, despite some buildings being old and deteriorating when not properly maintained. In July 2013 the department had 650 maintenance projects planned.<sup>3</sup> Budget constraints hampered progress and the extent of implementation is unclear. The cost of security at courts and other justice service points is a funding challenge yet to be resolved. Accruals, particularly those related to expenditure on security services, remain a challenge.
- **Integrated justice system:** In 2011 the JCPS cluster undertook an integrated justice system project to improve co-ordination of participating departments. Significant sums of money have been earmarked for the project but it has been slow to yield results.
- **Regular reporting on expenditure with regards to women, children and persons with disabilities:** The department is tasked with presenting quarterly reports on expenditure with regard to the implementation of laws affecting women, children and persons with disabilities. This includes information on what was spent on the implementation of the Child Justice Act, the Criminal Law (Sexual Offences and Related Matters) Amendment Act and the Children's Act. In the 2014/15 period, this output requires monitoring to ensure actualisation.

2 Ibid.

3 Portfolio Committee on Justice and Constitutional Development, 2013. "Budget review and recommendation report."

- National register for sexual offences:** Capturing the historical records of those convicted of sexual crimes has been sluggish. Given wasteful expenditure in terms of maintaining this register along with the register created in terms of the Children's Act, the decision has been to combine the registers and locate it in the department of social development. This will avoid duplication.
- Maintenance:** The maintenance turnaround project reports considerable success in the implementation of electronic transfer payments to maintenance beneficiaries. Currently, electronic transfer is used for 83 percent of all maintenance payments. This alleviates the risks associated with cash handled at service points, reduces travel costs for beneficiaries and addresses the problem of beneficiaries taking time off work to stand in long queues.

## 5 GENDER-BASED VIOLENCE IN SOUTH AFRICA

The table below provides a breakdown of cases of GBV as reported to the police.

*Table 2: Gender-based violence 2007 - 2012<sup>4</sup>*

|                         | 2007/08 | 2008/09 | 2009/10 | 2010/11 | 2011/12 | Total per category |
|-------------------------|---------|---------|---------|---------|---------|--------------------|
| <b>Murder</b>           | 2544    | 2436    | 2457    | 2594    | 2286    | 12 317             |
| <b>Attempted Murder</b> | 3016    | 2966    | 3008    | 2842    | 2416    | 14 248             |
| <b>Sexual Offences</b>  | 31 328  | 30 124  | 36 093  | 35 820  | 31 299  | 164 664            |
| <b>Common Assault</b>   | 94 286  | 91 390  | 94 176  | 89 956  | 87 191  | 456 999            |
| <b>Assault GBH</b>      | 64 084  | 61 509  | 62 143  | 60 630  | 57 345  | 305 711            |
| <b>Total</b>            | 195 258 | 188 425 | 197 877 | 191 842 | 180 537 | 953 939            |

The police emphasise the decline in numbers over the course of the years indicated. While technically this is correct, it can be misleading. The figures show that while there has been a drop in the number of reported sexual offence incidents in the last three years, there was in fact an increase in 2009/10. In 2007/08, women reported 31,328 cases of sexual offences. This increased to 36,093 in 2009/10 and then decreased to 35,820 in 2010/2011 and 31,299 in 2011/12. Comparing the 2011/12 figure of 31,299 to the 2007/08 figure of 31,328, the marginal difference calls into question claims of crime prevention strategies succeeding in reducing incidents of violence. The evidence suggests the opposite. Given the disincentives for reporting sexual crimes, it is known that the reported statistics do not give a real indication of the extent of violence against women. Barriers include stigmatisation, the perception that nothing will come of reporting and fear of secondary victimisation.

Studies on violence against women give a more useful indication of the extent of such violence. A 2009 study conducted by the Medical Research Council, for example, shows that intimate femicide is the leading cause of female homicide in South Africa and that 56 percent of female homicides are committed by an intimate partner, which is double the rate of that of the USA.<sup>5</sup> Other research by the Medical Research Council shows that 27,6 percent of a sample of men interviewed in the Eastern Cape and KwaZulu Natal and 37 percent of the men in Gauteng admitted to having raped a woman. The study finds that the high prevalence of rape is embedded in ideas about South African manhood.<sup>6</sup> These studies suggest that what we know about violence against women in terms of reported incidents is a mere fragment of the whole picture. Violence against women should be understood in the context of gender inequity, heteronormativity and problematic constructions of masculinity.

As far as domestic violence is concerned, there were 208,747 applications for protection orders in 2011/12 and 246,609 applications in 2012/2013, an increase of 18 percent.<sup>7</sup> In the same period, the number of interim protection orders granted increased by 34 percent (from 112,934 to 151,423) while the number of warrants of arrest issued on protection orders increased by 40 percent (from 24,523 to 34,419). As far as the criminal cases for domestic violence is concerned, there was a slight drop (four percent) in 2012/13. The total number of criminal cases outstanding from 2012/2013 is 3,369.

The level of violence against women in South Africa is alarmingly high. If government is to have any hope at both preventing such violence and providing efficient service delivery, this has to be underpinned by adequate budgeting in this regard. Yet, close scrutiny of departmental budgets shows that it is virtually impossible to track such expenditure.

## 6 SPENDING ON VIOLENCE AGAINST WOMEN

In 2013, parliament's portfolio and select committees on women, children and persons with disabilities sourced information on the money spent on violence against women by the departments of justice and constitutional development, social development, health and police. It was part of an attempt to "demystify" state spending on GBV. In terms of the department of justice and constitutional development's expenditure in this regard, the following was established:

- Specialist staff in the department:** The department allocated an amount of R72 405 823 for specialist staff services in 2012/13. This included the costs of 37 dedicated district magistrates to preside over domestic violence cases, intermediaries, 15 regional magistrates (out of a total of 276 magistrates) to preside over sexual offences cases and 35 clerks dedicated to domestic violence cases (out of a total of 3,670 clerks appointed nationally). No domestic violence clerks were appointed in the North West, Mpumalanga, Limpopo or Northern Cape. No specialist prosecutors are appointed by the NPA to deal with sexual offences other than the prosecutors charged with managing sexual offences at Thuthuzela Care Centres.
- NPA training on domestic violence and sexual offences:** The NPA was unable to indicate how much money is made available for training on GBV, as the budget is allocated generically to the sexual offences and community affairs unit and not specifically to domestic violence and sexual offences. This makes it difficult to assess value for money.
- Family courts:** Of the 476 district courts, 229 courts have set up domestic violence divisions. Of the 476 courts, there are a total of six family courts nationally. This would seem hopelessly inadequate, given the 246,609 domestic violence civil cases and 11,700 criminal cases in 2012/13. The department would need to reassess and consider rolling out additional family courts, particularly in peri-urban and rural areas.
- Sexual offences courts:** In terms of sexual offences, there are 567 regional courts nationally. Of these, 298 operate as dedicated sexual offences courts in that they are meant to give priority to the adjudication of sexual offences matters, even though they deal with other criminal matters as well. Some 57 new sexual offences courts are envisaged. However, no sexual offences courts are planned for the rural areas in Gauteng in the next three years. Limpopo will also not have a sexual offences court in an urban or semi-urban area and the Free State, KwaZulu Natal, Mpumalanga, Northern Cape and North West will have no sexual offences courts in semi-urban areas. The department estimates that the initial cost per sexual offences court will be an estimated R3.8 million per court. It further reports that an estimated R22 million has been budgeted for the first 22 courts.<sup>8</sup> This means that an estimated amount of R1 million is available per court, falling short of projected costs.
- Court preparation:** The NPA court preparation programme, Ke Bona Lesedi,<sup>9</sup> aims to prepare witnesses to give reliable testimony. The programme ensures that witnesses understand the court environment, legal terms and processes. Court preparation services also entail victim impact statements to ascertain the

<sup>4</sup> SAPS Crime Statistics, 2011/2012

<sup>5</sup> Abrahams, N, Mathews, S, Martin L, Lombard C, Jewkes R, 2013. "Intimate Partner Femicide in South Africa in 1999 and 2009." In PLoS Med 10(4).

<sup>6</sup> Jewkes, R, Sikweyiya, S, Morrell, R, and Dunkle, K, 2009. "Understanding men's health and use of violence: interface of rape and HIV in South Africa." June.

<sup>7</sup> SAPS, 2012/2013. Annual report.

<sup>8</sup> Information submitted by the Department of Justice and Constitutional Development at the request of the SC on Women, Children and Persons with Disabilities, 2013.

<sup>9</sup> Translated as "I see the light".

effects of a traumatic event on a child and family. The statements are presented at sentencing stage and are used by the presiding officer when considering sentencing. The statements also play a therapeutic role for victims dealing with trauma. Court preparation officers are charged with preparing victims for court, with the NPA absorbing the costs. Since 2001, 140 such officers have been appointed. At the time of reporting, 10 posts were vacant. The entry-level salary for a court preparation officer is R129 780 per annum. The estimated total cost to the department in this regard is R18 169 200. Court preparation services are only provided at 149 courts across the country, increasing steadily from 76 courts in 2009/10 to 89 courts in 2010/11 to 149 courts in 2011/2012. However, significant further expansion is needed, given the total number of 476 district and 567 regional courts. The NPA reports a high demand for court preparation services and a considerable increase in requests from prosecutors for the creation of additional court preparation posts, especially in the rural areas.<sup>10</sup> Problematically, no court preparation officers are employed in Limpopo and Mpumalanga, meaning the service does not exist in these predominantly rural provinces.

- **Research on gender-based violence:** In the 2012/2013 period, the department spent just over R2 million on research. However, no assessment of service delivery was done, which would be critical for improving support to victims of gender-based violence.
- **Thuthuzela Care Centres (TCCs):** Victims should be able to access a range of different services at these one-stop centres, which have a vital role to play in reducing secondary victimisation in the criminal justice system. The NPA distinguishes between fully and partially operational TCCs, which refers to how equipped a centre is to provide support. Each TCC should have a site co-ordinator, a victim assistant officer and a case manager. Fully operational TCCs have at least two of the three posts filled and have a designated victim-friendly space. Partially operational TCCs provide services to victims but lack operational standards such as the full staff complement, the victim-friendly space and vital equipment. On average, the annual operational costs for a TCC is R1 002 303. The NPA currently spends a total of R33 920 037 per annum to run the 35 fully operational TCCs. Together with the partially operational TCCs, there are a total of 51 TCCs nationally. On the whole, the model works well and should be expanded. The single most important consideration is government not allocating enough resources for the centres' optimal functioning. NGOs currently provide much needed resources to ensuring the financial viability of TCCs. These problems should be flagged for review.
- **Legal Aid:** Gender-based violence costs the state in terms of legal aid to victims of domestic violence. In 2012/13, legal aid practitioners represented a total of 2 239 victims of domestic violence in applications for protection orders at an average cost of R4 372. The total legal aid costs for that year amounted to R9 790 385. Legal aid is not required for victims of sexual violence, as they are complainants in criminal cases and therefore serve as witnesses for the state.
- **Sexual offences register:** The annual expenditure on maintaining the sexual offences register amounts to R8 million, including the cost of manual gathering of historical convictions from court archives. It, however, excludes the expenses associated with the interface between the information systems of the SAPS and departments of correctional services department, health and justice.

