Department of Justice & Constitutional Development (DoJ&CD)







Official Sign-Off

It is hereby certified that this Departmental Annual Report was developed by the Department of Justice and Constitutional Development for submission to Parliament by the Minister of Justice and Correctional Services in terms of section 65(3) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) (the Act). It highlights the achievements and limitations experienced in realizing the goals of the Act within the mandate of the mandate. The reporting period for this report is from 01 April 2017 to 31 March 2018.

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Contents

Exec	utive S	ummary	. 6
Chap	oter 1: L	egal Framework on Sexual Offences	
1.1.	Introd	uction	7
1.2	The Co	onstitution of the Republic of South Africa	7
1.3	Interna	tional Protocols and Conventions	7
1.4	Domes	stic Legislation against Sexual Offences	. 8
	1.4.1.	Legal Framework on Sexual Violence at the Learning Sector	8
1.5.	Nation	nal Development Plan, 2030	. 8
1.6.	Other	Legal Framework on Sexual Offences	. 8
1.7.		g with Implementation Challenges: National Forum on the Implementation Sexual Offences Act hosted by DM	8
	Table	1: Department's Actions to the National Forum Resolutions	. 11
Chap	oter 2: (Governance in Sexual Offences	
2.1	Introd	uction	13
2.2	Gover	nance Structures	13
	2.2.1	The Directors-General Intersectoral Committee for the Management of Sexual Offences Matters (DG ISC SO)	13
	2.2.2	The National Technical Intersectoral Committee for the Management of Sexual Offences Matters (NT ISC SO)	15
		Challenges	. 17
	2.2.3	The National Court Support Services Committee	. 18
		Challenges	. 18
	2.2.4	National Task Team (NTT) on Gender and Sexual Orientation-Based Violence against LGBTI Persons	18
		Challenges	19
	2.4.5	Provincial Sexual Offences Committees/Forums	20
		Challenges	. 20
		Challenges	. 21
Chap	oter 3: F	Physical and Human Resources	
3.1.	Introd	uction	. 22
3.2.	Infrast	ructure and Other Physical Resources	. 22
	Table 2	2: Sexual Offences Courts Established in 2017/2018	. 23
	Table 3	3: List of Sexual Offences Courts Established from August 2013 – March 2018	. 24
		Sexual Offences Courts (SOCs) Linked to Thuthuzela Care Centres (TTCs)	
	Table -	4: SOCs Linked to TCCs	. 25
	3.2.2	The Interdependencies in the Functionality of the SOCs	. 26
		Other Challenges	. 26

	3.2.3 The Monitoring & Evaluation Strategy for SOCs	27
3.3 H	Human Resources	27
	Table 5: Available Intermediaries in 2017/2018	42
	3.3.1 Statistics of Intermediary Services	27
	Table 6:The total number of child-victims of sexual offences and human trafficking for the periods 2016/17 & 2017/18	27
	Table 7: Mentally-disabled witnesses and victims of sexual offences and human trafficking matters during periods 2016/17 & 2017/18	28
	Challenges	28
Char	pter 4: Training and Development	
4.1	Introduction	20
4.1	Trauma Debriefing Programme	
4.2.	Table 8:Trauma Debriefing Workshops undertaken in Regions	
4.3	Justice College Training Conducted for Court Officials on the Act	
4.3	Table 9: Justice College Training Courses Delivered in 2017/2018	
	Other Challenges	
	Offici Officialienges	
Chap	pter 5: Public Education	
5.1	Introduction	31
5.2	Media & Public Education Interventions	31
	Table 10: National and Community Radio Talk Shows and interviews	31
	Table 11: Television Educational Programmes and interviews	33
5.3.	Public Education Campaigns	34
	5.3.1 Ministerial Imbizos	34
	Table 12: Ministerial Public Education Campaigns	34
	5.3.2 Schools and Older Persons Educational Campaigns	35
	Table 13: Community Outreach to Schools and Older Persons	35
	Figure 1: Campaign for Children and Older Persons	35
	5.3.3 Other Community Outreach Campaigns	36
	Table 14: Community Outreach: Dialogues and Information Sessions	36
	Table 15: Exhibitions/Service Fairs	37
	5.3.4 Justice Services Awareness Campaign by the Office of the Director-General	37
	Table 16: Access to Justice Week Interventions	37
	Table 17: Women's Month Initiatives for Justice Women	37
	Public Education Campaign against Illegal Practice of Ukuthwala Custom	38
	Awareness Raising for Justice Men and Boy Children	38
5.4	Challenges: Public Education and Communication	39

Chapter 6: National Register for Sex Offenders

6.1	Introduction
6.2	Integrated Justice System (IJS) and NRSO
	6.2.1 Convictions Registered on the NRSO
6.3	Training Interventions on NRSO41
	Data Capturing Workshops41
	Compliance Information Session with the Judiciary41
6.4	Other NRSO Challenges
Char	oter 7: Sexual Offences Cases Registered and Managed by Courts
7.1	Introduction
7.2	Top 3 New Sexual Offences Cases Registered
	Table 18: Top 3 New Sexual offences cases registered in Regional
	Courts: 2016/17 & 2017/18 financial years
7.3	Top Ten Regional Courts with the Highest Volume of New Cases of Rape
	Table 19: Courts with the highest volume on new rape cases
7.4	Top 10 Court with High Charge Withdrawal
	Table 20: Top Ten Courts with High Volume of Withdrawn Charges
7.5	Top 10 Courts with High Case Disposal Rate
	Table 21: Top 10 Regional Courts with High Case Disposal Rate
7.6	Top 3 Reasons for Postponement of Cases
	Table 22: Top Case Postponement Reasons
7.7	Conclusion
Chap	oter 8: Research Interventions
8.1	Introduction
8.2	Victim-Satisfaction Survey at SOCs
8.3	Desktop Research on Information, Education and Communication (IEC) Material
	8.3.1 The Key Recommendations of the Research Report
Char	oter 9: Law and Policy Development
9.1	Introduction
9.2	The Judicial Matters Amendment Act, 2017
9.3	The Draft Regulations Relating to Sexual Offences Courts
9.4.	Amendment of section 29 of the Act
	oter 10: Limitations, Possible Interventions/Recommendations and Conclusion
10.1	Introduction
	Table 23: Challenges and Proposed Interventions/ Recommendations
10.2	Conclusion

List of acronyms

Act Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007(Act 32 of 2007)

CCTV Closed-Circuit Television

DCS Department of Correctional Services

DG-ISC SO Directors-General Intersectoral Committee for the Management of Sexual Offences Matters

DHET Department of Higher Education and Training

DOH Department of Health

DSD Department of Social Development

DOW Department of Women

EHWP Employee, Health and Wellness Programme

GCIS Government Communication and Information System

ICMS Integrated Case Management System

JCPS Justice, Crime Prevention and Security

Legal Aid SA Legal Aid South Africa

LGBTI Lesbians, Gays, Bisexual, Transgender and Intersex

MATTSO Ministerial Advisory Task Team on the Adjudication of Sexual Offences

NT ISC-SO National Technical Intersectoral Committee on Sexual Offences

NPA National Prosecuting Authority

NPF SO National Policy Framework on the Management of Sexual Offences Matters

NTT National Task Team

NRSO National Register for Sex Offenders

PEC Public Education and Communications

PRVG Promotion of the Rights of Vulnerable Groups

SAPS South African Police Service

SAJEI South African Judicial Education Institute

SOC Sexual Offences Court

TCC Thuthuzela Care Centre

TIP Trafficking in Persons

UNICEF United Nations Children's Emergency Fund

VC Service Charter for Victims of Crime in South Africa

The executive summary

The Report is compiled in compliance with section 65(3) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) (the Act) which requires the Minister of Justice and Correctional Services to table in Parliament. It is intended to give the annual performance of the Department of Justice and Constitutional Development (the Department) in terms of its mandate as outlined by the Act.

