

THE PRICE OF PROTECTION:

Costing the implementation of the Domestic Violence Act (no. 116 of 1998)

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South Africa's Domestic Violence Act (no. 116 of 1998) is an ambitious piece of legislation – as it well needs be if it is to adequately protect the one in two South Africa women who, in one form or another, is subjected to abuse from her intimate male partner (Jewkes et al., 1999).

However, if this legislation is to achieve its purpose of affording “the victims of domestic violence the maximum protection from domestic abuse that the law can provide; and to introduce measures which seek to ensure that the relevant organs of state give full effect to the provisions of this Act, and thereby to convey that the State is committed to the elimination of domestic violence” (Preamble to the Domestic Violence Act), it requires, at a minimum, a budget that enables effective implementation.

Yet in 2001 national police commissioner Jackie Selebi was quoted as saying that the Domestic Violence Act (hereafter the DVA or Act) was “made for a country like Sweden, not South Africa” and was not practical or implementable.¹ In the same year, during their briefing on the budget to the portfolio committee, representatives of the Department of Justice and Constitutional Development stated that the implementation of new legislation such as the DVA had placed “severe pressure” on its offices and that the 2001/02 budget for personnel “appears to be less than that required for the number of approved posts; fewer persons can therefore be employed”.² Analysis of the annual budget votes for each department since the Act's implementation in 1998 finds no specific budget dedicated to its implementation (Vetten, forthcoming 2005).

This does not mean that no money has ever been budgeted towards the DVA. Vetten and Khan (2002b) and Goldman and Budlender (1999) have identified allocations towards ad hoc once-off projects for training and publicity around the DVA, with some of this money provided by international donors rather than government. While training and publicity around the Act are important, both to familiarise criminal justice system personnel with the new Act and to inform the public of the protection it affords, these are activities that should support the actual daily and ongoing enforcement of the Act, on which costs budget documents are silent.

This policy brief presents findings from research that aims to quantify these missing personnel costs. It describes the methodology used in the research, as well as the process that is followed in obtaining a protection order and the time taken for each step leading up to this point. We also discuss factors that impede or speed up execution of the Act by criminal justice employees. The brief concludes with recommendations around securing an adequate budget allocation towards the Act's implementation.

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Methodology

Between February and May 2005 we conducted 60 interviews with criminal justice system employees at nine courts and nine police stations distributed across the three provinces of Gauteng, KwaZulu-Natal and Free State. Courts were selected on the basis of rankings provided by the Department of Justice and Constitutional Development and represent a mix of well-functioning, average, and under-functioning courts, as well as urban or rural location. Police stations closest to the designated courts were chosen for the study. The courts and police stations selected in Gauteng were Alberton, Tembisa, and Sebokeng; in KwaZulu-Natal Howick, Umbumbulu, and Phoenix; and in the Free State Thaba Nchu, Sasolburg, and Tshepong Centre/Bloemfontein. Tshepong Centre in Bloemfontein was the only site dedicated to dealing with domestic violence matters only; all other sites processed applications for protection orders as part of a range of other duties.

Section 18(5)(c) of the DVA mandates the Independent Complaints Directorate (ICD) to monitor the police's implementation of the Act. This being the case, we also conducted interviews with a representative of the ICD at each of the three provincial offices, as well as a fourth interview at the national office.

Table 1: The number of cases dealt with by each site in 2004
– sets out the number of cases dealt with by each site in 2004, showing how sites ranged from quiet to very busy.

We developed structured interview schedules aimed at finding out about the nature of the 'typical' case of domestic violence that clerks of the court, magistrates, prosecutors, police officers and ICD case monitors were likely to encounter in the course of their duties. Interviews were followed by questions on the usual activities such personnel engaged in when they applied the Act to this 'typical' case, the length of time each activity took, and factors complicating or expediting these activities.