## 7 BUDGET 2014: LOOKING AHEAD

The department's spending focus over the medium term will be on improving court services, re-engineering state legal services, implementing new legislation, opening high courts in Polokwane and Nelspruit and accelerating access to justice services.<sup>11</sup> As a result, a significant part of the department's allocation over the medium term is to the court services and NPA programmes for compensation of employees, property payments and capital expenditure. The department hopes to improve access to justice by increasing the number of high courts from 14 to 16 by 2015/16, re-establishing the sexual offences courts and increasing the number of criminal court cases finalised from 473,480 to 486,026 in 2016/17. Spending on infrastructure was at R784,6 million in 2013/14

<sup>10</sup> Department of Justice and Constitutional Development, 2013. Information submitted at the request of the select committee on women, children and persons with disabilities.

<sup>11</sup> See Estimates of National Expenditure 2014/15.

and is expected to increase to R1 billion over the medium term. The gendered implications of the spending focus should be closely monitored in relation to violence against women. The department established a task team comprising civil society organisations and key government departments in the JCPS cluster to develop an intervention strategy to address violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The goal is to develop a policy framework. It is unclear how much has been budgeted for interventions in this regard. Expenditure will therefore require close monitoring. The following is a brief synopsis of amounts allocated to departmental programme in 2014/15 directly relevant to gender:<sup>12</sup>

**Court services:** The programme received an appropriation of about R6 060,5 billion. The programme facilitates the resolution of criminal and civil cases and family law disputes by providing administrative support to the courts and manages court facilities. Goals set for the medium term include:

- *Reduce case backlogs from 33,504 in 2013/14 to 28,764 by 2016/17.*
- *Upgrade 15 regional courts into sexual offences courts by 2014/15.*
- *Establish an integrated information management system to facilitate the implementation of the Prevention and Combating of Trafficking in Persons Act (7 of 2013).*
- *Provide adequate family law litigation and mediation services to protect the interests of children by increasing the percentage of court reports filed by the family advocate.*

The spending focus over the medium term will be on improving the administration of courts and case flow management and building and refurbishing courts.

**State legal services:** This programme received an amount of R925 million. One of its objectives is the implementation of the Promotion of Equality and Prevention of Unfair Discrimination (4 of 2000), particularly training in this regard for civil society organisations in all provinces. The programme also promotes and protects the rights of LGBTI people.

**National Prosecuting Authority:** The NPA received an allocation of R3 252,9 billion. Its objectives over the medium term include:

- *Improving the rate of successful prosecutions.*
- *Improving the number of convictions in regional and high courts.*
- *Increasing the number of Thuthuzela Care Centres from 43 in 2013/14 to 60 in 2016/17.*

The bulk of spending in this programme in the medium term will be on the compensation of employees. The department will also focus its spending on capacitating prosecution services, a sub-programme which deals with priority crimes, litigation, sexual offences, community affairs and specialised commercialised crime.

**Auxiliary and associated services:** This programme received an allocation of R3 070,0 billion. One of its sub-programmes is Legal Aid South Africa, providing legal representation to indigent people at the state's expense.

## 8 CONCLUSION

The parliamentary initiative to source information on expenditure by departments on violence against women managed to clarify some of the spending. However, it is problematic that this is not something that can be easily done, especially for civil society organisations. Furthermore, budgets are compiled in a way that obscures this information. The extent to which departments plan expenditure on violence against women is therefore not clear, as it is not visible in budget documents such as the Estimates of National Expenditure. Proper planning and costing are critical to ensuring the success of adequate service delivery. With the budget as silent as it is on expenditure on violence against women, there is no yardstick for measuring performance in relation to planning, costing and expenditure. A real need exists to re-establish a women's budget initiative, both within the state and within civil society so as to ensure greater accountability. Without such a gender lens, expenditure on violence against women remains invisible, a reality that seriously jeopardises the ability to successfully intervene in alarmingly high levels of gender-based violence.

<sup>12</sup> Ibid.



## 1 INTRODUCTION

In the first matter dealing with violence towards women heard by the Constitutional Court, Judge Sachs clearly articulated the state's duty to address such violence:

*Read with section 7(2), section 12(1) has to be understood as obliging the state directly to protect the right of everyone to be free from private or domestic violence. Indeed the state is under a series of constitutional mandates which include the obligation to deal with domestic violence: to protect both the rights of everyone to enjoy freedom and security of the person and to bodily and psychological integrity. And the right to have their dignity respected and protected, as well as the defensive rights of everyone not to be subjected to torture in any way and not to be treated or punished in a cruel, inhuman or degrading way (*S v Baloyi 2000 (1) BCLR 86 (CC)* at para 11).*

This review briefly examines how the police, through their policies and programmes, have interpreted this obligation and funded these initiatives. It outlines the normative policy framework upholding women's right to freedom and security and then examines the various structures and programmes introduced by the police in this regard. The extent to which the budget gives financial expression to these policies and programmes concludes this scrutiny.

## 2 STRATEGIC GOALS AND THE NATIONAL DEVELOPMENT PLAN

Addressing violence against women has been a stated policing priority since at least 1996 and the release of the National Crime Prevention Strategy. More recent policies and programmes have reaffirmed this prioritisation. In the presidency's medium term strategic framework (MTSF) for 2009-2014, crime and corruption form part of government's 10 strategic priorities. The "intensification of efforts to combat crimes against women and children and the promotion of the empowerment of victims of crime" is listed as a sub-priority within this larger goal.<sup>13</sup> The JCPS cluster echoed this call to step up efforts to combat violence against women and in 2010 committed the police to reducing serious and violent crimes such as rape and domestic violence by 4-7 percent<sup>14</sup> per annum.<sup>15</sup> For its part, the NDP's vision for 2030 is for all people to feel safe and have no fear of crime – a time when women can walk freely in the street.

More concretely, the right to freedom and security is given expression in two key pieces of legislation: the Domestic Violence Act (116 of 1996) (DVA) and the Criminal Law (Sexual Offences and Related Matters) Amendment Act (32 of 2007) (SOA). The DVA and its accompanying regulations place a series of legal duties upon law enforcement agents. These include: supporting complainants to find suitable shelter or obtain medical treatment; and providing complainants with information about their rights in the language of their choice, with associated criminal and civil remedies. Police officers are further obligated to serve notice on the abuser to appear in court;<sup>16</sup> serve protection orders;<sup>17</sup> arrest an abuser who has breached a protection order or committed a crime,<sup>18</sup> even without a warrant;<sup>19</sup> remove weapons from the abuser or the home;<sup>20</sup> and accompany the complainant to collect personal items from her/his residence.

Non-compliance with these duties may be dealt with as a form of misconduct in terms of the South African Police Service Act of 1995,<sup>21</sup> with monitoring and oversight of the police's adherence to these prescripts previously made the task of the Independent Complaints Directorate (ICD).<sup>22</sup> This responsibility was transferred from the ICD to the civilian secretariat for police (CSP) on the promulgation of the Civilian Secretariat for Police Act of 2011 (operationalised in 2012). The CSP's functions in relation to domestic violence, specifically, are set out in sections 6(c) and (d) and comprise monitoring and evaluation of the police's compliance with the act, as well as making recommendations to the police regarding disciplinary procedures and measures to be adopted in cases of non-compliance. While the ICD was empowered to receive complaints of non-compliance, the legislation governing the CSP is silent on this.

Whereas the DVA falls within the domain of civil law, rape and other sexual offences largely occupy the realm of criminal law, with the SOA fundamental to determining how sexual offences are dealt with. Unlike the DVA, it does not prescribe duties to the police equivalent to those contained in the DVA. The national police commissioner is, however, obligated to report on an annual basis to parliament both on the progress of sexual offences training<sup>23</sup> and the police's implementation of the SOA.<sup>24</sup> Other legislation relevant to sexual offences

"FOR ITS PART, THE NDP'S VISION FOR 2030 IS FOR ALL PEOPLE TO FEEL SAFE AND HAVE NO FEAR OF CRIME – A TIME WHEN WOMEN CAN WALK FREELY IN THE STREET"

includes the Criminal Procedure Act of 1977 and the Criminal Law (Forensic Procedures) Amendment Act 37 of 2013 (operationalised in 2014). Amongst other things, the latter prescribes how forensic samples may be taken and establishes a national DNA database – central to investigating stranger and serial rape matters.

## 3 PROGRAMMES AND ACTIVITIES ADDRESSING DOMESTIC VIOLENCE AND SEXUAL OFFENCES

Consistent with previous policing documents, the annual performance plan (APP) for 2013/14 singles out gender-based violence for attention and proposes some specific activities to address the problem. These include participation in the national council on gender-based violence; training on sexual offences and the DVA; furnishing and expanding victim-friendly facilities; and providing further unspecified resources to the family violence, child protection and sexual offences (FCS) units.<sup>25</sup> Although highlighting the justice department's reintroduction of the sexual offences courts as an illustration of the escalation of efforts against violence towards women, the implications of this for the police in particular are not detailed. Legislative developments such as the Protection from Harassment Act and the pending Combating of Trafficking in Persons Bill are notable but no corresponding training on these laws is suggested.

Given the proposed targets for reducing contact crimes such as sexual offences and domestic violence, a surprising disappearance is the Anti-Rape Strategy. It was listed as a social crime prevention initiative in the 2009 SAPS annual report: an interdepartmental management team programme focused on two aims, namely prevention and the improvement of criminal justice responses to survivors of sexual offences. The content and scope of the former aim is unknown, while the latter finds expression in the establishment of the Thuthuzela Care Centres (SAPS Strategic Management, 2009: 81).

### Training

The APP for 2013/14 suggests increased police attention to training on prevention of violence against women. The two biggest training courses teach firearm competency (2,451 courses, reaching 74,000 members) and child justice (698 courses training 14,754 officers) and the third and fifth-largest address sexual offences and domestic violence respectively. The planned "first responder to sexual offences" is intended to reach 7,500 officers through 470 courses while a separate 460 courses around domestic violence will reach 6,500 officers.<sup>26</sup> Other, smaller training programmes include five courses for 250 people around investigating family violence and child protection matters; 21 courses dealing with victim empowerment reaching 2,400 people; and 59 courses for 1,319 people teaching the investigation of sexual offences.<sup>27</sup>

Over the years, parliament, the ICD and the police have observed that police officers lack training on the DVA,<sup>28</sup> as has the Auditor General. The APP's proposed training programme thus appears to make some effort to address past criticisms. It also represents an improvement on previous efforts, with 3,626 officers trained on domestic violence in 2008/09 and 3,181 in 2009/10.<sup>29</sup> In the same time period, 1,122 and 1,089 officers respectively attended training on victim empowerment. A greater reach is also evident in sexual offences training. In 2009/10 a total of 67 "first responder to sexual offences" courses were conducted for 1,363 officers.<sup>30</sup> In 2009/10, 69 courses around investigating sexual offences were offered to 1,302 general detectives and five FCS investigation courses offered to 250 FCS and general detectives.<sup>31</sup>

13 Presidency, 2009. "Together Doing More and Better Medium Term Strategic Framework: A framework to guide government's programme in the electoral mandate period 2009-2014." p.31 Available at: [http://www.thepresidency.gov.za/docs/pcsa/planning/mtsf\\_july09.pdf](http://www.thepresidency.gov.za/docs/pcsa/planning/mtsf_july09.pdf)

14 Prior to this revision the target had been set in 2004 at 7-10 percent.

15 SAPS Strategic Management, 2010. "South African Police Service Strategic Plan 2010 to 2014". Pretoria: South African Police Service. p. 5.