The Department leads the intersectoral implementation of the Act, and also chairs governance structures established to monitor the performance of the stakeholders at national and provincial levels. The Directors-General Intersectoral Committee for the Management of Sexual Offences (DG ISC SO) was established in terms of section 63 of the Act mainly to give oversight in the interdepartmental implementation of the Act and its National Policy Framework for the Management of Sexual Offences Matters (NPF SO). This structure is chaired by the Director-General for Justice and Constitutional Development, and has a statutory responsibility to report to the Minister.

The coordination of the governance structures has not been without challenges. The inconsistent member-representations, inappropriate representation, non-attendance, delays or non-submission of performance reports have been the major barriers to the optimal performance of these structures. The scenario is more protuberant at the Regional Sexual Offences Forums, and is now being considered by the National Technical Intersectoral Committee for the Management of Sexual Offences Matters (NT ISC SO) for resolution. The DG ISC SO has also resolved some of its meeting attendance challenges but a lot more still needs to be done to bring this Committee to an expected level of performance.

Like any other government stakeholder, in 2017/2018 financial year the Department suffered frequent budget cuts that meant that it had to do more with less resources. The high staff turnover, particularly at the courts, added more strain to the performance outcomes of the Department. However, the annual target for the Sexual Offences Court (SOC) Project was met. 17 regional courts were upgraded into sexual offences courts in terms of the MATTSO Sexual Offences Courts Model. The SOC Project might be experiencing constraints in resource support because of the persistent budget cuts, but it remains the only project that produces courts which lead in the provision of victim-centric support services, not only in the country but also in Africa and many other countries in the globe. These courts are capacitated to boost victim-sentiments and provide solace and care at the time of greatest need. The Report highlights an increase in the victim-satisfaction survey conducted at the sampled SOCs by UNICEF. It further refers to interventions taken to progressively clear the emerging impediments to the optimal functioning of these courts.

In 2017/2018 financial year the country experienced unprecedented frequency in the cases of femicide reported by media. In many reported cases, women and girls were first raped before being bashed, mutilated, burned and buried in shallow graves. As highlighted in Chapter 5 of this Report, the Department intensified its public education interventions on femicide- focusing mainly on intimate femicide, sexual orientation femicide, cultural and spiritual femicide, as well as HIV-related femicide. The Justice on Air: Let's Talk Justice Radio Talk Show became extremely instrumental in reaching listenership of up to 65 community radio stations. The Department carried on with these interventions being encouraged by the fact that public education continues to be globally recognised as one of the best prevention measures and the effective way of turning the tide against crime.

During this reporting period, the Department further considered certain legislative amendments to ensure the smooth and impactful implementation of the Act. The Report further highlights the milestones achieved in the development of Regulations for the sexual offences courts.

The limitations and possible interventions in the implementation of the Act were explored at the National Forum for the Implementation of the Sexual Offences Act convened and hosted by the Deputy Minister of Justice and Constitutional Development, Hon John Jeffery, and this Report highlights the findings and actions undertaken thus far to address the identified gaps.

At the end, the Report indicates the need to collectively explore the root causes for the heightened figures of sexual violence in our country and to find multi-sectoral solutions that will bring an end to sexual violence in the country. It is a time to find a game- changer in the gender-based violence agenda, and this cannot be achieved without the support derived from a family unit up to the broader multi-sectoral formations.

¹ Section 64(3) of the Act

Chapter 1: Legal Framework on Sexual Offences

1.1. Introduction

The Department takes the lead in the intersectoral implementation of the Act and also provides a secretarial role to the various committees tasked with the monitoring of the implementation of the Act at national, provincial and local levels. The Directors-General Intersectoral Committee for the Management of the Sexual Offences Matters remains the lead governance structure established by the Act. It is the structure that reports directly to the Minister of Justice and Correctional Services, and often presents to Parliament the current status of the incidence of sexual violence in the country, the social ills attached to it, and what is being done to circumvent this violence.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 is not the only legislation that addresses the incidence of sexual offences in the country. This Act draws its relevance from the Constitution of the Republic of South Africa, international and regional obligations, and also finds support from domestic legal framework. In this Chapter, a brief reference to the applicable legal framework that contributes in the intervention against the scourge of sexual violence is made.

1.2 The Constitution of the Republic of South Africa

The Constitution gives supreme protection against sexual violence to all persons living in South Africa. The right to freedom and security of the person includes the right to be free from all forms of violence from either public or private sources

- · The right to gender equality condemns all forms of gender-based violence, and so are the rights to human dignity and privacy
- · Femicide which is roaming our homes and streets remains the serious violation of a female person's right to life
- In fact, any kind of violence is a breach of one's constitutional right in South Africa.

1.3 International Protocols and Conventions

The Department has assisted Parliament in developing legal framework that promote compliance with the international and regional obligations against gender-based violence, including sexual violence. The applicable international and regional protocols are:



- (i) The United Nations Declaration of Basic Principles for Victims of Crime and Abuse of Power, 1985;
- (ii) The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1995
- (iii) The Beijing Declaration and Platform for Action, 1995
- (iv) The United Nations Convention on the Rights of People with Disabilities, 2007
- (v) The United Nations Principles for Older Persons adopted by the United Nations General Assembly (Resolution 46/91) on 16 December 1991



- The African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women;
- (ii) Solemn Declaration on Gender Equality in Africa;
- (iii) The African Union Gender Policy;
- (iv) The African Women's Decade;
- (v) The African Union Fund for Women;
- (vi) The African Union Agenda, 2063

² Act 108 of 1996

³ Section 12 of the Constitution

⁴ Section 9 of the Constitution5 Section 10 of the Constitution

⁶ Section 14 of the Constitution

⁷ Section 11 of the Constitution

1.4 Domestic Legislation against Sexual Offences

Since 1994 the South African Parliament has been passing progressive pieces of legislation to safeguard the rights of women and children against gender-based violence. Despite these globally-competitive laws, our homes and streets are still fraught with violence, particularly against women and children. Many women are raped before they are killed, maimed, burned and buried in shallow graves. The need to strengthen the coordinated implementation of legislation has become more urgent than before. The country needs to explore ways of preventing violence from the family environment first and encourage community participation against gender-based violence. The following are pieces of legislation that seek to fight sexual violence in South Africa:

Domestic Violence Act, 1998 (Act 116 of1998)
 Criminal Law (Sexual Offences and Related Maters) Amendment Act, 2007 (Act 32 of 2007)
 Protection from Harassment Act, 2011 (Act 17 of 2011)
 Prevention and Combating of Trafficking in Persons, 2013 (Act 7 of 2013)

Children's Act, 2005 (Act No 38 of 2005)

 Older Persons Act, 2006 (Act 13 of 2006)

1.4.1. Legal Framework on Sexual Violence at the Learning Sector

With the plight of sexual violence at our schools, the Department of Basic Education is implementing the Employment of Educators Act, 1998 (Act No 76 of 1998) which sets out measures of intervention against sexual violence perpetrated against learners. The Department of Higher Education and Training is also in the process of finalising the National Policy on Gender-based Violence which seeks to establish a framework to address the incidence of power-based crimes occurring at the higher learning institutions.

The Directors-General Intersectoral Committee (DG ISC) and the National Intersectoral Technical Committee on the Sexual Offences have the representations of the Departments of Basic Education and Higher Education and Training to closely monitor how the two Departments address the proliferating sexual violence at the learning sector.

The DG ISC SO further made a resolution that the 2 Departments must compile annual reports for submission to Parliament as part of the implementing government stakeholders, which comply with section 65(3) of the Act.

1.5. National Development Plan, 2030

The National Development Plan (NDP) remains the government's prime plan that guides the country and in particular, the Justice, Crime Prevention and Security (JCPS) Cluster in establishing prevention and response interventions to ensure that 'All People in South Africa feel and are safe'. Like any other government Department and institution, every year the Department of Justice and Constitution ensures that its Annual Performance Plan is aligned with the NDP. In this financial year, the Department has, among others, an indicator on the establishment of sexual offences courts, which seek to strengthen the establishment of the victim-centric justice system for victims of sexual violence, in particular. More profoundly, the sexual offences courts are the Department's contribution in government's endeavours to realise the NDP's aspiration that:

• 'In 2030, people living in South Africa feel safe at home, at school and at work, and they enjoy a community life free of fear. Women walk freely in the streets and children play safely outside.'

1.6. Other Legal Framework on Sexual Offences

(i) The National Policy Framework on the Management of Sexual Offences Matters (NPF SO), 2012: During this reporting period, the Department partnered with UNICEF to review the NPF SO in compliance with section 62(2)(c) of the Act which state that:

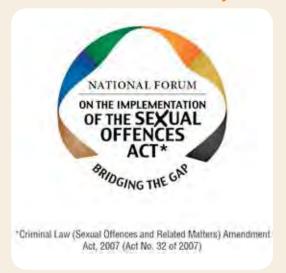
The Minister must-

(c) review the policy framework within five years after its publication in the *Gazette* and at least once every five years thereafter:

The NPF SO was gazetted on 6 September 20138; hence the initiation of its review in 2017. The Draft Review Report of the NPF was taken through the intersectoral adoption process and will be presented to the DG ISC SO for approval in 201/2019 financial year. Thereafter, the Department will commence with the amendment of the NPF in terms of section 62(2) (d) of the Act.

- (ii) **The Service Charter for Victims of Crime** and its Minimum Standards guide the establishment of a victim-centric justice system for the management of sexual offences cases. The Sexual Offences Courts Model⁹ sets out a basket of victim-support services which seek to safeguard the rights of victims, as encapsulated by the Charter. The Service Charter is currently reviewed by the National Prosecuting Authority at the request of the Minister of Justice and Correctional Services. This process started in 2017.
- (iii) The Regulations on the Establishment and Management of Sexual Offences Courts have been drafted by the Department in consultation with the relevant stakeholders. On 24 Nov 17 the Department published the draft Regulations by notice in the *Gazette*, and is now consulting stakeholders on the inputs received from the public.

1.7. Dealing with Implementation Challenges: National Forum on the Implementation of the Sexual Offences Act¹⁰ hosted by DM¹¹



Despite the progressive legal framework outlined above, the incidence of sexual violence in the country is still rising in an alarming rate. More frequently, the SA media has been reporting of cases where women and girls are raped, and in some instances, bludgeoned, mutilated, burned, and buried in shallow graves. In search of the missing link from the implementation process, on 30-31 October 2017 the Deputy Minister of Justice and Constitutional Development convened a National Forum on the Implementation of the Sexual Offences Act¹² to explore ways of bridging the gulf between *paper* law and action. The Forum had the participation of the civil society organisations and the representation from the key implementing government stakeholders, like the Department of Justice and Constitutional Development, National Prosecuting Authority, Regional Court Presidents Forum, SAPS, Department of Social Development, Department of Health, etc.

The representatives of the civil society organisations were drawn from University of Cape Town Gender Health and Justice Research Unit, Kwanele-Enuf, Limpopo Legal Advice Centre, Teddybear Clinic, Women's Legal Centre,

Childline, Rape Crisis(PE, CT, EC, FS), Lifeline (Durban), GRIP, Lawyers for Human Rights, Kopano Manyano, TVEP, CALS, Centre for Child Law, Masimanyane, Ekupholeni, Lethabong, Ethembeni, Tipfuxeni Community Counselling Centre, Trauma Centre for Survivors of Violence and Trauma, Women and Democracy Initiative, Dullah Omar Institute UCT, Women and Men Against Child Abuse, Legal Resources Centre, Lawyers Against Abuse, POWA, Children's Institute, Jellybeanz, NICRO, etc.

The Resolutions¹³ of the Forum were:

(i) It was noted by all stakeholders at the conference that the environment in dealing with sexual offences in the criminal justice system is a complex and multi-stage setting. Hence, we have to acknowledge that there are several crucial interlinking stages and factors that either independently and/or holistically will have a specific impact on how we in the criminal justice system respond to these matters, collectively;

⁸ Government Gazette Notice No 3684 dated 6 September 2013 9

⁹ Incorporated in the Ministerial Task Team on the Adjudication of Sexual Offences Matters (MATTSO) Report, August 2012

¹⁰ Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)

¹¹ Hon John Jeffery, Deputy Minister: Justice and Constitutional Development

¹² Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007)

¹³ Extracted verbatim from the Forum Report compiled by the NPA and approved by the Deputy Minister