Table 1: The number of cases dealt with by each site in 2004	
Court	Total no. of applications
Albertyon	1 949
Sebokeng	3 346
Themba	1 819
Sasolburg	216
Thaba Nchu	616
Bloemfontein	7 245
Howick	93
Verulam	2 232
Umbumbulu	8 460
Total	25 976

Limitations to the research

Ideally we had hoped to interview three of each category of government employee per site. This was not always possible, as some sites had only one person involved with implementing the Act, and at other sites busy managers were unwilling to make more than one person available for interviews. Some interview transcripts were discarded as the information they provided was poor, generally because the interviewees had no experience with the Act but had been sent to the interviews anyway. The information obtained may not always be completely accurate. In particular, interviewees could not always provide us with the exact time taken up by each activity. Another possibility is that they may have wanted to create a good impression on the interviewers and told us what they should be doing, rather than what they did. Nevertheless, we are confident that the overall picture represents the situation sufficiently accurately for us to draw conclusions.

Findings: Processing protection orders

All categories of interviewees described the 'typical' case as one brought by a woman (the 'applicant') against the man with whom she had been involved (the 'respondent') in a long-term relationship. This relationship was characterised by physical abuse. The process of applying for a protection order in such cases started when the abused person filled in Form 2 at either a court or a police station.

Clerks of the court

When the applicant approaches the court, the clerk of the court, as the gatekeeper of the protection the Act affords, is the first person she encounters. There was usually only one clerk designated to domestic

violence matters at the study sites, who, in some instances, also had to deal with other domestic matters and children's court.

Eight clerks in seven centres – Bloemfontein, Sasolburg, Sebokeng, Themba, Thaba 'Nchu, Umbumbulu and Verulam (2) – gave useable information on the time they take to perform the necessary activities. These included taking histories; calming applicants and informing them of their rights and options; assisting with filling in the application; reading and checking the application; explaining the oath; taking the person to the magistrate; amending the forms at the request of the magistrate; issuing a date of return; informing the person/s about the order and return date; photocopying and sorting forms; and calculating the sheriff's fee.

The total time taken for all sub-activities in a typical case ranged from 16 minutes in Sasolburg to 123 minutes in Umbumbulu, where 15 of these minutes were said to involve interpreting for the magistrate. As we have excluded the time and costs of interpreters at other courts, the time for the clerk in Umbumbulu can therefore be adjusted to 108 minutes. The adjusted time is still much longer than the next 'slowest' clerk – the one in Bloemfontein whose reported activities took 55 minutes. Reading and checking the application and explaining the oath contribute most to the long time taken in Umbumbulu. This is perhaps explained by the applicants in that area being likely to have limited education and low literacy levels. Overall, we get a mean of **43.6 minutes** for the clerk's activities in respect of the **application stage** of a 'typical' case.

Clerks also have tasks on the return date, when the applicant (and sometimes respondent) return so that the court can consider whether the interim order should become a final order. Three clerks (Sebokeng, Thaba 'Nchu and Verulam) gave time estimates for tasks completed on the return date, which included checking parties were present, checking documents, and preparing appearance forms. The mean time taken for activities at the **return date** was **9.3 minutes**.

Other tasks mentioned by some clerks, but not included in the cost, were informing applicants about sheriff's fees (infrequent, because of the cost incurred by the applicant), addressing 'clients' gathered at the court, organising a place of safety for an applicant, and daily completion of the domestic violence register.

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Police

As mentioned above, an applicant can fill in Form 2 at a police station. Some informants said that application at a police station was not/no longer allowed. However, because a number of police officers reported doing this step we allowed for this in a small proportion of cases in the costing. Eight police officers across five stations (Bloemfontein, Phoenix (2), Themba, Thaba 'Nchu (3) and Umbumbulu) gave us useable information, and reported their activities as calming the applicant and explaining rights and options; assisting in making the statement; filling in the statement and form; phoning the court; accompanying the client to court; registering the docket and filling in a report form; taking the papers to the case-management system; arranging a place of safety; and contacting social work or counselling staff.