16 Section 8(4)(c)

17 Section 13

18 Section 8(4)(b)

19 Section 3

20 Section 9

21 Section 18(4)

22 Now known as the Independent Police Investigative Directorate (IPID)

23 SOA section 66(5)(b)

24 SOA section 65(3)

25 SAPS Strategic Management, 2013. "Annual Performance Plan 2013/2014." Pretoria: South African Police Service.

26 SAPS Strategic Management, 2013. pp. 43-44.

27 Ibid.

28 See pmg.org.za, 31 October 2007; 18 June 2008; 27 August 2008

29 SAPS Strategic Management, 2009 and 2010.

30 Vetten, L, Le, T, Leisegang, A, and Haken, S, 2010. "The Right and Real: A Shadow Report Analysing Selected Government Departments' Implementation of the 1998 Domestic Violence Act and 2007 Sexual Offences Act." Johannesburg: Tshwaranang Legal Advocacy Centre.

31 Ibid.

#### **Family violence, child protection and sexual offences (FCS) units**

The FCS units represent the SAPS's most feted intervention against violence towards women. Indeed, in the SAPS Strategic Plan 2010-2014 the specialised FCS units are the only response to violence against women.<sup>32</sup>Effectively dismantled in 2006 by disgraced former police commissioner Jackie Selebi, these units were restored to full operation in 2011. In 2013 police minister Nathi Mthethwa reported that 176 such units existed nationally, staffed by 2,139 SAPS personnel. This number included 79 forensic social workers<sup>33</sup> who supported the work of the detectives by conducting assessments, compiling reports and presenting their findings in court.<sup>34</sup>

However, as is implied in the training data for 2009/10, sexual offences are not exclusively investigated by FCS detectives – some cases are also managed by general detectives. Likewise, all domestic violence matters are not handled by the FCS units either; their mandate in such matters being limited to cases involving attempted murder and assault with intent to cause grievous bodily harm (GBH). Breaches of protection orders will also only be investigated when they form part of assault GBH or attempted murder cases already being handled by a particular unit. Because most domestic violence complaints to the police do not result in criminal charges requiring investigation,<sup>35</sup> an approach that relies purely on the units will not be adequate to the problem. Against this backdrop, the next section examines the funding of these policy and programme commitments.

## **4 EXPENDITURE TRENDS: SAPS BUDGET VOTES 2013 AND 2014**

The SAPS budget is divided among five programmes: administration, visible policing, detective services, crime intelligence, and protection and security services. In the 2014 budget vote (but not the 2013 budget vote), the CSP was referenced as a separate department within the SAPS budget. Other shifts are also evident between the 2013 and 2014 budgets. In 2013 the SAPS's five strategic goals were listed as reducing the number of all serious, contact and trio<sup>36</sup> crimes; increasing activities preventing and combating border crime; increasing the percentage of court-ready case dockets for all serious, contact and trio crimes; increasing the detection rate for all serious crimes, contact crimes and trio crimes, including organised crime and crimes against women and children; and increasing the conviction rates for all serious, contact and trio crimes. In 2014 the SAPS sought to decrease only the number of serious crimes (leaving unanswered the question whether contact and trio crimes<sup>37</sup> had been subsumed within the category of serious crime or been dropped altogether); combat border and cybercrime; increase the percentage of trial ready case dockets for serious crimes; and stabilise public protests and enhance local police capability.<sup>38</sup> The performance indicators applicable to these goals were altered accordingly.

Initiatives to address sexual offences and domestic violence will largely be contained within the visible policing and detective services programmes, as well as the CSP. Visible policing consumed almost half of the police's total budget (47,7 percent) in 2012/13 while detective services took 19,8 percent, which was less than the percentage allocated towards administration (25,6 percent). Allocations towards both increased in 2013/14, with visible policing receiving 51,4 percent and detectives 20,7 percent while administration

**"INITIATIVES TO ADDRESS SEXUAL OFFENCES AND DOMESTIC VIOLENCE WILL LARGELY BE CONTAINED WITHIN THE VISIBLE POLICING AND DETECTIVE SERVICES PROGRAMMES..."**

<sup>32</sup> SAPS Strategic Management, 2010. p.15.

<sup>33</sup> In the copy of the budget speech accessed at [www.pmg.org.za](http://www.pmg.org.za), it states "in support of the investigation of such crimes, 2,139 forensic social workers were appointed. These include 79 forensic social workers..." Based on the ordering and logic of these two sentences, I have treated the first reference to forensic social workers as an error and thus referred to "personnel".

<sup>34</sup> Minister of Police, 2013. "2013 Budget Speech & Responses by ANC and DA." 30 May. Available at: <http://www.gov.za/speeches/view.php?sid=36938>

<sup>35</sup> Vetten et al, 2010; Vetten, L, Jewkes, R, Fuller, R, Christofides, N, Loots, L and Dunseith, O, 2008. Tracking Justice: The attrition of rape cases through the criminal justice system in Gauteng. Johannesburg: Tshwaranang Legal Advocacy Centre/South African Medical Research Council/Centre for the Study of Violence and Reconciliation.

<sup>36</sup> Trio crimes refer to house robberies, vehicle hijackings and business robberies.

<sup>37</sup> National Treasury, 2013. "Vote 25: Police. Estimates of National Expenditure." p.1. Available at: <http://www.treasury.gov.za/documents/national%20budget/2013/enebooklets/Vote%2025%20Police.pdf>

<sup>38</sup> National Treasury, 2014. "Vote 25: Police. Estimates of National Expenditure." p.1. Available at: <http://www.treasury.gov.za/documents/national%20budget/2014/enebooklets/Vote%2025%20Police.pdf>

was reduced to 21 percent. The purpose of both programmes remained unchanged between the two years, however. Visible policing aims to enable police stations to institute and preserve safety and security and provide for specialised interventions and the policing of South Africa's borders, and detective services seeks to enable the investigative work of the SAPS.

#### **Visible policing**

Visible policing is further divided into three sub-programmes: crime prevention, border security and specialised interventions, with a fourth sub-programme – facilities – introduced in 2014. The crime prevention sub-programme is responsible for addressing sexual offences and domestic violence, even though no tangible strategies for doing so are outlined in either of the budget votes or the 2013/14 APP. This raises questions about precisely how the SAPS are reducing rape. SAPS data for Gauteng specifically showed that the rate of reported sexual offences declined by 43,3 percent in the province between 2008/09 and 2012/13.<sup>39</sup> However, it is not clear whether the police data were measuring a reduction in the number of rapes reported to them, or an actual reduction in the incidence of rape. Interviews conducted in Gauteng in 2010 by Gender Links and the Medical Research Council found that a quarter of women in the study had been raped over the course of their lifetimes while almost one in 12 women had been raped in 2009. But one in 13 women raped by a non-partner reported the matter, while only one in 25 of women raped by their partners reported this to the police.<sup>40</sup>

In 2014, a further objective was added to crime prevention: providing victim-friendly services to survivors of sexual offences and abuse.<sup>41</sup> Such a service is defined in terms of two criteria: dedicated infrastructure for statement-taking and frontline staff trained to deal with victims. The second intervention singled out by the police as addressing violence against women is the victim-friendly room. In 2013 it reported that 919 stations had such a room, dedicated to statement-taking and by the 2013/14 financial year, it was proposed that all stations would have such a facility.<sup>42</sup> There is, however, no reference in the budget to funding for these rooms. This information is contained in the 2013/14 APP which identifies the criminal asset recovery account as the source of funds to furnish and expand these facilities. SAPS policy documents also do not reveal who staffs these rooms and thus do not acknowledge the role of either local community volunteers or non-profit organisations in maintaining these victim-friendly facilities. Certainly the budget votes do not allow for the remuneration of these services.

The two budget votes do provide some insight into the budget and expenditure of funds on training and development, even if this is not disaggregated by the different courses. In 2012/13, R1 083 million was allocated towards these activities,<sup>43</sup> but only R353 million spent, according to the 2014 budget vote.<sup>44</sup>

#### **Detective services**

The detective services programme comprises four sub-programmes: criminal investigations, criminal record centre, forensic science laboratory and specialised investigations. Each of these – with the exception of specialised investigations which largely deals with organised crime – is relevant to the investigation of sexual offences and domestic violence.

Criminal investigations incorporates the FCS units, so it is within this sub-programme that monies for their various needs will be housed. However, while the SAPS Strategic Plan for 2010-2014 noted the need for resources to be allocated to the FCS units,<sup>45</sup> it did not detail the nature of these resources so it is difficult to know whether or not these have been adequately provided. What is evident from the budget votes is the SAPS's investment in the training and development of detectives. Between 2009/10 and 2012/13 these allocations increased by

<sup>39</sup> South African Police Service, 2013. "An Analysis of the National Crime Statistics 2012/13." Pretoria: South African Police Service. p.18.

<sup>40</sup> Machisa, M, Jewkes, R, Lowe Morna, C, and Rama, K, 2010. The War at Home – GBV Indicators Project. Cyrildene: Gender Links.

<sup>41</sup> Treasury, 2014.

<sup>42</sup> Minister of Police, 2013; Treasury, 2014.

<sup>43</sup> Treasury, 2013: 9

<sup>44</sup> Treasury, 2014: 11

<sup>45</sup> SAPS Strategic Management, 2010: 15.

128 percent, with R7 010 million allocated towards these functions in 2012/13.<sup>46</sup> However, the 2014 budget vote suggests that R33 545 million was actually spent and R10 929 million set aside for training in 2013/14. As was the case with the wide fluctuation in the visible policing training expenditure, no explanation is provided for this divergence. The sub-programme crime prevention, which incorporates the FCS units, shows similar increases. In 2012/13, R5 133 million was allocated towards training<sup>47</sup> but R6 241 million spent.<sup>48</sup> Some R8 899 million was set aside for training and development in 2013/14.

The budget for travel and subsistence in crime investigations also increased by 19.2 percent between 2009/10 and 2012/13, with R66 989 million allocated towards this in 2012/13.<sup>49</sup> These increases would enable a greater number of visits to crime scenes and witnesses (especially those outside of the investigating officer's province), as well as the collection and delivery of evidence. In 2012/13, R66 059 million was spent on travel and subsistence and R98 556 million set aside towards this in 2013/14.<sup>50</sup>

Prior research examining the attrition of rape cases in Gauteng found the availability of a report on DNA to make no difference to the likelihood of conviction.<sup>51</sup> DNA reports were available in very few cases, however – both because sexual assault evidence crime kits were very infrequently analysed and the suspect's blood rarely taken for comparison against any DNA identified by the laboratory. The former reflects challenges in the efficiency of the forensic science laboratory while the latter is a reflection of inadequate investigation. In 2012/13 the laboratory analysed 57,6 percent of its exhibits within 28 days, attributing the failure to meet its target of 92 percent to the backlog in analyses. Data from the first half of 2013/14 suggested that the laboratory was likely to miss its target again, having analysed 67 percent of exhibits as opposed to 93 percent within 28 days.<sup>52</sup> DNA evidence may thus still be making only a limited contribution to rape prosecutions.

#### Civilian secretariat for police

The CSP is a national office staffed by 55 people, consisting of four programmes: administration; legislation and policy development; intersectoral co-ordination and strategic partnerships; and civilian oversight, monitoring and evaluation. The last is directly relevant to initiatives addressing violence against women because it is responsible for assessing police compliance with the DVA. The programme employed 24 people in 2013/14 and accounted for the second-largest portion of the CSP budget after administration. In 2012/13 the programme received R12,9 million, increasing to R18,7 million in 2013/14.<sup>53</sup>

In 2012/13 the CSP undertook oversight visits to 429 police stations, dropping to 200 in 2013/14 and projected to rise again in 2014/15 to 450 visits. It is implied that the decline in visits in 2013/14 may be due to the exclusion of the number of visits made by the provincial departments of community safety, which were counted in 2012/13 and will, presumably, be counted again in 2014/15. Over the medium term the programme plans to develop trend analysis reports on stations' performance, assess the SAPS's complaints management systems and facilitate the implementation of IPID recommendations, as well as other pertinent legislation and policy.