- (ii) The significance of continuous stakeholder cooperation is paramount in the management of sexual offences cases;
- (iii) All relevant Government departments, the judiciary and civil society play their respective and essential roles in ultimately providing a crucial service to victims of sexual offences and the establishment of a victim-centred approach to adjudicating sexual offences cases;
- (iv) Although it is acknowledged that performance management is essential, including the analysis of data, the crucial question is whether the correct performance indicators and supporting targets to measure performance provide a realistic overview of the implementation of the Act's impact in this regard. Are the different performance indicators in the various sectors providing a trustworthy picture of combined impact and are the various strategic plans within the criminal justice system (of the different departments), dove-tailing sufficiently?
- (v) Although there was some agreement that the current legislative framework is sufficient to provide for effective implementation of the Act, it was specifically tabled that the following aspects need to be relooked and/or amended in the legislation, inter alia:
 - a. Competency assessment of children particularly section 164 of the Criminal Procedure Act;
 - State Appeals extended rights to also appeal on matters of fact s section 310 and 311 of the Criminal Procedure
 Act. and
 - c. In relation to section 55A of the Act, the finalisation of minimum standards and regulations and operationalising this section.
- (vi) Several stakeholders highlighted the absence of a professional attitude displayed by current service providers/officials in dealing with these matters which emphasizes the need for ongoing and more proactive and enduring social context training for all role-players;
- (vii) It was also identified that there is, in many instances, a lack of specific knowledge in terms of the interpretation and application of sexual offences and related legislation as well as required trial advocacy skills hence ongoing and continuous skills development, which includes training and mentoring is a necessity;
- (viii) A need for adequate protocols and its related application among stakeholders at all levels is essential to address the lack of current communication;
- (ix) The development of minimum standards to ensure improved service delivery and adequate accountability by all stakeholders is essential;
- (x) Stakeholder engagement at all fora (local, provincial and national) is essential to create a platform to discuss challenges and solutions, holistically;
- (xi) The essential need for specialization in the criminal justice system when dealing with sexual offences cases was supported and encouraged by all stakeholders; and
- (xii) Emphasis should be placed on a victim-centric approach in supporting the seven rights contained in the Victims of Crime Charter, as supported by the Bill of Rights contained in the Constitution.'

Table 1: Department's Actions to the National Forum Resolutions

In response to the resolutions applicable to its mandate, the Department of Justice and Constitutional Development has, thus far, done following:

No	Forum's Resolution Applicable to DoJ&CD	Actions taken thus far	Interdependencies
1.	The unavailability of court officials which hampers finalisation of cases	The performance of the sexual offences courts does not really fall under the mandate of the Department. However, when this challenge was brought to the attention of the Department, an additional variable on the "Postponements of sexual offences cases due to unavailability of court personnel" was included in the ICMS ¹⁴ : Criminal in 2015/2016 and the Department has been collecting data on this variable since 2016/17 financial year. The National Intersectoral Committee for the Management of Sexual Offences Matters (NT ISC SO) has included the monitoring of this variable as the standing agenda item in its meetings. This Committee meets bi-monthly and it reports to the statutory body, the Directors-General Intersectoral Committee for the Management of Sexual Offences Matters (DG ISC SO).	NPA, Legal Aid SA, Judiciary
2.	The negative attitude of court officials towards sexual offences and victims thereof	This challenge of secondary victimisation runs throughout the criminal justice system, and to root it out from the CJS, section 66 of the Act requires SAPS, NPA and DoH to develop training courses which must include social context training. The Act further requires these stakeholders to table these learning courses and report annually to Parliament. After the National Forum Indaba, the Department set up a National Training Task Team to review the training material used by all stakeholders in the sexual offences sector. The Team is constituted by trainers and training material developers, subject-matter experts in GBV, and NGOs. SAQA officials have been consulted to join and provide guidance to the Team. The mandate of the Task Team is also to determine ways of addressing high staff turnover through improved in-house training models to encourage multi-skilling and skills qualifications.	The key implementing stakeholders having the direct contact with the victim, which include: SAPS, NPA, DSD, DOH, SAJEI ¹⁵ , DBE, etc.
3.	Inadequate Court infrastructure and equipment.	In 2017/18, the Department in partnership with UNICEF drafted the Minimum Standards of the Sexual Offences Courts (SOC) Model, which are now awaiting the finalisation of the Regulations for the Sexual Offences Courts to ensure proper alignment and compliance. To resolve the problem of space, the Minimum Standards have cut out a number of infrastructural requirements. In dire situations, dry wall demarcation of wide passages to establish waiting room for witnesses is proposed. The Blueprint for the construction of court buildings has been amended to include the SOC Model, Children's Court Model and the Disability Model so as to ensure that in future the Department builds courthouses that age-centric, disable-centric and victim-centric.	NPA, Judiciary
4.	There are no processes in place to ensure the speedy repair and maintenance of defective equipment, which leads to unreasonable delays	The Department hired a service provider to repair and maintain the good functioning of the CCTV ¹⁶ systems at the SOCs and also issued Circular guiding court managers on how to access services for repairs.	Service provider, NPA, Judiciary

¹⁴ Integrated Case Management System which the Department developed to collect statistics in cases of sexual offences and other criminal offences

¹⁵ South African Judicial Education Institute

¹⁶ The dual-view Closed-circuit Television System

No	Forum's Resolution Applicable to DoJ&CD	Actions taken thus far	Interdependencies
5.	Not all sexual offences are prosecuted in specialised courts, but also in ordinary courts	 The Department supports the NGO demand of having sexual offences courts that deal exclusively with sexual offences cases, but this is NOT always feasible because of infrastructural limitations and now, the budget cuts. (i) The MATTSO Report allows the establishment of the Hybrid SOCs to deal with mixed court rolls but give priority to sexual offences cases. This is one way of ensuring that work is shared among courts; (ii) Similarly, s 55A (5¹⁷) of the Act allows regional courts which are NOT designated as sexual offences courts to deal with these cases. (iii) To ensure that all regional courts provide private testifying services in sexual offences cases, the Department included in the 2018/19 APP an indicator to progressively upgrade the old CCTVs into the new SOS so as to ensure that all regional courts are equipped to provide private testifying services to victims of sexual offences. 	NPA, Judiciary
6.	The development of minimum standards/draft regulations in relation to the designation of sexual offenses courts (section 55A of Act 32/2007) to be finalised as soon as possible for section 55 to be operationalised.	The Minimum Standards for the SOC Model were developed in 2017/18 in partnership with UNICEF, government stakeholders and NGOs. However, they cannot be released for implementation until they are aligned with the approved Regulations. On 24 Nov 17 the Department published the draft Regulations by notice in the <i>Gazette</i> , and is now consulting stakeholders on the inputs received from the public.	All stakeholders participating in the establishment and management of the SOCs.
7.	Lack of operational-based training for court officials deployed to regional courts	As indicated in #2 above, the Department set up a National Training Task Team to review the training courses offered by the different stakeholders. The stakeholders include SAPS, NPA, DoH, DSD, Legal Aid SA, DBE, DHET, and NGOs.	All stakeholders participating in the establishment and management of the SOCs.
8.	The need to amend relevant legislation with regard to the Criminal Procedure Act (CPA) and Act 32/2007	The Integrated Criminal Justice Strategy (ICJS) has a Pillar that focuses on the amendment of the CPA to make it victim-centric. The Department of Social Development is also in a process of developing the Victim Support Services Bill which seeks to place the victim of crime at the centre of the criminal justice system	All stakeholders participating in the establishment and management of the SOCs.