While we did not include this in the costing, police officers in Sasolburg and Themba explained that they were also asked by applicants reluctant to either lay criminal charges or obtain a protection order, to go and 'scare' the respondent in an attempt to stop the abuse.

The estimates for the time taken for the application process ranged from 16.5 minutes in Umbumbulu to the 60 minutes stated by one of the Bloemfontein officers. The mean time taken for the **application process** was **37.4 minutes**.

We do not know what proportion of case applications is made at court and what proportion at the police station. We therefore assume, for costing purposes, that half of all applications are made at each. The salaries of clerks and police officers differ, and we thus calculate the mean on the basis of the cost of the operation by the clerk or police officer separately. (See below.) This step is necessary for every application.

The police or the sheriff are also responsible for notifying the respondent of the hearing and serving the protection order. As it seemed from the interviews that sheriffs were seldom used for this step, we relied on the information given by police officers.

Reported activities included checking documents, calming the applicant and explaining her rights, travelling to the home or shebeen, checking the respondent understood the order, informing the woman about a shelter or counselling, taking the woman home or to a place of safety, returning to the office, recording and registering the case, photocopying documents, and carrying out follow up.

Ten police officers from five sites (Bloemfontein (2), Sasolburg, Themba (2), Thaba 'Nchu (2) and Umbumbulu (2)) gave useable information on this step, but times for this activity were sometimes difficult to estimate, differed substantially, and depended on how far the respondent was from the police stations. The estimates ranged from 30 minutes in Phoenix to 115 minutes as reported by one of the Bloemfontein officers. The mean time for **notifying the respondent** was **55.1 minutes**. This step is again assumed to be necessary for every application.

The police are also responsible for **serving the final protection order**. We have assumed that the time taken for serving the final order is the same as the time taken for notifying the respondent, i.e. a mean time of **55.1 minutes**. This step is only necessary for cases where a final order is obtained, which, we assume, happens in **60% of all original applications**, on the basis that 80% of original applicants appear on the court date (see below for justification of this) and three-quarters of these appearances result in a final order that must be served. *sure*

Magistrates

Once Form 2 has been completed by the applicant, the magistrate certifies it and a return date is set. Eleven magistrates from seven courts (Alberton (3), Bloemfontein, Sasolburg, Sebokeng (3), Themba, Umbumbulu and Verulam) reported that their work included checking the paper work; reading the statement (sometimes to the applicant); explaining matters to the applicant; placing the matter on the roll and issuing the interim protection order; and organising return of service and a warrant of arrest.

The time taken for certification ranged from five minutes (for Themba and for one of the Alberton magistrates) to 35 minutes in Umbumbulu. The overall mean for **certification** was **21.1 minutes**. This step is assumed to be necessary for all applications.

Magistrates are also involved on the return date, when parties return for the hearing. Magistrates gave widely differing estimates of the proportion of cases where parties returned, with the Alberton and Verulam magistrates reporting that parties return in 90% or more cases, one Sebokeng magistrates reporting that they returned in only 20% of cases, and the other two Sebokeng magistrates stating 50% of cases. For the purposes of costing, we assume that **parties return in 80% of cases**. *90% + 20% = 50% 1600 800 50%*

There were also varying estimates as to how often **both parties were present** on the return date and how often **only the applicant was present**. In the absence of better information, we assume a **50:50 split**.

Eight magistrates provided estimates of the time taken to hear the case with both parties present and seven estimated the time taken with only one party present. The mean time for **both parties** was **31.9 minutes** and for **one party returning** **12.1 minutes**. This yields an overall mean for hearing cases of **22 minutes**.

We did not receive useable information from magistrates on how long it took to deal with breaches. If we work from time estimates provided by prosecutors for hearing and cross-examination of the parties, we can assume that a magistrate spends an average of **60 minutes on each case involving the breach of an order**.