The CSP has shown itself receptive to engagement about violence against women. Shortly after its re-establishment, it set up a reference group comprising organisations addressing violence against women and children. There is however no mention of the reference group in the budget and therefore no corresponding line item in the budget. In April 2014 the CSP became a separate department.

## 5 CONCLUSION

Legislation and policy require the police to comply with a comprehensive set of duties in relation to rape and domestic violence. Fulfilment of this mandate is given added urgency by state pronouncements prioritising violence against women. Following years of criticism, it is welcome then that the police would appear to be investing more in the training than they have in the past. The budget does not, however, provide the precise costs of the various proposed training programmes. This is also the case for other policy proposals, such as the victim-friendly rooms. Additionally, some of the proposed interventions and activities lack significant amounts of detail, such as the goal of reducing crimes against women. These omissions raise questions about how reductions such as those noted in Gauteng are being achieved in the absence of a concrete strategy and corresponding budget and in the face of high rates of under-reporting. Thus, while a sufficient budget is one of the conditions necessary for effective implementation, it is by no means the only requirement and cannot rectify limitations to the underlying conceptualisation of programmes. Ultimately the budget needs to be disaggregated in a way that allows proposed activities to be matched to the funds allocated to them. Only then can we meaningfully analyse the gendered nature of government spending.

**"ULTIMATELY THE BUDGET NEEDS TO BE DISAGGREGATED IN A WAY THAT ALLOWS PROPOSED ACTIVITIES TO BE MATCHED TO THE FUNDS ALLOCATED TO THEM."**

<sup>46</sup> Treasury 2013: 12.

<sup>47</sup> Treasury, 2013: 14.

<sup>48</sup> Treasury, 2014: 16.

<sup>49</sup> Treasury 2013: 14.

<sup>50</sup> Treasury 2014: 16.

<sup>51</sup> Vetten et al, 2008.

<sup>52</sup> Treasury, 2014: 13.

<sup>53</sup> Treasury, 2014: 24.



## 1 INTRODUCTION

To assess government's overall commitment to women's health, it is important to look at both health policies and budgets from the perspective of the particular health requirements of women. The state of the nation address (SONA), the finance minister's budget speech and the health minister's budget vote speech each year provide a window into the choices those in power make about women's lives and women's health. The year 2014 marks the 20th anniversary of the beginning of democracy and a time to reflect on the progress South Africa has made and what "20 Years of Freedom"<sup>54</sup> means. South Africa has made bold steps since the introduction of the 1996 Constitution and Bill of Rights. Notable achievements are the policy steps taken to improve overall population health and well-being and increased access to education and health services – including the largest HIV and AIDS programme in the world and the largest social grant assistance programme in sub-Saharan Africa. Despite significant progress, huge inequalities remain and gender and race remain the key markers of vulnerability to economic disadvantage and poor health outcomes in South Africa.<sup>55</sup> This review of government budgeting in relation to women's access to healthcare services shows the linkage between economic policies and the attainment of gender equality in South Africa.

54 Twenty Year Review, South Africa 1994 – 2014

Available from <http://www.thepresidency-dpme.gov.za/news/Pages/20-Year-Review.aspx>

55 Rispel, L.C. et al, 2011. "Strengthening health systems for equity and social justice in South Africa: The 24th Anniversary of the Centre for Health Policy". In *Journal of Public Health Policy* 3, S1 – S9. Available at <http://www.palgrave-journals.com/jphp/journal/v32/n1s/full/jphp201138a.html>

## 2 STRATEGIC GOALS AND THE NATIONAL DEVELOPMENT PLAN

The strategic goals of the department of health are in line with the National Development Plan (NDP) and include:

- *increasing average female and male life expectancy at birth to 70 years in 2030*
- *decreasing the maternal mortality ratio from an estimated 310 per 100,000 to 270 or less per 100,000 live births by 2014*
- *combating HIV and AIDS and decreasing the burden of disease from tuberculosis (TB)*
- *strengthening the health system's effectiveness by focusing on re-engineering primary healthcare and improving patient care and satisfaction, health infrastructure, human resources for health, health information systems and healthcare financing through the implementation of the national health insurance.*<sup>56</sup>

The SONA 2013 reaffirmed health as one of the priorities of government, mirroring those identified by the department of health. Key among these in the SONA were the integration of HIV and TB services, the need to combat lifestyle diseases, the establishment of a national health insurance fund and accelerating progress in the pilot districts.

Many analysts argue that the NDP is gender blind. Amanda Gouws says that government "missed a perfect opportunity to make a firm commitment to gender equality, which is a great disappointment given that 54 percent of the South African population comprises women and girls who are far more vulnerable [than men] to poverty, social exclusion and inequality."<sup>57</sup> Unsurprisingly, the NDP repeats past neoliberal planning strategies that failed to address women's specific contribution or needs within the South African economy. Since 1994, government has failed to consistently gender its policy-making. This translates into government sustaining inequities in expenditure in relation to women's health in particular. Assessing the effectiveness of public expenditure from a gender perspective, it is important to introduce questions of "effectiveness for whom?" and "costs to whom?"<sup>58</sup> There has been a growing understanding of how macroeconomic and microeconomic policies affect women's living standards and their prospects for economic empowerment. The way in which the government develops, implements and reviews its budgets can worsen or improve the living standards of different groups of women and contribute to narrowing or widening gender gaps in incomes, health, education, nutrition, and so forth.

## 3 EXPENDITURE TRENDS

Notwithstanding the great strides made by its HIV and AIDS programmes over the last 20 years, government has failed to adequately address the health needs of women. Diane Elson argues: gender inequality is "inefficient; it is not only costly to women, but it is also costly to children and to many men."<sup>59</sup> The slowing of social sector spending after the introduction of Growth, Employment and Redistribution (GEAR) macroeconomic policy in 1996 has been particularly bad for public health financing. As a share of total government expenditure, public health spending declined from 13.2 percent in 1996/97 to 11.1 percent in 2001/02.<sup>60</sup> This happened despite the government's intention to reform the health system, abolish user fees for primary healthcare services and roll out large-scale infrastructure programmes to build clinics and hospitals in areas under-resourced due to the apartheid legacy. Instead of maintaining expenditure, GEAR resulted in a hollowing out of the public health sector at a time when the newly elected democratic government should have been strengthening it.

<sup>56</sup> Treasury, 2013. "Estimates of National Expenditure." Available at <http://www.treasury.gov.za/documents/national%20budget/2013/enebooklets/Vote%2016%20Health.pdf>

<sup>57</sup> Gouws, A, 2014. "Critical absence of women and gender in the National Development Plan". Available at <http://www.agenda.org.za/absence-of-women-and-gender-in-national-development-plan/>

<sup>58</sup> Budlender, D. et al. 2002. "Gender Budgets Make Cents". Available at <http://citeserx.ist.psu.edu/viewdoc/download?doi=10.1.1.200.3182&rep=rep1&type=pdf>

<sup>59</sup> Ibid.

<sup>60</sup> Eagar, D. 2013. "Healthcare Financing Reform in South Africa: Equity, Social Justice and the NHI" in *AIDC Budget Justice*. Available at <http://www.aidc.org.za/media-room/publications.html>

The effects of HIV and AIDS, compounded by the withdrawal of resources, is reflected in the increase of maternal deaths from 150 per 100,000 live births in 1998 to 625 per 100,000 live births in 2007.<sup>61</sup> Thus, since 2006, the subsequent increases towards health expenditure can only be considered too little, too late – especially for strengthening the overall health system. Despite government increasing spending between 2006/07 and 2011/12 from R62,58 billion to R110,1 billion,<sup>62</sup> which represents a real (after adjusting for inflation) average increase of 6 percent year-on-year, much of this spending went towards HIV and AIDS programmes. This spending was critical and antiretrovirals (ARVs) alone have in just a few years increased the life expectancy of women by a decade. Francois Venter argues that South Africa's HIV and AIDS programme is "one of the most powerful public health interventions ever."<sup>63</sup>

Without underestimating the value of HIV spending – particularly for women – the budgetary policies pursued by government over the last 20 years have failed to adequately address the social determinants of health. These include violence against women, access to water and sanitation, safe transport and decent housing, which contribute to South Africa being one of the most unequal societies in the world. In addition, disaggregated statistics reveal that those most affected by inequality are overwhelmingly poor black women and girls. They cook, clean and care for children, the elderly, those with disabilities and those who become ill.<sup>64</sup>

**"... STATISTICS REVEAL THAT THOSE MOST Affected BY INEQUALITY ARE OVERWHELMINGLY POOR BLACK WOMEN AND GIRLS."**

It is therefore all the more concerning that the 2012 medium-term budget policy statement (MTBPS) outlines a slowing in the growth of public health expenditures over the next three years. This is despite growing income inequality and the continued poor living conditions of the majority of South Africans, which place a greater pressure on healthcare services.<sup>65</sup> In 2011, total health spending accounted for 8,5 percent of gross domestic product (GDP), slightly below the Organisation for Economic Cooperation and Development (OECD) level of 9,3 percent.<sup>66</sup> In the OECD, with the exception of Chile, Mexico and the United States, the public sector is the main source of health funding. In South Africa in 2011, public sources provided 47,7 percent of health funding – much lower than the OECD average of 72,2 percent.

What this data does not show is the growing cost of healthcare in South Africa's private health sector. Public resources have also gone to private health services by way of the Government Employees Medical Scheme (GEMS), through subsidising the training of health professionals, public-private partnerships and drug procurement. According to Statistics SA, healthcare inflation surpassed headline CPI (general inflation) by a yearly average of 4,3 percent between 2009 and 2013, affecting South Africans who access private healthcare. Given South Africa's health needs, it is critical that government increases both the public share of total health expenditures and implement policies to reduce the cost of private expenditures – both out-of-pocket and private insurance. In terms of the latter, the establishment of a commission of inquiry into the private healthcare sector is welcomed. If the inquiry were to be effective, there needs to be an assessment of private healthcare in relation to women.<sup>67</sup>

According to the Centre for Economic Governance and AIDS in Africa (CEGAA), the 2012/13 consolidated national and provincial health budget was revised from an estimated R122 to R126 billion. Notably, as total government spending increases by 3,5 percent in 2013/14 in real terms, the health budget only increases by 0,5 percent in the same period. Year-on-year for the 2013/14 – 2015/16 medium term, the consolidated health budget receives an annual average of 11,3 percent as a share of total consolidated government budget. Importantly, the consolidated national and provincial health HIV and AIDS allocations grow as a share of the consolidated

<sup>61</sup> Republic of South Africa, n.d. "Millennium Development Goals Report: Goal 5. Improve maternal health." Available at [http://www.statssa.gov.za/nss/Goal\\_Reports/GOAL%205-IMPROVE%20MATERNAL%20HEALTH.pdf](http://www.statssa.gov.za/nss/Goal_Reports/GOAL%205-IMPROVE%20MATERNAL%20HEALTH.pdf)

<sup>62</sup> Eagar, D. 2013. "Healthcare Financing Reform in South Africa: Equity, Social Justice and the NHI" in *AIDC Budget Justice*. Available at <http://www.aidc.org.za/media-room/publications.html>