Source: PRVG18

At the time of the writing of this Report, the Forum's Report had not yet reached the DG ISC SO. Upon its adoption by this structure, the NT ISC SO will be required to develop a multi-sectoral implementation plan to address all the concerns raised at the Forum.

¹⁷ This provision is not operational yet.

¹⁸ Chief Directorate: Promotion of the Rights of Vulnerable Groups

¹⁹ National Technical Intersectoral Committee on the Management of Sexual Offences Matters which is technical body of the DG ISC SO

Chapter 2: Governance in Sexual Offences

2.1 Introduction

The Department continues to coordinate various governance structures in managing the implementation of the Act and its National Policy Framework on the Management of Sexual Offences Matters (NPF SO). The structures are intradepartmental and intersectoral, and their performance during this reporting period is listed below.

2.2 Governance Structures

2.2.1. The Directors-General Intersectoral Committee for the Management of Sexual Offences Matters (DG ISC SO)

The DG ISC SO is a statutory committee established in terms of section 63 of the Act. Its membership is constituted by the Directors-General of the Departments of Social Development and Health, the National Commissioners of the South African Police Service and Correctional Services, as well as the National Director of Public Prosecutions. The Act expressly requires the Director-General of Justice and Constitutional Development to chair the DG ISC SO²⁰. It also allows members to designate alternates to attend in their place²¹.

Due to the need for the multisectoral and extensive interdepartmental approach in the management of the sexual offences and the gender-based violence agenda in the country, the DG ISC SO has extended its statutory membership to include the Department of Basic Education (DBE), Department of Higher Education and Training (DHET), Legal Aid South Africa (Legal Aid SA), the Department of Women (DoW), and the Department of Cooperative Governance and Traditional Affairs (COGTA). The participation of the DBE and DHET in this structure has also been necessitated by the swelling volume of sexual violence at schools and institutions of higher learning.

The Act requires the DG ISC SO to meet at least twice a year and to report in writing on every meeting to the Minister within one month of such meeting²². During this reporting period, the DG ISC SO met 3 times and reported to the Minister, as required by the Act.

In discharging its responsibilities, functions and duties listed under section 65 of the Act, the DG ISC SO primarily considers and resolves issues escalated by its technical body, the National Technical Intersectoral Committee for the Management of Sexual Offences Matters (NT ISC SO). It is mainly responsible for making strategic decisions relating to the implementation of the Act and its National Policy Framework. Because it has delegated the technical powers to the NT ISC SO, most of the implementation work occurs at the latter Committee. Therefore, only critical issues are escalated to the DG ISC SO either for intervention or noting.

Over the years the DG ISC SO has been experiencing fluid attendance of the alternates, which often affects the ability of the Committee to make strategic decisions. The chairperson²³ continues to seek ways of addressing this challenge. In 2017/18 financial year he wrote a number of letters to his colleagues requesting their personal attendance or the nomination of senior alternates who carry the decision-making mandate. It is through his persistent interventions that the DG ISC SO started to receive stable attendance from the majority representatives. However, more efforts are still needed to improve the seniority level of alternates of certain stakeholders. It is therefore anticipated that in 2018/2019 financial year the Committee may consider the amendment of section 63(3) of the Act to either nullify the attendance of designated alternates or have it expressly stating the requirements for the selection of such alternates.

The role of this committee is highly critical because it does not only contribute to the effective management of the Act but it also contributes to the implementation of the National Development Plan and Outcome 3 of the Delivery Agreement of the Justice, Crime Prevention and Security (JCPS) cluster: 'All People in South Africa feel and are safe'.

During 2017/2018 financial year, the DG ISC SO met thrice and reached the following resolutions:

(i) Tabling of the Departmental Annual Reports: The Committee considered the Departmental Annual Reports and identified narrative and layout gaps. The NT ISC SO held a workshop to address identified gaps, at the request of the DG ISC SO. For the very first time, the Departmental Annual Reports were tabled in an improved bound report. However, not all stakeholders complied with the specifications for report writing stipulated by the DG ISC SO. The reports are submitted to the DG ISC SO having been approved and signed by the heads of the reporting Departments and institutions, and this places a level of limitation on the monitoring role of the DG ISC SO. In addressing this matter, the chairperson wrote letters to the affected heads requesting them to ensure that reports are fully compliant with the specifications before they are approved. He also had a meeting with one of the heads to correct this problem. It is anticipated that reports for 2018/2019 financial year will be improved both in narrative and the look and feel.

²⁰ Section 63(2) of the Act

²¹ Section 63(3) of the Act

²² Section 64 of the Act

²³ Mr Vusumzi Madonsela

The DG ISC SO later commended *in writing* to the Minister to table the 2016/2017 Departmental Annual Reports. On 30 September 2017, the Minister tabled in Parliament the Reports in terms of section 65(2)(b) of the Act, as recommended by the DG ISC SO.