Prosecutors

Prosecutors are involved in the DVA process where a **breach occurs** and is reported. In the absence of any evidence as to how often this happens, we assume that this happens in **10% of cases where a final order is obtained**.

From the interviews, it emerged that there were two categories of prosecutors - those who dealt directly with cases, and the control prosecutors who acted more in a case-management role. We obtained useable information from two control prosecutors in Sebokeng and Thaba 'Nchu.

They reported their activities as including speaking to the complainant and investigating officer, receiving and checking all the documents about the breach, and giving instructions to the ordinary prosecutor. Time estimates were 10 minutes in Sebokeng and 40 minutes in Thaba 'Nchu. The mean time taken by the **control prosecutor** amounted to **25.0 minutes**.

We obtained useable information from three ordinary prosecutors in Sebokeng, Themba and Umbumbulu. The activities they reported included going to the clerk to get files; consulting with victims and putting them at ease; checking and reading through the story; consulting with the parties separately; getting the full story; explaining court proceedings; informing the court of the charge; the hearing and associated cross-examination of both sides; referrals; writing up reports; making, certifying and filing copies; and making a follow-up phone call to the victim.

Time estimates ranged from 83 minutes in Themba to 115 in Umbumbulu. The mean for the **ordinary prosecutor** was **101 minutes**.

A few prosecutors reported writing letters of referral to social workers and providing workshops around the DVA to their local community. Given that these activities were not consistent across all sites, we did not cost them.

Independent Complaints Directorate (ICD)

The ICD's function is to receive complaints around police non-compliance with the Act's provisions, forward these to the police stations concerned, and follow up on actions taken subsequently by the relevant officials. The police should also forward any complaints received regarding their conduct to the ICD. The ICD should also submit reports to parliament every six months outlining the number of such complaints received, as well as actions recommended. While ICD staff were interviewed, we ultimately decided against costing their time, given the negligible nature of their role (which appears to amount to cents' worth). However, interviews with various offices of the ICD revealed that few complaints are being reported, which is perhaps just as well given their staffing constraints. During the interview at the ICD national office it was said that DVA monitors are also special programme officers and do work around disability, HIV/AIDS, gender, and other equity issues. In Gauteng, the monitoring is being done by a secretary as the complaints' officers are overburdened with other types of complaints about the police. Finally, with the exception of two reports, one submitted in 2001 and the other in 2002, no other reports have been submitted to parliament. *if it contributes to implementing the DVA, it should be provisioned*

Even if the monitoring was being undertaken more regularly, one would expect the cost to apply to a relatively small proportion of DVA cases, and it should not make a significant difference to the total cost of an individual case.

What slows down or speeds up applications?

Struggles over access to and support of children, as well as disputes over various types of property, were identified by all categories of interviewees as factors complicating and drawing out cases. Magistrates and police officers also mentioned the involvement of weapons as another factor extending the time cases took. Clerks highlighted how the lack of functional photocopiers constrained their work. Typically each court has only one photocopier available so power failures or malfunctioning machines create delays and backlog. Clerks also spend time walking

to the photocopier (sometimes 10 minutes away), standing in line, or requisitioning paper.

In relation to the police, the lack of shelter facilities complicates their duties, particularly over weekends.⁵ They also dislike serving orders, as the difficulties to do with locating respondents can make it time consuming. Consequently, serving orders was not a priority in most police stations. In Sasolburg, for example, it was explained that unless the order was serious, it would be left until other more pressing police matters were taken care of. The magistrate in Sasolburg concurred, saying that the police helped only in extreme or serious circumstances, or where ordered to by the court.

Factors that speed up cases include applicants knowing their rights and the Act's provisions. Matters involving respondents who did not dispute the charges were also identified as 'quick' cases to deal with. Interviewees identified paper work correctly completed and collated, clear statements, and the correct following of procedures as making their work easier.