<sup>63</sup> Venter, WDF, 2014. "Reflections: What have we learnt in the last ten years of ART?". In *The Southern African Journal of HIV Medicine* 15:1. pp. 39-40. Available at <http://www.sajhivmed.org.za/index.php/sajhivmed/article/view/1029/931>

<sup>64</sup> SAHRC, 2014. "Report on the Right to Access Sufficient Water and Decent Sanitation in South Africa." Available at [http://www.sahrc.org.za/home/21/files/FINAL%204th%20Proof%204%20March%20-%20Water%20%20Sanitation%20low%20res%20\(2\).pdf](http://www.sahrc.org.za/home/21/files/FINAL%204th%20Proof%204%20March%20-%20Water%20%20Sanitation%20low%20res%20(2).pdf)

<sup>65</sup> Forslund, D, 2013. "Sound the Alarm: there is no NHI in SA's Budget Plans" November. Available at <http://www.iol.co.za/business/opinion/sound-the-alarm-there-is-no-nhi-in-sa-s-budget-plans-1.1612783>

<sup>66</sup> OECD Health Data 2013. Available at <http://www.oecd.org/els/health-systems/Briefing-Note-SOUTH-AFRICA-2013.pdf>

<sup>67</sup> Van den Heever, A, 2012. "Review of Competition in the South African Health System." Available at <http://www.compc.com.co.za/assets/Healthcare-Inquiry/Review-of-Competition-in-the-South-African-Health-System.pdf>

health expenditure.<sup>68</sup> This indicates that HIV and AIDS, sexually transmitted infections (STIs) and TB allocations have absorbed a larger share of the overall health budget. While the gains made regarding HIV and AIDS are to be commended, it is extremely worrying that this has happened in a context where overall health spending has slowed. It is critical that spending on HIV and AIDS does not crowd out other spending priorities in healthcare, such as community healthcare workers, rural health, emergency medical services, reproductive health, maternal and child health, non-communicable diseases and preventive and rehabilitative services.

In addition, the question is: To what extent has the government policy to "spend modestly" after the 2008 global financial crisis affected provincial health budget trends? CEGAA's analysis of the MTBPS 2013 reveals an impact on the real allocations in 2012/13 and 2013/14. The Eastern Cape and Northern Cape faced a decline in real allocations in 2012/13 of 1,1 percent and 0,6 percent respectively. In 2013/14, the following provinces experienced declines in their health budgets: Free State (1,6 percent), Gauteng (0,9 percent) and KwaZulu-Natal (0,7 percent). No doubt, the effects of these cuts will be felt disproportionately by poor black women in historically neglected communities in the Eastern Cape, Northern Cape, Free State and KwaZulu-Natal. In order to assess the consequences of budget cuts, treasury should undertake comprehensive reviews of past changes in public spending in relation to women to ensure more gender-responsive public spending in future.

## 4 BUDGET REVIEW AND RECOMMENDATION REPORTS

Until 2009 parliament lacked formal powers to amend budgets, despite it being required by section 77 of the Constitution, which mandates the passing of an act of parliament that sets out a procedure for the legislative amendment of money bills. The purpose of both the constitutional requirement and the Money Amendment Procedure and Related Matters Act No. 9 of 2009 is to enhance and give meaning to parliament's role in the budgetary process. Parliament's role in the budget must go beyond narrow oversight and provide for a "genuinely public and participatory space for understanding the complex and multi-dimensional nature of poverty in South Africa and for working with the poor in planning and prioritising social spending."<sup>69</sup> Each year, as required by the act, portfolio committees prepare budgetary review and recommendation reports (BRRRs) on the following:

- *Assessment of departments' service delivery performance with reference to available resources*
- *Assessment on the effectiveness and efficiency of departments' use and forward allocation of available resources*
- *Recommendations on the forward use of resources (optional).*

BRRRs are meant to enable MPs to make informed recommendations on the budget. An analysis of the BRRRs of the health portfolio committee since 2010 provides a critical insight into the implementation of the act in the last four years. While making important recommendations, the committee shies away from exercising its amendment powers. For example, in 2010 the committee merely recommended that "hospitals should be given a budget for maintenance" and failed to recommend a specific amount or an amendment to the budget to include an amount for maintenance. In 2013, the committee suggested that "the department should increase budget allocations towards mental health care services" without providing any further directives to ensure larger allocations. The finance minister is required each year, at the time of the budget, to explain to parliament how the national budget gives effect to, or the reasons of not taking into account, the recommendations contained in BRRRs. The minister's report to parliament shows a response to committee's broad recommendations and does not speak to any fundamental amendments proposed by parliament. A possible reason for why parliament has, to date, not exercised its amendment powers is the lack of capacity within parliament to produce coherent counter proposals to the executive's budget proposal. The parliamentary budget office, which is meant to provide independent, objective and professional advice to parliament, was only established in February 2013. It is hoped that once the office is fully staffed it will be in a position to produce evidence-based budget analysis, economic forecasts and fiscal projections to enable parliament to make amendments to the budget.

<sup>68</sup> Ndlovu, N, et al., 2013. "Trends in national and provincial health and HIV/AIDS budgeting and spending in South Africa" 10 December. Available at <http://www.cega.org/resources/docs/healthbudget2014.pdf>

<sup>69</sup> Verwey, L, et al, 2009. *Parliament, the Budget and Poverty in South Africa: A Shift in Power*. Available at [http://books.google.co.za/books?id=NgALa0w1kc4C&pg=PP3&lpg=PP3&dq=len+verwey+idas&source=bl&ots=SUSZjpw1OT&sig=igVj0lW3HvsUp0YUu603NpMRc&hl=en&s\\_a=X&ei=Ti5WU4\\_o0qWv7Abj74GgBA&ved=0CFoQ6AEwBg#v=onepage&q=len%20verwey%20idas&f=false](http://books.google.co.za/books?id=NgALa0w1kc4C&pg=PP3&lpg=PP3&dq=len+verwey+idas&source=bl&ots=SUSZjpw1OT&sig=igVj0lW3HvsUp0YUu603NpMRc&hl=en&s_a=X&ei=Ti5WU4_o0qWv7Abj74GgBA&ved=0CFoQ6AEwBg#v=onepage&q=len%20verwey%20idas&f=false)

## 5 2013/2014 HEALTH BUDGET VOTE

### National health insurance

Both the president and the health minister reaffirmed government's commitment to implement a national health insurance (NHI). Early in 2013, the department of health produced a 12-month progress report on the NHI pilot districts, which it presented to parliament at the end of July. While the general tone of the report is positive, its findings speak to the challenges facing South Africa's health system. By the end of the 2012/13 financial year, only 77 percent of the budget allocated to pilot districts through conditional grants had been spent. A further concern is that 90 percent of the funds were only used in the fourth quarter of the financial year after the department revised its grant criteria. The report explains that this occurred because of "the lack of specific and clear guidance on the range of NHI initiatives it could be used to support". Notably, all the districts undertook annual district health expenditure reviews, but no further information is provided in the progress report on the outcomes of these reviews or whether they are publicly available.

The "lack of guidance" on the budgets speaks to broader failures at every level of the system to meet basic planning, budgeting and public financial management regulations and legislation. It holds negative implications for whatever value the pilot projects could bring. Each district should have developed a business plan that details activities, targets and how funding would be used during the year funded under the grant. Such plans for each pilot district were only finalised in August 2013 and were clearly not used as the basis for piloting or spending of grant allocations. Furthermore, despite women having a large stake in the success of the NHI, evaluation of the pilot projects from a gender perspective seems inadequate. Again, this raises concerns about what funds are being spent on and whether current gaps with regard to women's health are being addressed.

To be fair, planning for improved access to quality health services for all living and working in the country irrespective of their financial circumstances is arguably the most important social sector reform since 1994. It is no easy task. The health department is certainly working tirelessly to phase in and implement a number of public sector reforms in preparation for the total overhaul of healthcare funding and provision. Of significance, if properly managed, is the establishment of the office for health standards compliance. This office can play a crucial role in enforcing women's rights in interactions with public or private health service providers. However, for the office to be successful it must undertake proactive meaningful community consultations to enhance oversight in the affairs of health facilities, be they public or private, as well as to ensure that barriers to care for women are reduced.

### Maternal health

In the 2013 SONA, the president indicated that health, work and crime were three of government's five priorities. The president argued that the dramatic increase in life expectancy from an average baseline of 56 years to 60 years in 2011 and the significant decreases in infant and under-five mortality were cause for celebration. However, the president said little about government being unable to cut maternal mortality from 300 per 100,000 live births in 2010 to 38 deaths per 100,000 births by 2015 to achieve the Millennium Development Goals (MDGs).

Both the 2013 SONA and the minister's 2013 health budget speech failed to provide a progress report on the government's campaign on accelerated reduction of maternal, newborn and child mortality (CARMMA), an African Union programme. Worryingly, the department reports that "a total of R4,4 million was reprioritised over the medium term from the TB and women's maternal and reproductive health sub-programmes to address funding pressures in other programmes."<sup>70</sup> It is clear that the government in 2013 failed yet again to incorporate gender into health policy and budgets. The annual district health barometer provides district-level data on key women's health issues from maternal mortality and cervical cancer screenings to childhood

<sup>70</sup> Department of Health, 2013. "Annual Performance Plan 2013/14 – 2015/16." Available at [http://www.health.gov.za/docs/strategic/2013/Annual\\_Performance\\_Plan\\_final.pdf](http://www.health.gov.za/docs/strategic/2013/Annual_Performance_Plan_final.pdf)

immunisation and teen pregnancy rates. According to the barometer in October 2013, South Africa was yet to effectively implement measures to improve women's health. For example, maternal mortality rates continue to vary between provinces. Mpumalanga's maternal mortality rate is 175,8 per 100,000 births, while Limpopo's Capricorn district has a shocking maternal mortality of more than double the national average, at 292,2 deaths per 100,000 births. About half of women who die in childbirth succumb to AIDS-related infections, meaning that identifying women with HIV infection is critical.<sup>71</sup>

In addition, emphasis on maternal health programmes must extend beyond antenatal care to address postnatal care. The department of health has a sub-programme focusing on health promotion and nutrition. A core area of work for this programme is implementing the exclusive breastfeeding policy seen as a key mechanism for assisting in improving child survival. Currently, South Africa's exclusive breastfeeding rate is among the bottom 10 states globally. However, little information is given as to how this sub-programme links into a comprehensive public support system, in particular increasing child-support grants above inflation and instituting programmes that enable flexible workplace practices and facilities for breastfeeding to support low-income working mothers. However, in South Africa, women's employment too often remains either within traditional female occupations or within the domestic and farming sectors. In addition, unemployment rates are higher for women than for men – particularly for the youth (15 -24 years): a difference of an unemployment rate of 54 percent for young women compared to 45 percent for young men.<sup>72</sup> Where women find work, they are often concentrated in positions which are low paying and precarious with high rates of turnover.<sup>73</sup> In addition, many government policies fail to take into account women's caring responsibilities: women devote, on average, more than twice as much time to household work as men.<sup>74</sup>

Apart from the lack of progress by government to address maternal health, women in South Africa continue to face inadequate health services and broader social services that fail to address their sex-specific concerns. This is exacerbated by a lack of political will to use gender-disaggregated data and analysis to inform health policy and health budget making.