- (ii) Monitoring of the Trauma Debriefing Programmes: The DG ISC-SO monitored the progress of the implementation of this Programme by all the role-player departments/institutions. At the request of the DG ISC SO, a multisectoral task team was established to develop the minimum guidelines for each stakeholder to provide a comprehensive programme for its officials who have the direct contact with the victims of sexual offences. The DG ISC SO also resolved that the provision of the debriefing programme to such officials must be compulsory so as minimize the rate of vicarious trauma- often suffered by frontline officials. The national guidelines for the customized Trauma Debriefing Programme are currently developed by the Task Team and will be finalized in the 2018/2018 financial year.
- (iii) Addressing Uprisings against Sexual Violence at Tertiary Institutions: During the reporting period, it became evident that the Department of Social Development (DSD) and the DHET were running parallel interventions to address violence at the tertiary institutions. Whilst the DG ISC-SO recognized that each department could have a unique role to play, it was recommended that the DHET must take the leadership, but also extend its membership to its team tasked with the development of a National Policy on Gender-based Violence in Universities to certain members of the NT ISC-SO, including DSD. DHET is in the process of finalising its National Policy, and will be presenting it to the DG ISC SO for adoption as soon as the development thereof is finalised.
- (iv) Amendment of section 29 of the Act: During this financial year the DG ISC SO noted the impracticalities attached to section 29(3) of the Act which require the Director-General: Justice and Constitutional Development (DG: DoJ&CD) to, within 14 days of the publication of the designated public health establishment by notice in the *Gazette*, provide a copy of such notice to the relevant actors, including the Director-General of Health (DG: DoH). In essence, this provision requires the DG: DoJ&CD to get the notice from the Department of Health and then send it back to the DG of Health and other relevant stakeholders. To address this anomaly, the DG ISC SO facilitated the amendment of this provision to require the DG: DoH to be the one who distributes the notice to the relevant actors after his/ her Minister has made the publication of the newly designated public health establishments in the *Gazette*.
- (v) **Challenges on the Management of the NRSO**: The DG ISC SO learned of the audit qualification of the NRSO and included progress reports of the NRSO action plan to address the data purification as the standing agenda. The implementation of the audit action plan is being closely monitored by the DG ISC SO²⁴.
- (vi) **Study on the Public Education Material:** The DG ISC SO acknowledges public education as being one of the effective interventions to prevent any form of crime, including sexual offences. The fact that the country has no appropriate indicators to measure the efficacy of public education remains a concern. The need to determine how the diversified victims of crime must be educated also became more urgent, e.g. an older victim has different learning needs than an 18 year old victim. It is for this reason that the Department in conjunction with UNICEF conducted a study to determine efficacy of the content and the format of the public education material that the actors are using to reach out to all types victims of sexual offences. During this reporting period, the DG ISC SO adopted the research report²⁵, and further commissioned the NT ISC SO to implement its recommendations to ensure that all stakeholders use public education material that is accessible to victims in terms of language, content and presentation.
- (vii) Progress in the Review of the National Policy Framework (NPF) for the Management of Sexual Offences Matters: The Review Report of the NPF was considered and adopted by the DG ISC-SO. The review of the NPF was done in compliance with the section 62(2)(c) of the Act which requires the Minister to conduct this review within 5 years after its publication in the *Gazette*. The NPF was gazetted on 6 September 2013; hence the Department commenced with its review in 2017. The Department has renewed its agreement with UNICEF to get independent technical assistance to amend the NPF in conjunction with all implementing stakeholder=s, including the civil society organisations.
- (viii) The Minimum Standards for the Sexual Offences Courts Model: The DG ISC SO was briefed on the Draft Minimum Standards for the Sexual Offences Courts Model and the resolution was taken that the Draft Minimum Standards await the finalisation of the Regulations for the Establishment and Management of Sexual Offences Courts as it is imperative that they be aligned with the approved Regulations before they are released for implementation. This resolution was taken to the NT ISC SO for compliance.

²⁴ Please to Chapter 6 of this Report dealing with the National Register for Sex Offenders

²⁵ For more details, please refer to Chapter 8: Research Interventions

- (ix) Progress on the Development of the Regulations for the Establishment and Management of Sexual Offences Courts: The DG ISC SO considered the progress report on the development of the Regulations and learned that in Nov 2017 the draft regulations were published in the *Gazette* for public comments and inputs. The Department reported that it is still consulting the relevant stakeholders on the inputs received from public. The DG ISC SO encouraged the cooperation of stakeholders in the process.
- (x) **Progress Reports on the Performance Areas:** Each stakeholder reports on the implementation of the Act in terms of the key performance areas at every meeting of the DG ISC SO. Challenges are dealt with at the DG ISC SO for intervention.

2.2.2 The National Technical Intersectoral Committee for the Management of Sexual Offences Matters (NT ISC SO)

The NT ISC SO was established as a technical committee to support the DG ISC-SO in the execution of its responsibilities, functions and duties outlined in section 65 of the Act. This committee meets bi-monthly and has representation drawn from the implementing stakeholders, which include DoJ&CD, NPA, SAPS, DSD, DoH, DBE, DHET, DCS, Legal Aid SA, National House of Traditional Leaders, as well as the civil society organisations like Tshwaranang Legal Advocacy Centre (TLAC) which represents the SHUKUMISA Campaign, Movement for Transformation and the National Chaplaincy. The Committee also has, as part of its membership, the chairpersons of the Provincial Sexual Offences Forums²⁶.

The Committee has extended its invitation to the LGBTI National Task Team to get its representation so as to ensure that it deals with issues of 'corrective rape' and other forms of sexual offences perpetrated against the LGBTI persons.

During 2017/2018 financial year the NT ISC SO considered and achieved the following resolutions:

- (i) **Review of the Sexual Offences National Policy Framework (SO NPF):** The Department partnered with UNICEF to review the SO NPF, as commissioned by the DG ISC-SO in February 2017. The NT ISC SO monitored the review process and adopted the Review Report. It further recommended that the Review Report be escalated to the DG ISC SO for approval so that it forms the basis for the amendment of the NPF in terms of section 62(2)(d) of the Act.
- (ii) Departmental Annual Reports on the Implementation of the Act for Tabling in Parliament: The NT ISC SO developed guidelines for report writing and held a working session to consider and evaluate compliance of each departmental report. Besides content compliance, stakeholders were also requested to improve on the *look and feel* of their reports. This exercise resulted in the production of improved bound reports which the NT ISC SO escalated to the DG ISC SO for adoption. The DG ISC SO further recommended to the Minister of Justice and Correctional Services in writing that the Reports be tabled in Parliament in terms of section 65 of the Act. The tabling was done on 30 September 2017.
- (iii) Membership Extended: The NT ISC SO extended its membership to DHET, the Civilian Secretariat for Police and the Department of Cooperative Governance and Traditional Affairs (COGTA) to attend both the NT ISC-SO and DG ISC-SO. Letters of invitations were sent out and the NT ISC SO received positive response from all these stakeholders. However, from COGTA only the National House of Traditional Leaders responded, and efforts are still in progress to get representation from Cooperative Governance. Due to sexual offences perpetrated at taxi ranks or during taxi rides, the NT ISC SO plans to co-opt the Department of Transport in the next financial year. The NT ISC SO is still in the process of securing the COGTA representation at the DG ISC SO.

The role of local government in interventions against sexual violence and other forms of gender-based violence is extremely crucial, particularly in the realisation of the aspiration of the country's National Development Plan that by 2030 people living in South Africa feel safe at home, at school and at work, and they enjoy a community life free of fear. Women walk freely in the streets and children play safely outside.'

(iv) **Development of Minimum Standards for Sexual Offences Courts Model:** The NT ISC SO established a Task Team to develop the Minimum Standards for the Sexual Offences Courts in conjunction with the Department and UNICEF. On 29 September 2017 the Task Team met and finalised the development of the 1st Draft Minimum Standards Document which was included in the Resource Pack of the National Forum on the Implementation of the Sexual Offences Act held in October 2017.

The next Draft was produced in March 2018 and it is accompanied by the Victim-Support Services Process Map from entry into the Sexual Offences Court up to exit. When developing the 2nd Draft, the Committee with a representative of Rape Crisis²⁷, visited the Brits courthouse as one of the courts housed in buildings with extreme space challenges. This was to ensure that the Minimum Standards are responsive to the current challenges facing our courts.

²⁶ In certain provinces, these Forums are operating under different names

²⁷ Cape Town Rape Crisis

The Draft Minimum Standards are awaiting the finalisation of the Regulations for the Sexual Offences Courts so as to ensure that they are aligned with the Regulations before they are released for implementation.