However, the time police and court personnel spent carrying out the Act's provisions was not only determined by the presence or absence of resources. What such personnel felt about domestic violence, as well as how they understood their role in relation to the Act, also affected the time spent on executing its provisions. For example, at some courts applicants rarely saw the magistrate, while at other sites magistrates saw the applicants personally, and acted as advisors, empowerment agents, teachers, and mediators.

Because domestic violence cases are sometimes withdrawn, some police officers felt that their assistance in such matters "amounted to nothing", which manifested itself in a reluctance to deal with domestic violence. So, for instance, officers were quick to refer domestic violence cases to the courts rather than open a criminal case. Also, once particular police officers were designated to handle domestic violence complaints, non-designated officers avoided dealing with such matters.

* The cost of serving protection orders in Alberton between 2000 - 2001

Sheriffs are typically responsible for serving protection orders. Their fees are paid by the applicant unless she lacks the necessary funds. Where this is the case, the DVA suggests that a means test be performed and that the state carry the costs of service. The criteria to be applied in conducting such tests have not been defined.³

At the court in Alberton, records were being kept of the costs of service. Analysis of a sample of 1 546 applications for protection orders in 2000 and 2001 provided the following figures:⁴

- Sixty-nine per cent of orders were served by the sheriff and one percent by the police (in 27% of cases it was not known who served the order and in two percent of cases it was served by other parties);
- In 59% of cases the sheriff's fees were paid by the state and in 24% of cases by the applicant (in 17% of cases it was not recorded who paid for the costs of service);
- Information on the cost of service was available for 935 cases. The mean average cost was R53.19 and the total cost of serving orders for these two years was R49 732.98 (Schneider and Vetten, in progress).

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Calculating the cost

To calculate the cost to government of implementing the DVA, we multiplied the mean time taken for each step by the percentage of cases to which it applies and by the cost of employment of the staff involved.

In calculating the cost, we took the annual salary and converted it to an amount per minute, by dividing it by 12 months, then 22 working days, then 8 hours per day, and then 60 minutes per hour.

For each type of worker we took either the lowest grade possible or the grade that we were told was most commonly employed on the DVA work.

- For clerks we used salary notch 2 of level 3 for the year beginning July 2004. The annual salary is R42 366.
- The most common level for police constables is grade 5. Cost to company for this level is R77 829 per year.
- The lowest grade of magistrate currently earns R258 576 per annum.
- The relevant level for prosecutors is C3, notch 1, for which the National Prosecutions Agency provided a salary figure of R76 428 for the year beginning July 2004.

The amount provided for police constables was cost to employer, while the other three amounts listed here were gross salary. Cost to employer is the relevant figure for our purposes as it includes both the gross pay of the employee, and additional costs such as employer contributions to the medical aid and skills development levies. To convert the gross salary figures to cost to employer, we multiplied by 1.36.⁶

Table 2: Annual and per-minute cost of different employees – shows the annual cost for each type of employee and the equivalent per-minute cost. It combines the time estimates, the estimates of proportion of cases to which a particular step is applicable, and the cost of the relevant employees to calculate the cost of a single protection order. The calculation yields an amount of R245.03 per case in terms of staff costs alone. This ignores a range of other costs, including stationery, rental, and support staff of various sorts. It also assumes that the lowest level of employee possible deals with each step.

Table 2: Annual and per-minute cost of different employees

	Annual	Per minute
Magistrate	351 663	2.78
Prosecutor	103 942	0.82
Clerk	57 618	0.45
Police	77 829	0.61

