



**ILITHA LABANTU**  
PEOPLE WHO CARE ABOUT PEOPLE

**SUBMISSION ON THE VICTIM SUPPORT SERVICES BILL**

**07 OCTOBER 2020**

**ATTENTION:** DEPARTMENT OF SOCIAL DEVELOPMENT

Siza Magangoe email: [Sizam@dsd.gov.za](mailto:Sizam@dsd.gov.za);

Luyanda Mtshotshisa email: [LuyandaMt@socdev.gov.za](mailto:LuyandaMt@socdev.gov.za)

Anna Sithole email: [Annas@dsd.gov.za](mailto:Annas@dsd.gov.za)

**Submitted by:**

Zoliswa Mbekwa

Clinical Department Ilitha Labantu

Email: [zoliswa@ilithalabantu.org](mailto:zoliswa@ilithalabantu.org)

Tel: 021 633 2383

Research and Preparation by Sikhulule Monakali

Email: [sikhulule@ilithalabantu.org](mailto:sikhulule@ilithalabantu.org)

With input from Ella Mangisa

Email: [ella@ilithalabantu.org](mailto:ella@ilithalabantu.org)

**SUBMISSION ENDORSED BY:**

St Mary's Home of Hope

Bambanani for Social Development

**St Mary's Home of Hope Contact:**

Director: Maria Basson

Tel: 083 238 9167

Email: [st.m.ofhope@gmail.com](mailto:st.m.ofhope@gmail.com)

**Bambanani for Social Development Contact:**

Director: Nyameka Marriam Makhosana

Tel: 073 262 8412

Email: [m99.makosana@gmail.com](mailto:m99.makosana@gmail.com)

Ilitha labantu herby welcomes the opportunity to comment on the Victim Support Service

**Bill. The organization is also available for Oral Presentation**

## Introduction

Ilitha Labantu, established in 1989, is a social service and educational organization that focuses on addressing violence against women and children and supporting those affected by it. This is accomplished through individual and family counselling, providing emergency accommodation for women and their children, skills training, empowerment and capacity building workshops, Ilitha Labantu meet the needs of the communities affected by high levels of violence and limited socio-economic opportunities. Located within the residential areas of its target group, the organization provides easily accessible and inclusive services to gender based violence survivor and the broader community.

In a country such as South Africa we understand the affect that gender based violence has in the livelihoods of many people and we as civil society have had to carry the lag and inefficiency in government. We welcome the proposed Victim support services Bill as it seeks to rectify the many issues that we face as a country but it is also far from ready as it clearly seeks to regulate and interfere with a sector that has predominately saved government in many instances.

As the bill sets out its aims one in particular is of great concern and others that follow.

<b>Clause</b>	<b>Proposal</b>	<b>Motivation</b>
<i>Preamble</i> To provide for designation and registration of victim empowerment and support services centres and service providers;	Removal of powers to designate but rather to encourage movement of facilities or relocation if the need arises in an area and is of concern	By designated specific centres we could be creating a gap in certain areas with high prevalence of violence towards victims
to provide for the specific roles and responsibilities of relevant departments and other stakeholders;	Streamlining already intrinsic roles and responsibilities without stating that accountability and recourse is not specifically mentioned will lead to actual secondary victimisation	Throughout the years there has been trainings and implementation strategies and policies brought to various departments but we have yet to see that actual recourse in the matters addressed and the failures of state departments to fulfil their core mandate leads to relevant recourse. Secondary victimisation would not occur if departments performed the

		duties according to their original mandate
--	--	--

Civil society organisation already find it difficult working with government in many instances and because of backlogs, delays and a referral system that edges on nonsensical at times, we have had to play the back foot whilst waiting for government officials to decide or act on matters of urgency. This stems for all stakeholders, from Police to Social Workers, to NPA to Nurses. As it stated in the National Strategic Plan on Gender Based Violence 2020 – 2030, the five pillars especially pillar one is the first step towards many of the objectives of this bill, but it makes reference to *“CSOs should be accountable to their stakeholders for quality of services provided”*.

Furthermore, the NSPGBV states categorically

*Over the next five years, response care and support services provided by the state and NGOs will be strengthened and intentionally shifted towards being victim-cantered and survivor focused to contribute towards the recovery and healing of survivors. Secondary victimisation will be minimised through addressing individual and systemic factors driving it. Victims will feel supported by the system to access the necessary psychosocial, material and other support required to assist them with their healing and strengthened community and institutional responses to provide response, care and support to survivors and other vulnerable persons will be in place.*

This is a drastic shift from the current legislation which instead of encouraging and fostering partnerships and stretching the existing mandates and addressing short comings of government, it seeks to underpin the work that has been done by Civil Society Organisation through the exclusive interventions of government.

We do understand that there are those out there that seek to undermine the work that is done by both government and civil society but in the same vein we cannot punish those that are doing stellar work in the field, communities and the country as a whole in attempt to regulate the services that are provided by these organisations.