- (v) Moratorium on the Appointment of Intermediaries and Assistant Directors (ASD) Intermediaries: The Department reported on the moratorium on the appointment of intermediaries. The Committee monitored the even distribution of available capacity of intermediaries over the Sexual Offences Courts to ensure the continued operation of these courts. The Department is in the process of identifying critical posts of intermediaries which must be filled.
- (vi) Victim Satisfaction Survey at Regional Courts Upgraded to Sexual Offences Courts: The NT ISC-SO monitored the execution of the Victim Satisfaction Survey at the courts which were upgraded to Sexual Offences Court since 2013. The Survey was conducted by the Department with the technical assistance of UNICEF. The outcomes of the survey are reported in this report. However, the technical experts responsible for conducting the survey made presentations to the NT ISC SO prior to their completion of the project and before its submission to the DG ISC-SO for approval.
- (vii) Establishment of Rapid Response Task Teams: The NT ISC SO held meetings with the National Task Team on Gender and Sexual Orientation-Based Violence perpetrated against LGBTI Persons (the NTT) to request the amendment of the Terms of Reference of the LGBTI Rapid Response Task Team to include all cases of sexual offences, particularly the ones which received media attraction. The Committee further seeks the representation of the NTT at its meetings and engagements so as to ensure that it deals holistically with all forms of sexual offences, including 'corrective rape'. The matter is still being pursued.
- (viii) **Update on the Protests against Sexual Violence at Institutions of Higher Learning:** DHET had established a Task Team to develop a Policy to deal with gender-based violence and sexual offences perpetrated within their institutions. Instead of including the relevant stakeholders²⁸, the DHET Task Team invited the chairperson of the NT ISC SO²⁹ to one of its meetings to give inputs in the Draft National Policy. The NT ISC SO is awaiting the presentation of the Draft Policy by the DHET, which will then be escalated to the DG ISC SO for further adoption.
- (ix) Feedback on Spiritual Counseling: At the request of the DG ISC SO, the Faith-Based Organisations which are members of the NT ISC-SO were tasked to lead the development of the material for spiritual counseling, working closely with the Department of Social Development and the Department of Health (DoH). The NT ISC SO added the DoH to the Task Team after it was learned that the DoH is already providing spiritual counselling to patients upon request by patients. The draft material does not focus on any particular religion, and will be finalised in the next financial year.
- (x) Progress Report on the Upgrading of Regional Courts into Sexual Offences Courts (SOCs): 17 regional courts were upgraded into SOCs as per the 2017/18 Departmental Annual Performance Plan. The NT ISC SO continues to monitor the establishment of these courts and to deal with the challenges reported by the chairpersons of the Provincial Sexual Offences Forums or related governance structures. It is in this Committee where the issue of dysfunctional CCTVs and shortages of staff personnel were reported and dealt with. During this period of reporting, more Hybrid SOCs were established due to space challenges at court buildings.

In addressing this issue further, the Department has included the specifications of the SOC Model in the Blueprint for the construction of new court buildings so as to ensure that are all new constructions are compliant and victim-centric.

- (xi) Consideration of Bi-monthly Reports on Sexual Offences Statistics: The committee has the standing agenda item to consider the presentations of reports of statistics on sexual offences, mainly to identify and respond to communities with high offending rates. For instance, during this reporting period, the North West appeared among the top 4 provinces with high sexual offending rates. Upon investigation, it was learned that Klerksdorp and Moretele were the districts which recorded rising figures of new cases of sexual offences. In response, the NT ISC SO recommended that:
 - a. The establishment of sexual offences court in Moretele, as Klerksdorp³⁰ already has a functioning sexual offences court. The Department upgraded the Moretele regional court into a SOC.
 - b. The Provincial Forum to develop an Action Plan to address the identified upsurge in sexual offences in the province, and to work closely with SAPS, NPA and DSD. By the end of March 2018, the progress reports on the implementation of the Action Plan were still the standing agenda of the NT ISC SO.

²⁸ As recommended by the DG ISC SO

²⁹ Adv Praise Kambula

³⁰ The Klerksdorp SOC has been appearing in the Top 10 list of regional courts with high volume of new sexual offences cases and case disposal rate. Please refer to Chapter 7 of this Report for more details.

- (xii) **Discrepancies in Statistical Reports on Sexual Offences:** The NT ISC SO established the Task Team to deal with the discrepancies in the statistical reports of SAPS, DoJ&CD, NPA and the judiciary. The Task Team is led by DoJ&CD³¹ and has sought support from Statistics South Africa. The initial focus of the Task Team is on the statistics collected by DoJ&CD and NPA. It has been found that the statistical variables of the 2 stakeholders vary. The NPA is still using the manual collection of data.
- (xiii) The National Training Task Team: Pursuant to the Indaba of the National Forum on the Implementation of the Sexual Offences Act³² held in October 2017, the NT ISC-SO established the National Training Task Team to review all training material used by the implementing stakeholders to build the requisite skills for the optimal management of sexual offences cases. The review is still ongoing.
- (xiv) Study to Determine the Efficacy of the Public Educational Material for the Diversified Victims of Sexual Offences: The Department, in conjunction with UNICEF, conducted a study to determine the accessibility and efficacy of the content of the public educational material. This is to ensure that victims are educated in a manner that responds to their special needs³³.
- (xv) The Guidelines/ Minimum Standards for the Development of Trauma Debriefing Programme: The NT ISC SO held 2 workshops with the Employment Assistance Programme officials³⁴ of the implementing stakeholders to develop guidelines for the customized Trauma Debriefing Programme³⁵. The Programme is for officials who have the direct contact with the victims of sexual offences. The zero draft guidelines have been developed and will be finalised in the next financial year. The Trauma Debriefing Programme is intended to reduce the incidence of vicarious trauma which, if unattended, may result in severe depression, frequent absenteeism from work, dysfunctional families, unfortunate fatalities, etc.
- (xvi) Governance Structures for Women Traditional Leaders and Wives of Traditional Leaders: The NT ISC SO requested the EXCO of the NHTL³⁶ in writing to facilitate the establishment of provincial governance structures for the women traditional leaders and wives of the traditional leaders. The aim is to have the national chair of these governance structures represented at the NT ISC SO. Traditional leaders are the prime stakeholders of the criminal justice system at rural community level and must therefore participate in national structures dealing with gender-based violence. Thus far, the following structures have been established:

a. EC : Imbumba Yamakhosikazi,

b. FS : Bafumadi;

c. GP : No female traditional leaders. The province has only 2 male traditional leaders

d. KZN : Indlunkulu;

e. Limp : Makgosikadi;

f. Mpum : Amakhosikati;

g. NC : Not established yet;

h. NW : Bahumagadi;

i. WC: No officially recognised provincial house of traditional leaders yet

The NT ISC SO has further requested the NPA to work with these structures in the implementation of the Ndabezitha Programme. The Ndabezitha Programme has its base in the Tripartite Alliance between the NPA, DoJ&CD and the NTHL. It is an exclusively rural community-based programme intended to bring to end the incidence of domestic violence and sexual offences. It further seeks to address cultural practices that promote violence against women and girls.