If costs are calculated in this way – (Table 3: Calculating the cost of a single protection order, see page 5), at least R6 364 899.28 was spent at these nine sites on processing 25 976 applications for protection orders in 2004. If we apply this cost to the 157 391 protection orders granted in 2004, then at least R38 565 517 was spent on protection orders by the state in that year. It should be noted that this number of applications, a total provided to us by Justice, is reflective of only 70% of courts nationally.⁷

assumptions - lowest level employee, deals with implementing DVA

Table 3: Calculating the cost of a single protection order

	Minutes	Worker	Mins*cost	Proportion of cases	Cost/case
Application	43.6	Clerk	19.82	0.5	9.91
Application	37.4	Police	38.01	0.5	19.01
Certify Form 2	21.1	Magistrate	58.56	1	58.56
Notify respondent	55.1	Police	55.71	1	55.71
Return admin	9.3	Clerk	4.23	0.8	3.38
Hear return case	22	Magistrate	61.05	0.8	48.84
Serve final order	55.1	Police	55.71	0.6	33.43
Assign breach case	25	Control Pros	20.51	0.06	1.23
Handle breach case	101	Prosecutor	82.85	0.06	4.97
Hear breach case	60	Magistrate	166.51	0.06	9.99
Total per case					245.03

How does expenditure on the DVA compare to expenditure on other legislation?

- In 2000 the SAPS budget vote earmarked new allocations of R35 million, R51 million and R36 million, in addition to existing allocations, in preparation for the implementation of firearms legislation due in parliament before the end of 2000 (National Expenditure Survey 2000: 185).
- In his 2004 budget vote address, the Minister of Safety and Security committed R63.2 million to the firearms control project (covering expenditure on 458 vehicles, 1 153 desktops, 728 scanners and 573 printers, amongst other things).
- Justice allocated R36 million in 2004/5 to the re-demarcation of magisterial districts, increasing to R40 million in 2005/06, and R44 million in 2006/07.
- Justice allocated R23 million towards security at the courts in 2002, allowing the department to secure the houses of 32 judges in the Western Cape. Cash-in-transit services from private security companies were provided to 184 offices at a cost of R8 million. A further R9 million was spent on the installation of security fencing and lighting. In 2003, R45 million was allocated for security services, which then-Minister Maduna described as still insufficient. (See his 2003 budget speech.)

The consequences of under-resourcing the DVA

The statements cited in the introduction to this brief and research conducted in the Western Cape around the implementation of the DVA (Mathews and Abrahams, 2001; Parenzee et al, 2001; Artz, 2003) point to the amount currently being spent on the Act as insufficient. A number of possible consequences flow from under-resourcing the DVA.

First, protection orders only come into effect once served on the respondent. This means that any delay in service may jeopardise the applicant's safety. Second, where the state has not provided an adequate budget, the costs of financing the Act's implementation have been carried by civil society and donors. The organisation Mosaic in the Western Cape is a case in point.⁸ Between April 2000 to February 2001, Mosaic assisted 15 142 applicants to obtain protection orders. From January 2001 to November 2001, Mosaic spent a total of R373 364.15 providing this service to women (Vetten and Khan, 2002a: 23). At a practical level it makes some sense for NGOs to step in and provide the necessary services the state appears incapable of providing. However, as long as organisations can be relied upon to plug the gaps, the state is absolved

of financing its constitutional mandate to protect everyone from private or domestic violence.⁹

Third, under-resourcing shifts additional costs onto women applying for protection orders. Too few clerks to deal with the number of applications made daily will inevitably result in long waits. Some women may not be attended to on the day they arrive, necessitating their return to court. At the least, this results in additional travel costs, childcare costs, loss of income and time off work - costs some women cannot afford and none should be asked to cover.

Fourth, as former Chief Justice Arthur Chaskalson has pointed out, shabby working conditions and forced under-staffing have a discouraging effect on court staff morale.¹⁰ Pressured work environments, in combination with negative attitudes towards domestic violence complainants, increase the likelihood of women being viewed as burdensome and sources of resentment, rather than citizens with a legitimate claim to protection. In relation to the DVA, this may translate into impatient and dismissive treatment of women seeking court orders.