#### Cervical cancer

The department of health's inadequate response to women's health needs is demonstrated in the treatment of cervical cancer. In his 2013/14 budget speech, health minister Dr. Aaron Motsoaledi described cervical cancer as "one of the biggest killers of women".<sup>75</sup> While it is preventable, it remains one of the most significant health problems, affecting one out of every 41 women.<sup>76</sup> Despite the screening policy for cervical cancer, the national and provincial health departments do not ensure sufficient resources, for example accessible and appropriately equipped and staffed facilities to diagnose and treat the disease. HIV-infected women have an increased risk of cervical cancer but, even though these patients are already registered in the health system, they continue to be disadvantaged by the lack of a formally implemented population-based screening strategy.<sup>77</sup> The department announced that funds will be made available within the national health grant of R200 million in 2014/15 and 2015/16 to roll out free cervical cancer vaccines for girls aged 9 to 12.<sup>78</sup> It will be critical to monitor the

71 Cullinan, K, 2013. "South Africa far from targets to reduce maternal, infant mortality". Available at <http://www.health-e.org.za/2013/10/29/south-africa-far-targets-reduce-maternal-infant-mortality/> and Gonzalez, LL, 2013. "South Africa's worst places to be a woman, mother". Available at <http://www.health-e.org.za/2013/10/29/south-africas-worst-places-woman-mother/>

72 OECD, 2012. *Closing the Gender Gap. Act Now*. Available at <http://www.oecd.org/gender/Closing%20the%20Gender%20Gap%20-%20South%20Africa%20EN.pdf>

73 OECD, 2012. *Closing the Gender Gap. Act Now*. Available at <http://www.oecd.org/gender/Closing%20the%20Gender%20Gap%20-%20South%20Africa%20EN.pdf>

74 Budlender D, Chobokoane N and Mpetsheni Y, 2001. *A survey of time use: How South African women and men spend their time*. Pretoria: Statistics South Africa. Available at <http://www.hst.org.za/publications/survey-time-use-how-south-african-women-and-men-spend-their-time>

75 Motsoaledi, A, 2013. "Health budget vote speech 2013/14". 15 May. Available at <http://www.pmg.org.za/briefing/20130515-health-ministers-budget-vote-speech-responses-ancifp-and-da>

76 Snyman, LC, 2013. "Prevention of cervical cancer – how long before we get it right?" in *South African Journal of Obstetrics and Gynaecology* 19:1. Available at <http://www.sajog.org.za/index.php/SAJOG/article/view/651/336>

77 Snyman, LC, 2013. "Prevention of cervical cancer – how long before we get it right?" in *South African Journal of Obstetrics and Gynaecology* 19:1. Available at <http://www.sajog.org.za/index.php/SAJOG/article/view/651/336>

78 RSA, 2014. "Estimates of National Expenditure, Vote 16: Health". Available at <http://www.treasury.gov.za/documents/national%20budget/2014/ene/FullENE.pdf>

implementation of this programme, especially once it becomes funded through the provincial equitable share from 2016/17.

#### Primary health care: Community health care workers

The NHI Green Paper placed re-engineering of primary health care at the heart of the plans for a new health system. Planned community outreach teams will implement the primary health care policy, employing thousands of community health workers to cover all households. Given the centrality of this government policy and the impact that it may have on women as both beneficiaries of primary health care and as workers, it is worrying that community care workers' current conditions of training and working have not improved. In 2013, there were numerous media reports of community health workers experiencing delays in payment of the monthly stipend of R2 500 and resorting to striking for better working conditions.<sup>79</sup> Community care workers are also specifically mentioned in the NDP with proposed ratios of numbers of workers to households of both full time and part time workers. The crisis of women's unemployment should be an impetus to formalise community care work, which could potentially create 500,000 new decent jobs performing essential functions.

Community health workers represent an important health resource with enormous potential for providing and extending simple but key health interventions to vulnerable and under-served populations. They act as advocates for communities and help them organise for improved social and environmental conditions. In a country with a huge burden of disease, poor health indicators and an unemployment emergency, transforming the health system and basing it on primary health care principles should place community care workers at the centre of programmes. The NHI pilot districts present an opportunity to explore ways of integrating community healthcare workers into the formal health system. Yet, in most of the pilot schemes, there is no consultation or involvement of community health workers.<sup>80</sup>

#### Health and gender-based violence

The 2013 SONA referred to the problem of gender-based violence (GBV) but omitted sexual violence in schools as an issue demanding concerted action, despite estimates that more than 30 percent of girls are raped at school and that one-third of all documented abuses of schoolgirls are committed by teachers.<sup>81</sup> In addition, the health minister's 2013 budget speech makes no mention of the costs of gender-based violence to the health system or healthcare's role in addressing GBV.<sup>82</sup> This is despite the correlation between GBV and women's health in the NHI Green Paper. However, in the absence of a white paper on the NHI, despite promises by the president and ministers of health and finance, it remains difficult to assess developments with respect to the NHI. A multi-sectoral, inter-ministerial approach should be adopted to respond to GBV, including policing, judicial services, education, healthcare and compensation for loss of work. A welcome development is the establishment of a new violence, trauma and emergency medical services sub-programme as part of primary healthcare services. In 2013/14, according to the department, the strategic plan for violence and injury prevention and policy guidelines for sexual assault and related offences were finalised.<sup>83</sup> The department of health should ensure that mechanisms are put in place to track those using health facilities as a result of GBV and the cost of providing these services.<sup>84</sup>

79 Thamela, L, 2013. "Community Health Workers Strike for Better Working Conditions" October. Available at <http://www.health-e.org.za/2013/10/23/community-health-workers-strike-better-working-conditions/>. Gonzalez, LL, 2014. "South Africa: Community Health Workers Remain Unpaid". 25 February. Available at <http://allafrica.com/stories/201402251730.html>

80 People's Health Movement, 2013. "Media Release, Community Health Care Workers: Stop the Exploitation." Available at <http://www.phovement.org/en/node/7623>

81 Bornman, S, 2013. "State of the Nation: Women Still pushed to the margins" in Mail & Guardian. Available at <http://mg.co.za/article/2013-02-22-00-state-of-the-nation-women-still-pushed-to-the-margins>

82 Motsoaledi, A, 2013. "Health budget vote speech 2013/14". 15 May. Available at <http://www.pmg.org.za/briefing/20130515-health-ministers-budget-vote-speech-responses-ancifp-and-da>

83 RSA, 2014. "Estimates of National Expenditure, Vote 16: Health". Available at <http://www.treasury.gov.za/documents/national%20budget/2014/ene/FullENE.pdf>

84 Watson, J, 2014. "The Cost of Justice In South Africa. Tracking expenditure on gender-based violence in the department of justice and constitutional development." Available at [http://www.shukumisa.org.za/wp-content/uploads/2014/03/The-Cost-of-Justice-in-South\\_Africa-\\_Final-07Mar.pdf](http://www.shukumisa.org.za/wp-content/uploads/2014/03/The-Cost-of-Justice-in-South_Africa-_Final-07Mar.pdf)

**"THE CRISIS OF WOMEN'S UNEMPLOYMENT SHOULD BE AN IMPETUS TO FORMALISE COMMUNITY CARE WORK, WHICH COULD POTENTIALLY CREATE 500,000 NEW DECENT JOBS PERFORMING ESSENTIAL FUNCTIONS."**

## 6 BUDGET 2014: LOOKING AHEAD

SONA 2014 referenced violence against women, but again failed to recognise its correlation with women's health. The part of the address dedicated to health focused on "the good story", namely that over the past five years, 300 new health facilities were built, including 160 new clinics and 10 hospitals built or refurbished. This is important because women tend to access health services more than men because of their reproductive health needs. Women are often responsible for taking children and the elderly to health facilities. The SONA includes the gains made in reducing mother to child transmission of HIV and doubling the number of people receiving ARV treatment to 2,4 million in 2013. However, no mention is made of the high maternal mortality rate or the NHI pilot districts. SONA merely states that government will "enter a new phase in the implementation of the NHI programme which will extend quality healthcare to the poor".

Another glaring omission in SONA 2014 is the ongoing issue of drug stock-outs. The Stop the Stock-Outs Project released a report at the end of 2013 that provided findings of a national survey of medicine stock-outs. The project found that of the 2,144 facilities surveyed, one in four facilities faced a stock-out or shortage of ARV or TB supply. Half of these facilities indicated having a persistent problem with supply. Not only do HIV and TB drugs run out across most provinces, but also a wide range of other essential medicines. In their report the project recommends that the department of health appoint a national task force to investigate and address the issue of stock-outs.<sup>85</sup> The impact of stock-outs on patients can be catastrophic – from increasing out-of-pocket expenditure for transport to collect medicines from another health facility or having to return another time. In particular women patients are affected as, for example, 80 percent of those on the government's ARV therapy are women.<sup>86</sup> Diabetic or hypertensive patients are instantly vulnerable, while persistent gaps in treatment can lead to patients developing drug resistance. HIV patients are put at risk of defaulting, which threatens the gains against HIV and AIDS. Most alarmingly, the survey found that in 20 percent of cases patients were sent home without medication or referred elsewhere.<sup>87</sup> It is a pity that the president in SONA 2014 did not acknowledge this as a crisis, especially because of the burden of disease on poor black women. It is a violation of the constitutional rights of patients and a breach of the obligations of the department of health. Under the Constitution, everyone is entitled to access to healthcare services, which includes essential medicines. An obligation rests on the state to ensure access to services and medicines. Stock-outs have far-reaching implications for women's health and could prevent the government from reaching its target of ensuring at least 4,6 million people receive HIV and AIDS, STI and TB treatment by 2019.

Another issue that met with silence in the SONA 2014 is sex work. The criminalised status of sex work in South Africa subjects sex workers to widespread human rights abuses. Despite many government policies, such as the National Strategic Plan on HIV, TB and STIs (2012-2016), identifying sex workers and their clients as a key population requiring HIV services, the government shies away from decriminalising sex work. If the government is serious about reducing HIV and AIDS to zero, they must reform the current legal framework which forces sex workers to the margins, denying them access to healthcare and protection from abuse by clients and the police.

The minister of finance in his 2014 budget speech highlighted that R41 billion had been spent on HIV and AIDS programmes over the past five years and that R43,5 billion is budgeted for the next three years. On the NHI, the minister mentioned an NHI white paper and a financing paper by the treasury have been completed and will be tabled in cabinet shortly. This is despite commitments made by the president, health minister and the finance minister that the white paper would be tabled in 2013.

**"UNDER THE CONSTITUTION, EVERYONE IS ENTITLED TO ACCESS TO HEALTHCARE SERVICES, WHICH INCLUDES ESSENTIAL MEDICINES. AN OBLIGATION RESTS ON THE STATE TO ENSURE ACCESS TO SERVICES AND MEDICINES."**

There is little indication in the 2014 budget speech that government is moving towards developing gender-responsive budgets. The finance minister presented a budget that was essentially gender-blind, with real public spending to grow over the next three years at a mere 1,8 percent in contrast to GDP growth expected at 3,2 percent on average. Consequently, the Alternative Information and Development Centre argues that the public sector share of the whole economy will shrink, even in the face of growing social unrest over service delivery in South Africa.<sup>88</sup> Budget 2014 presented a slew of tax incentives and tax relief for wealthy sections of South African society.

## 7 CONCLUSION

In order to ensure better service delivery for women and girls, it is critical that policies and budgets are informed by sound needs analysis. Greater effort is required by the department of health to assess the delivery of healthcare and how best to allocate resources to address women and girls' health requirements. Lastly, the department in conjunction with the treasury should ensure that the development of budgets is informed by effective public participation that creates opportunities for women and girls to articulate their demands.