Clause	Proposal	Motivation
S 10 1 a	Facilitation is one factor but also consultation and where changes need to be made it is done encompassing all relevant stakeholders	The coordination of programmes and services will allow for the minister to have wholesale power over the programmes which cannot have a one shoe fits all adoption, as we have seen in many instances that different approaches are needed under different circumstances
S 10 (1)(b)	This area in which partnerships are discussed the actual type of partnership must also be viewed in a manner of importance	Will there be equal power in these partnerships or is it a manner of what the minister says goes, we need to ensure that partnerships are exactly that an extensive collaboration between all stakeholders
S 10 (1) (f)	Allocation of local court support and from civil society groups when proceedings are occurring	The court is a facility and we have to deal with the victims on a personal level where they know that they are truly not only supported in court but out of court too, the court process is one that takes a heavy toll on victims and how is the support regulated, is it once off is it only at special times etc.
S 10 (4)(a)	If this is to be believed then it is again that government working with civil society and ngo's in assisting with the creation	On too many occasions many of governments policies were developed through research and extensive work done by ngos who compiled reports and showcased that information. Only for the government to implement it as policy without recognising the work and effort that the ngos had put into it
S 10 (4)(b) S 10 (5)	Accreditation of ones programmes is farfetched as	The entire accreditation system begs of system

	<p>once you have been accredited as a social worker and or facility suitable then surely your programmes should be suitable</p>	<p>overreach and it can be disputed that such over reach will lead to the closing of many organisations with powers of programmes and being evaluated by the minister is an analogy similar to someone in your kitchen with your ingredients telling what to cook for them. For the fact that this states that it will give rise to the rules of how programmes and service providers be removed from accreditation or rather be removed in general and where can we raise such disputes as civil society organisations.</p>
<p>S 10 (4)(c)</p>	<p>Allocation of funding is a critical area of concern especially in a country like south Africa</p>	<p>As many other organisations have had to look at funding from numerous circles and the country is currently in the grips of a financial crisis, we have no means of ensuring this is a possibility and even when such great gestures are made it is rare to find that money that is spent is spent adequately and we could showcase the good that money has done, somehow when it lands through government coffers there are always irregularities and inefficiencies that are displayed. We seek to ensure that this does not happen and thus once funding is allocated we should have an independent body made of all stakeholders to ensure the funds are adequately distributed and fairness is in</p>

		line with the amount of work being done by those stakeholders.
--	--	--

Section 20 of the bill seems to be the most bowl of contention as it stands to undermine a lot of the work that has been done by various organisations throughout the years. What is more concerning being the fact that Civil Society will be dictated to by Government in terms of their organizational structure particularly in management positions, the same government who is even failing to support the very same institutions? All organization according to the NPO Regulation are meant to be registered yet remain independent institution as we are able to hold government accountable.

It is understandable to register such facilities but it should not be as excessive as it is portrayed in the current bill. Furthermore, the cost implications of such registrations rest on the organisations, any type of fault rests with the organisations and for the organisations to be compliant they have to go through leaps and bounds to ensure that they are part of the database.

Clause	Proposal	Motivation
S 21	This clause contradicts the clause that speaks of national norms and standards and thus should be removed	The requirements for registration are said to have to meet national norms and standards whilst section 27 speaks of national norms and standards of facilities, this is redundant and further speaks to how there is a continued push for a single narrative that is seemingly being pushed and that is control by the department
S 32	This clause clearly has no bearing as it were the case of management being overridden by outside influence is one that truly needs no place in our country.	This section truly is one that needs urgent attention. As any respectable ngo would have a board to oversee any matters that relate to the organisation, and thus they would be capacities to deal with management and the removal of management who are not adhering to the regulations of their own organisation. This step is one that truly is unfair as the

		minister may take total control of a facility and then prescribe what that facility may then be eligible to do as a service provider
--	--	--

As an organisation that has been in existence for 31 years and has always been based within the location, we understand the plight that faces many women, children, families, men and members of the LBGTQIA+ community, and we have witnessed first-hand the helping hand of many normal civilians, who would open their homes for others, provide some sort of care and nourishment to others. Are we to say that the spirit of Ubuntu and those that solely seek to help needs to be regulated to such an extent that if a woman comes to a neighbour seeking assistance a neighbour cannot offer that assistance without being registered as she would be the first point of contact?

As rape Crisis has pointed out in a recent article

*As it stands, the bill proposes that organisations and professionals who provide services to all victims of violent crime register with the government. The cost of registration will be borne by your organisation, and failure to do so could result in imprisonment. The bill also requires that there are always enough human and financial resources to realise the objectives of the legislation, irrespective of an organisation's own objectives and mission.*

## **In Conclusion**

We must seriously look at how we plan on ensuring that the rights of the victim are guaranteed and state institutions and members of the state are held accountable for failures that may result from lack of training, as we have witnessed throughout the years, or failure to comply to the regulations set on to them by their various departments and legislation. For civil society the aspects should be to uplift those that are failing and assist those that are lacking capacity, as these institutions, organisations, homes and individuals have always been the first point of contact and we need to ensure that their capabilities match their passion.