Finally, understaffing may encourage personnel to find ways of reducing the amount of time spent on cases. Some clerks, for example, did not assist applicants to complete the application forms. The consequences of this may be particularly adverse for women with low levels of literacy, or whose first language is not English or Afrikaans. (Form 2 is only available in these languages.) Where forms are completed incorrectly or sketchily, this may result in the applicant receiving inadequate protection, her application being delayed, or not being approved at all.

The Constitutional Court best captures the sum total of these various consequences for women:

The ineffectiveness of the criminal justice system in addressing family violence intensifies the subordination and helplessness of the victims. This also sends an unmistakable message to the whole of society that the daily trauma of vast numbers of women counts for little. The terrorisation of individual victims is thus compounded by a sense that domestic violence is inevitable. Patterns of systemic behaviour are normalised rather than combated.
(*S v Baloyi* 2000 (1) BCLR 86 (CC) at para 12)

Endnotes

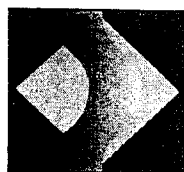
- ¹ Louis Oelofse and Siyabona Mkhwanazi, "Well-meaning laws can't be policed – Selebi", *The Star*, 14 August 2001; Jeremy Michaels, "Selebi summoned for domestic violence remarks", *The Mercury*, 22 August 2001.
- ² Briefing to the Portfolio Committee on Justice Budget 2001: 16 of printout.
- ³ Parenzee et al.'s research (2001: 94) monitoring the implementation of the DVA in the Western Cape found that at some courts impoverished women received state aid while at others they did not benefit from this provision in the Act.
- ⁴ Numbers in this section will not add up to 100% because of rounding.
- ⁵ In Themba, for example, women sometimes slept at the police station, which has beds for one or two people, with the remainder sleeping on chairs. The alternative is for the police to take women to family or friends willing to take them in.
- ⁶ Conversion figure provided by Bupendra Makan.
- ⁷ Personal communication Lorraine Glanz, 23 September 2004.
- ⁸ Mosaic is a community-based organisation addressing domestic violence in and around Cape Town and Paarl. The organisation offers a range of services to women, including counselling, training and legal support. Mosaic Court Support Desks at Wynberg, Goodwood, Belville, Cape Town, Simons Town, Kuilsriver and Paarl courts help applicants, mainly women, complete applications for protection orders. They are not charged by Justice for the use of these courts.
- ⁹ See *S v Baloyi* 2000 (1) BCLR 86 (CC).
- ¹⁰ "Courts must not suffer as 'apartheid' debts are paid", *De Rebus*, August 2004.

Recommendations

Problems with the implementation of the DVA are not reducible to the budget alone. However, an adequate budget would clearly play an important role in doing away with at least some problems. For this reason, what should be spent on implementing the DVA is the next question needing to be explored.

We would recommend:

- Identifying minimum standards around the ratios of court and police personnel to applicants, as well as the minimum quality of service owed to applicants. Translated into time periods and performance indicators, this should enable a revised costing of the DVA that is better capable of realising applicants' rights. We would also recommend factoring in once-off expenditure on the translation of the application form into more (or, perhaps, all) of South Africa's official languages.
- Also important is the creation of spaces, perhaps in the form of parliamentary hearings, to allow organisations to participate in departments' budget presentations and annual reports.
- A third area of importance relates to the ICD's oversight role, which appears to be an impoverished one. This may partly be the result of how its role is conceived but is also a consequence of there being too few employees to give bite to its oversight.
- Further, both the ICD and the SAPS are required by law to submit reports every six months to parliament around police (non-) compliance with the Act. At the time of writing, only two ICD reports had been submitted to parliament (one in 2001 and the other in 2002) and none had been submitted by the police. Parliament also did not appear to be demanding these reports either. Oversight of the Act's implementation is important not only to ensure legal accountability to women, but also to assess police performance in this regard and whether it provides value for money.
- Finally, service of orders is clearly an area of dispute that may be better left to the sheriffs to carry out. This will, however, require the establishment of fair criteria around the means testing of applicants' ability to pay for the order to be served.



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