<sup>85</sup> Treatment Action Campaign and Section27, 2013. NSP Review 9. December. Available at [http://www.tac.org.za/sites/default/files/nsr\\_review/NSP-review-9-web.pdf](http://www.tac.org.za/sites/default/files/nsr_review/NSP-review-9-web.pdf)

<sup>86</sup> Information provided via sms from the department of health.

<sup>87</sup> Stock-Outs Project, 2013. "Stockouts National Survey". November. Available at [http://stockouts.org/uploads/3/3/1/3311088/stop\\_stockouts\\_report\\_2013pdf\\_1.pdf](http://stockouts.org/uploads/3/3/1/3311088/stop_stockouts_report_2013pdf_1.pdf)

<sup>88</sup> Alternative Information and Development Centre, 2014. "AIDC Budget Statement: It's Full Circle Back to GEAR." Available at <http://www.ngopulse.org/article/aidc-budget-statement-its-full-circle-back-gear>



# RURAL DEVELOPMENT AND LAND REFORM



## 1 INTRODUCTION

Rural development and land reform have been priorities since South Africa entered into democracy. However, the conceptualisation of rural development and land reform policies have continuously focused on addressing racial inequalities, while giving minimal attention to the effects of gender and sex. With regards to rural development and land reform, government has generally framed commitments to gender inequality within a broader normative context in which implementation should take place. Sometimes women are listed in an “add-on” fashion as a particularly vulnerable sub-set of intended beneficiaries, without establishing any specific mechanisms to effect required changes.<sup>89</sup> The consequence of the peripheral and increasingly invisible status of women is that their land needs – voiced through women’s movements and land rights organisations – have remained unaddressed. Rather than acting on the “same old” critiques levelled at the poor policy choices that fail to yield benefits for the most marginalised in rural communities, government (whether as separate departments or a merged rural development and land reform department) has instead maintained a focus on approaches that benefit an elite few, thereby entrenching poverty and inequality within rural areas and upholding discriminatory practices that deny women access to, use of and ownership of land.

<sup>89</sup> ON PAR Development, 2009. *Baseline study on women’s land rights: South Africa*. WOLAR: Action Aid South Africa

# RURAL DEVELOPMENT AND LAND REFORM

## 2 EXPENDITURE TRENDS AND BUDGET REVIEW AND RECOMMENDATION REPORTS

While the 2013 state of the nation address (SONA) pinpointed rural development and land reform as a priority area, the speech drew criticism for the absence of any meaningful engagement with these issues.<sup>90</sup> Beyond mentioning the well-known problems that have plagued rural development and agrarian reform for several years, no decisive policy direction was introduced. Of particular concern is the lack of recognition of the challenges that rural communities – primarily rural women – face with respect to access to land and agrarian reform as well as food security. The president's failure to address the exclusion of women within land reform and land restitution is particularly worrisome, considering that the SONA was delivered at the time of intense debate over the Traditional Courts Bill. Advocacy groups drew attention to the implications of this bill in further entrenching discrimination against rural women.

When reflecting on rural development and land reform during the 2013/14 financial year, it is apparent that the 2013 SONA set the tone for rendering women invisible in relation to rural development and agrarian reform over this period. In the 2013 national budget speech,<sup>91</sup> not only were women once again notably absent, but the finance minister also made no mention of rural development and agrarian reform (despite these being priority areas) – a notable departure from previous years when these priorities were explicitly mentioned. Within the actual budget vote for rural development and land reform for 2013/14,<sup>92</sup> there was no prioritisation of women. Instead, priorities were articulated in so-called gender-neutral concepts such as "households", "claimants" and "small emerging farmers", which in practice results in the favouring of men. As with the SONA 2013, the absence of the recognition of the challenges facing rural women in particular were completely disregarded, hence the department presented a budget oblivious to the known challenges and discrimination that women face in relation to land. For women, therefore, their access to land and agrarian reform, food security, along with their overall ability to improve their circumstances, was unlikely to be advanced through the departmental plan and budget framework for the 2013/14 financial year.

The budget vote for rural development and land reform presented in February 2013 saw approximately R8 billion in real terms allocated for 2013/14, decreasing to R7.7 billion in real terms in 2015/16.<sup>93</sup> Of the total allocation for this vote, the land reform and restitution programmes were prioritised, with land reform receiving the larger portion of the budget vote in 2013/14 and restitution receiving the larger portion of the budget vote for the remaining MTEF period.<sup>94</sup>

The prioritisation of land reform and restitution had been reinforced during 2013 with the dominance of new policies and draft laws affecting land reform, restitution and governance of land rights – all the while continuing to render women unseen.<sup>95</sup> Each of the new policies and draft laws has been criticised. Dissatisfaction exists about the bills further entrenching practices that have repeatedly failed to improve the circumstances of those most marginalised. These new bills gave rise to additional concerns regarding the abuse of power by traditional leaders. With the absence of women a constant theme during the 2013/14 financial year, the latter part of this period saw diminished prioritisation of the land reform and restitution programmes.

90 Women's Legal Centre, 2013. *The State of the Nation. Government Priorities and Women in South Africa*. pp 51-57

91 Treasury, 2013. *National Budget Speech*. February.

92 Treasury, 2013. *Vote 33 Rural Development and Land Reform Budget 2013/14*. February.

93 Conversion of allocations from nominal to real terms throughout this document use 2010/11 as the base year, with deflators as follows:

|           | 2010/11 | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16 | 2016/17 |
|-----------|---------|---------|---------|---------|---------|---------|---------|
| CPI Index | 100,0   | 105,6   | 111,4   | 117,9   | 125,3   | 132,4   | 139,6   |
| Deflator  | 1       | 1,056   | 1,114   | 1,179   | 1,253   | 1,324   | 1,396   |

94 Over the 2013/14 MTEF period the following programmatic focuses are identified: (a) restitution: settling court cases and finalising outstanding restitution claims; (b) land reform: recapitalisation and development of new farms, the acquisition of land for redistribution and the training of farmers; (c) rural development: basic services and the establishment of food gardens.

95 Some 14 new policies and draft laws were identified as relevant to land reform, restitution and governance of land rights. See [www.plaas.org.za](http://www.plaas.org.za)

Figure 1: Comparative data on initial and adjusted estimates for 2013/14 financial year in real terms



The adjusted appropriation for this departmental budget vote<sup>96</sup> (as shown in table 1) revealed that more than half a billion rand (R533,6 million in real terms) for land reform and R400 million (in real terms) for restitution had been cut in the budget. Within the land reform programme, the sub-programmes affected by the reduced allocations were those relating to acquisition and redistribution of land, whereas allocations for staffing of national and provincial offices and for the KwaZulu Natal Ingonyama Trust Board saw upward adjustments. Within land restitution, the allocations for settling restitution claims were reduced, whereas national and regional offices' budgets increased. The budget cuts were contrary to the expressed prioritisation of increasing the acquisition of land for redistribution to black farmers and the expansion of and increase in the pace of settling restitution claims. For women, this meant that the minimal opportunities for accessing land were reduced even further. In terms of rural development, despite the significant increase in allocation (R479,2 million in real terms), the money was not directed towards rural development projects to improve lives in communities, more especially those of rural women. A clear example is the National Rural Youth Services Corps: the efforts made towards training young people reported no employment benefits for the trained beneficiaries. Based on the overall adjustments within the departmental vote, Hall (2013) observed that, "there's less money for land reform, for restitution claims and for rural development projects and more money for staffing, consultants, planning and training".<sup>97</sup> Furthermore, as reported by the HSRC to the parliament's standing committee on appropriations,<sup>98</sup> the level of spending on rural development (approximately two percent) is significantly lower than the target of 10 percent set in the 2003 Maputo Declaration of the Southern African Development Community.

Table 1: Comparison of initial and adjusted estimates (in real terms) for the rural development, restitution and land reform programmes 2013/14

| Rand Thousand     | 2013/14           |                    |
|-------------------|-------------------|--------------------|
|                   | Initial Estimates | Adjusted Estimates |
| Rural Development | 1 041 071         | 1 520 291          |
| Restitution       | 2 873 662         | 2 473 993          |
| Land Reform       | 2 879 655         | 2 346 032          |

96 Treasury, 2013. "Adjusted Appropriation: Vote 33 Rural Development and Land Reform." October.

97 Hall, R, 2013. "Just before elections: less money for land reform." [www.plaas.org.za/blog](http://www.plaas.org.za/blog).

98 Standing Committee on Appropriations, 2013. "Report of the on the 2013 Medium Term Budget Policy Statement." [www.pmg.org.za](http://www.pmg.org.za)

The 2013/14 adjusted appropriation for this departmental budget vote revealed improved absorption capacity when compared to spending in 2012/13, with more than 50 percent of the budgets for land reform and restitution spent by the end of September 2013. However, the department had still performed poorly relative to set targets. With respect to restitution, the department had only settled 38 land claims mid-way into the financial year against its initial target of 230 settled land claims in 2013/14. The targets for land reform were significantly reduced, based on the department's performance over the first six months of the 2013/14 financial year. Having only acquired 87,318 ha of land against a target of 311,917 ha, the department reduced the target to 180,770 ha. In addition, the target for the number of new farms to be recapitalised was reduced to 166 as the department had only attained 56 new farms against an initial target of 344. The portfolio committee on rural development and land reform raised concerns in its budget review and recommendation report<sup>99</sup> about the department's failure to achieve set targets, reporting that only eight of the 26 targets were achieved. The committee further emphasised that improved expenditure cannot be celebrated when targets are continually unmet.

The departmental plans and reports on the department's performance reflected that the initial targets and adjusted targets – none of which were sex-disaggregated – were all done in the absence of any prioritisation of overcoming the discrimination of rural women and addressing their needs. Given the lack of prioritisation in the allocation and expenditure of financial resources, the department showed that women's experiences and needs are of no importance, in accordance with the tone set by the president and finance minister. This is despite the ongoing efforts by rural women, most recently during the MTBPS period, to share their experiences with government.<sup>100</sup>

### 3 LAND REFORM AND RURAL DEVELOPMENT BUDGET 2014/15

Rather than giving substantive attention to the challenges confronting rural women's access and ownership of land, the 2014 SONA only fleetingly mentioned land reform, with no reference to women. Unlike the previous year where the focus of land reform was on outlining known and persistent problems, the 2014 SONA confined input on land reform to areas of "good progress". These included: the number of farms and hectares of land transferred to black people, number of land claims settled and number of individuals and families who have benefitted from either redistribution or restitution programmes.<sup>101</sup>

The diminished attention on rural development and land reform observed in the SONA was also apparent in the 2014 budget speech. The minister of finance limited input to advancing the NDP's target of one million jobs in agriculture and land reform by 2030, with R7 billion allocated for conditional grants to provinces to support subsistence and small-holder farmers and improving agricultural extension services, as per the portfolio committee's budget review and recommendation reports<sup>102</sup> since 2011. It appears promising to have financial resources injected in support for subsistence and smallholder farmers, also because it seems somewhat in line with the People's Budget's identified need for expanded agricultural support. However, the nature of the support remains unclear, especially as to how it would differ from previous interventions beset with problems. The absence of any mention of rural women's position in respect to land indicates that once again the prioritised plans and budgets for rural development and land reform fail to specifically address the vulnerability of women. This is disconcerting, given that in the past year – ironically the centenary of the Natives Land Act of 1913 – a number of land-related laws were debated and anger expressed on a variety of fronts, including formal platforms, regarding the negative implications the proposed laws hold for rural communities and rural women.

The budget vote for rural development and land reform over the 2014 MTEF elicits no confidence that rural development and land reform are meaningfully prioritised,<sup>103</sup> let alone consideration given to the needs of rural women. Instead, the overall budget for 2014/15 shows a reduction from the previous year's allocation and only modest increases over the remaining MTEF period. The departmental budget for the 2014 MTEF reveals a shift towards prioritising rural development, with budgets for land reform (R2,1 billion) and land restitution (R2,4 billion) redirected towards "transfers to households". "Restitution grants" within the land restitution programme saw a reduced budget of R560 million in real terms over the MTEF.

*Table 2: Comparative estimates in real terms for the 2014/15 MTEF period and 2013/14 financial year for the rural development, restitution and land reform programmes*

| Rand Thousand     | 2013/2014         |                    | 2014/2015 MTEF Initial Estimates |           |           |
|-------------------|-------------------|--------------------|----------------------------------|-----------|-----------|
|                   | Initial Estimates | Adjusted Estimates | 2014/15                          | 2015/16   | 2016/17   |
| Rural Development | 1 041 071         | 1 520 291          | 1 605 442                        | 1 515 171 | 1 594 729 |
| Restitution       | 2 873 662         | 2 473 993          | 2 139 459                        | 2 010 121 | 2 334 142 |
| Land Reform       | 2 879 655         | 2 346 032          | 2 249 310                        | 2 144 511 | 2 144 060 |

*Table 3: Budget estimates in real terms for the sub-programmes land reform grants and agriculture land holding account for 2013/14-2016/17*

| Rand Thousand                    | 2013/2014 | 2014/15   | 2015/16   | 2016/17   |
|----------------------------------|-----------|-----------|-----------|-----------|
| Land Reform Grants               | 463 606   | 335 401   | 410 860   | 410 494   |
| Agriculture Land Holding Account | 1 439 456 | 1 543 997 | 1 366 205 | 1 364 418 |

As reflected in table 2, the allocation of R6,5 billion (in real terms) for land restitution claims over the MTEF is also significantly lower than the R180 billion estimated as the cost for finalising re-opened land claims over the next 15 years. As reflected in table 2 as well as figure 2, the allocations for restitution as well as land reform over the MTEF are significantly lower than the initial 2013/14 budget estimates. Within the land reform programme, the allocations for land reform grants and the agricultural land holding account over the MTEF were lower than the allocations for the 2013/14 financial year, except for the agriculture holding account 2014/15 estimate. Based on these budgetary trends, there appears to be neither evidence nor a mention of the portfolio committee's recommendation for the department to jointly develop a mechanism with treasury for funding the backlog of restitution claims – despite this recommendation being consistently made since 2011.

As seen in table 2 and figure 2, increases are reflected for rural development over the 2014/15 MTEF. The allocations for these sub-programmes are primarily for staffing at provincial and national offices (over R1 billion) and for payment of consultants (averaging R250 million) over the MTEF. The budget vote excludes any targeted spending for improving women's access to and ownership of land. Instead, broad reference is made to "households", "claimants" and "beneficiaries".

**"THE BUDGET VOTE EXCLUDES ANY TARGETED SPENDING FOR IMPROVING WOMEN'S ACCESS TO AND OWNERSHIP OF LAND. INSTEAD, BROAD REFERENCE IS MADE TO "HOUSEHOLDS", "CLAIMANTS" AND "BENEFICIARIES"."**

99 Portfolio Committee on Rural Development and Land Reform, 2013. "The Budgetary Review and Recommendation Report" [www.pmg.org.za/atc131031-budgetary-review-and-recommendation-report](http://www.pmg.org.za/atc131031-budgetary-review-and-recommendation-report)

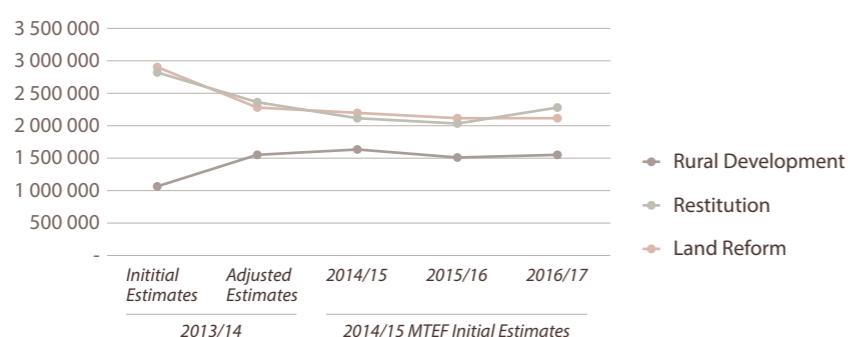
100 Plaas, 2013. Report on the Rural Women's Assembly. October. [www.plaas.org.za](http://www.plaas.org.za).

101 See "State of the Nation Address", 13 February 2014.

102 See the portfolio committee on rural development and land reform's budget review and recommendation reports for October 2011, October 2012 and October 2013. [www.pmg.gov.za](http://www.pmg.gov.za)

103 See Lund T (2014) *Land Bill to benefit a select few* at [www.financialmail.co.za](http://www.financialmail.co.za). See also Hall R (2014) *Government promising more but budgeting less for land restitution* at [www.plaas.org.za](http://www.plaas.org.za). See also Zibi S (2014) *Budget: Land reform at www.financialmail.co.za*

**Figure 2: Comparative data for rural development, land reform and restitution over the MTEF and in relation to 2013/14 estimates – initial and adjusted**



**Table 4: Comparative indicators (initial and adjusted) for 2013/14 and 2014/15 financial years**

| Indicators                        | 2013/14           |                   | 2014/15                          |                   |
|-----------------------------------|-------------------|-------------------|----------------------------------|-------------------|
|                                   | Initial Indicator | Achieved mid-year | Mid-year adjustment to indicator | Initial Indicator |
| Settled land claims               | 230               | 38                | -                                | 379               |
| Finalised land claims             | 208               | 59                | -                                | 239               |
| Hectares of land acquired         | 311 917           | 87 218            | 180 770                          | 390 000           |
| Number of new farms recapitalised | 344               | 56                | 166                              | 719               |

The targets revealed within the departmental budget vote cast further doubt over the meaningful prioritisation of rural development and land reform (table 1). For example, targets for settling and finalising land claims for 2014/15 are higher than the previous financial year, yet claims (whether settled or finalised) in previous years have fallen dismally short of the year's target. In fact, when considering the 2013 adjusted appropriation, the department's targets were decreased between 40 - 50 percent, as performance during the first six months of the financial year had not exceeded 20 percent of the initial targets. The 2014/15 budget references the initial 2013/14 targets, rather than the adjusted targets. It is thus unlikely that the reported targets for the 2014 MTEF will be attained, as the initial 2013/14 targets are used as the comparative benchmark for the unrealistic targets set for the 2014/15 MTEF. Again, the department has not heeded the recommendation of the portfolio committee to be realistic about what can be achieved.<sup>104</sup> Furthermore, amid all the targets reported on – whether past or current – no emphasis is placed on improving the position of rural women.

It is apparent within the budget for 2014/15, both with respect to allocations and performance indicators/targets, that rural development and land reform continue to lack a clear and well-considered government response. Instead, we see a trend of promises with no prospect of attainment or improvements. The SONA and the budget speech unveiled promises of access to land, with mention made of "re-opening land claims", "one million jobs" and "expanded agricultural support". The departmental budget vote added to these promises with its reports of increased targets against which to measure performance. However, the attainment of the promises is unlikely, as is apparent from the shift in language from "jobs" to "job opportunities", the declining budgets that contradict increased targets, and the questionable areas of prioritisation, for example consultants and the Ingonyama Trust Board rather than rural women. The framing of the departmental plans and budgets without any consideration of the challenges facing rural women is a clear warning that the rural development and land reform interventions for the 2014 MTEF period will continue to be unsuccessful in effecting meaningful change.

<sup>104</sup> See footnote 10

## 4 LOOKING AHEAD

With 2014 an election year, land reform is used to gain political leverage. A case in point is the rushing of the Restitution of Land Rights Amendment Bill through parliament before the election, despite heavy criticism that it favours elite groups in the form of traditional authorities. The timing and nature of actions undertaken within rural development and land reform suggest political leverage will be sought at all cost. In the absence of gendering the framing of plans and budgets, politically motivated policies and actions likely will result in severe consequences for rural women. For example, the Traditional Courts Bill (TCB), which would have further entrenched the authority of traditional authorities, was eventually dismissed due to ongoing advocacy efforts highlighting women's experiences of existing oppressive practices. However, the Restitution of Land Rights Amendment Bill affords traditional authorities opportunities to apply for land on behalf of communities and thus deepens their control over resources and further prevents women from improving their access to and ownership of land. While the TCB was dismissed, the restitution law adopted by parliament certainly succeeds in intensifying the power of traditional authorities.

**Over the upcoming MTEF period, it is imperative to closely monitor:**

- Expenditure for land restitution, land reform and rural development against departmental targets and in relation to initial and adjusted allocations
- Plans and processes employed for dealing with re-opened land claims comparative to existing land claims
- Shifts into formal employment compared to "job opportunities" and the time that such shifts take once skills are provided through the National Youth Services Corps.

**The monitoring of the above must be accompanied by demands for:**

- Targets that prioritise rural women's needs in accessing, using, controlling and owning land
- Sex-disaggregated data on beneficiaries, for example whether they are individuals or households, land claimants or participants in the National Youth Services Corps.

In addition to reacting to the tabled budget vote for 2014/15, proactive actions are required. Demands must be placed on the department of rural development and land reform to formulate plans and budgets to address the rights and needs of rural women in a coherent and well-conceptualised manner.

## 5 CONCLUSION

Rural development and land reform are critical avenues in addressing inequities. During an election year, the attention given to shifting land use and ownership to rally political support could be expected. Unfortunately, amid all the promises, the proposed strategies reflect the absence of a coherent policy response and a continual dismissive treatment of rural women's lack of access to use and own land. Rather than policies and budgeted interventions prioritising the improvement of rural women's relationship to land, these interventions tend to further entrench and deepen women's inequality.



## CONCLUSION

Stated or legislated commitments to advancing the rights of women and girls and addressing gender inequality in South African society are not translating into appropriate costing and government spending. This is evident in past spending trends, which have continued into the 2014/15 financial year. A lack of the express recognition of the needs of women and girls in planning and costing leads to inevitable invisibility of women and girls in departmental budgets and a lack of government spending in this regard.

Repeated failure on the part of government to specifically budget for and spend money on the needs of women and girls will perpetually result in the indirect, and sometimes direct, prioritisation of men in all government efforts aimed at improving the lives of all who live in South Africa. It is telling that an exercise analysing departmental and national budgets from a gendered perspective is near impossible due to the lack of gender-disaggregated data.

At 51,3 percent, women and girls make up the majority of the population and have a right to substantive equality as provided for in the Constitution. Substantive equality demands equality in outcomes, not just equality in treatment. This means that targeted interventions, such as gathering gender-disaggregated data and ring-fencing spending on women and girls, are justified and indeed required to address gender inequality in our society. Spending on women and girls means analysing, understanding and expressly addressing their needs in all government policies, in order that they may attract the kind of government costing and spending that makes a difference in their lived realities. Government spending must continue to be interrogated through a gender lens and government held accountable for its failure to bring about substantive equality for women and girls because of its spending decisions.



**The Women's Legal Centre**

7th Floor  
Constitution House  
124 Adderley Street  
Cape Town  
8000

Tel: 021 424 5660  
Fax: 021 424 5206

email: info@wlce.co.za

[www.wlce.co.za](http://www.wlce.co.za)