Challenges

The NT ISC SO learned of the operational challenges at most of the Provincial Sexual Offences Forums, and will be attending to them in the next financial year.

³¹ National Operations Centre

³² Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007)

³³ For more details, please refer to Chapter 8 of this Report

³⁴ The Human Resources Directorate: Employee Health Wellness Programme

³⁵ The team is led by DoJ&CD Human Resource Directorate: Employee Health Wellness Programme, and assisted by NPA

³⁶ National House of Traditional Leaders

2.2.3 The National Court Support Services Committee

The National Court Support Services Committee (the NCSSC) was established in the previous financial year to strengthen the victim-centric justice system, as part of Pillar 2 of the Integrated Criminal Justice Strategy Project³⁷. This Committee was previously known as the National Intermediary Committee. It is constituted by the key stakeholders that provide support services to victims of crime, which include SAPS, DSD, NPA, DoH, and the EAP³⁸ officials of the different stakeholders. During this reporting period, the committee held 5 meetings, i.e. on 4 May 2017, 11 July 2017, October 2017, 10 January 2018 and 27 March 2018. Its deliverables include:

- (i) Finalising the Drafting of the Minimum Standards for Sexual Offences Courts: This Committee took over from the NT ISC SO and finalised the Draft of the Minimum Standards. It also developed the Resource Checklist for the establishment of the Minimum Standards SOCs. The Draft Minimum Standards are awaiting the finalisation of the Regulations for SOCs.
- (ii) **Development of the Victim-Support Services Process Map** was developed to form part of the Minimum Standards for SOCs. This document maps up the support services that the victim must receive at each service point in the criminal justice system³⁹.
- (iii) Development of Stress Reduction Leaflets for Victims who are in court to testify: With the assistance of the Employee Assistance Programme team, the Committee developed the Stress Reduction leaflets for victims at the sexual offences courts (SOCs). The leaflets have been distributed to all private waiting rooms of the SOCs and will also be posted in the Department's Victim Assistance Webpage as soon as it is developed.
- (iv) Development of National Standard Operating Procedures (SOPs) for the Intermediary Services: The NT ISC-SO allocated this task to this Committee since it is also responsible for the management of intermediary services. The Committee established a Task Team constituted by DoJ&CD, NPA and DSD to develop the SOPs. During this reporting period, the task team met thrice and facilitated the further development of draft SOPs to guide Court Intermediaries and Assistant Director (ASD). It produced a Draft document, which will be finalised in 2018/2019 financial year.

Challenges

(v) **Review of Tariffs for** ad **hoc Intermediaries**: The review of the tariffs for ad hoc Intermediaries remains critical. It was discovered that the Tariff Committee did not include the Tariffs for ad hoc Intermediaries in its terms of reference although this matter was presented to them by the Department. The matter is being dealt with by the Department in order to ensure that there is alignment of the ad hoc Fees with the salaries of permanent Intermediaries.

2.2.4 National Task Team (NTT) on Gender and Sexual Orientation-Based Violence against LGBTI Persons

The Department leads the National Task Team on Gender and Sexual Orientation-Based Violence Perpetrated against LGBTI Persons (the NTT⁴⁰) in an effort to strengthen the protection and enjoyment of the rights of LGBTI persons in the criminal justice system. This is done through the joint efforts with the LGBTI community aimed at raising public awareness of these rights and the general acceptance of differences based on sexual orientation, gender identity and expression. Of extreme concern in South Africa is that whilst the Constitution⁴¹ and our laws protect all persons equally, the culture of entrenched stereotyped beliefs, attitudes and practices continue to be the source of the perpetration of most gruesome offences against the LGBTI persons- mainly to coerce them to conform to the stereotyped roles of men and women in society.

The NTT draws representation from both government and civil society organisations. It established a Rapid Response Team which includes the criminal justice system (CJS) role-players to speedily and properly address the violations when they occur. In this way, the NTT plays a critical role in addressing gender-based violence, including sexual offences perpetrated against the LGBTI persons. The NTT continues to meet on a quarterly basis to monitor the implementation of the National Implementation Strategy (NIS) on LGBTI matters. During this reporting period, meetings were held on 16 May 2017, 31 August 2017, 12 December 2017 and 15 March 2018.

³⁷ Led by DoJ&CD

³⁸ Employee Wellness Programme, which is also referred to as the Employee, Health and Wellness Programme

³⁹ This document is also part of Pillar 2 of the Integrated Criminal Justice Strategy Programme led by DoJ&CD

⁴⁰ Commonly known as the NTT

⁴¹ Section 9 of the Constitution: Everyone is equal before the law and has the right to equal protection and benefit of the law

Below are the achievements made in the implementation of the Annual National Intervention Strategy (NIS):

- (i) A Guide for Service Providers: As reported in the previous Departmental Annual Report, a Guide for Service Providers (the Guide) was developed with the objective of ensuring that all officials from role-player departments/institutions are educated and equipped to implement all the processes and procedures towards the protection and promotion of the rights of LGBTI persons at service points. The Guide is further intended to assist in the efficient management of reported hate crime cases. It also promotes the establishment of conducive and friendly environments to encourage reporting by victims of hate crimes.
 - The NTT developed an action plan to pilot the Guide in 6 provinces during the period January 2017 to March 2018. The pilot provinces were Gauteng, Northern Cape, Western Cape, Eastern Cape, North West and Mpumalanga. The pilot training was conducted and completed during the fourth quarter. Training was coordinated by the Foundation for Human Rights on behalf of the Department and expert trainers were used to facilitate these pilot training sessions. Reports were collected from the trainers with the view to using the recommendations to finalise the Guide before the national roll out.
- (ii) Submission of the Report on the Prevention and Combating of Hate Crimes and Speech Bill (the Bill): Following the national consultative workshops on the Bill held in January 2017, the Foundation for Human Rights in conjunction with the Department, consolidated inputs received at the national consultative workshops for possible incorporation in the finalisation of the Bill. The process of making this Bill law will proceed into the next financial year, i.e. 2018/2019 financial year.
- (iii) Progress made by the Rapid Response Team on Hate Crime Cases (RRT): As at 31 March 2018, out of total of 35 cases on hate crimes that were registered, 28 cases were outstanding, and the 7 finalised cases had the following outcomes:
 - a. Case 1: The accused was found guilty of murder and sentenced to 30 years imprisonment;
 - b. Case 2: The accused was found guilty of 3 counts and sentenced to life imprisonment for murder; 15 years imprisonment for robbery; 6 years imprisonment for housebreaking. The robbery and housebreaking sentences run concurrently;
 - c. Case 3: The accused was found guilty of culpable homicide, and the sentence wholly suspended for 5 years on condition that he does not commit the same offence within the period of suspension;
 - d. Case 4: The charge of Assault with intent to commit grievous bodily harm was withdrawn;
 - e. Case 5: A case involving charges of Common Assault and Unfair Discrimination was reported as false and consequently removed from the case list:
 - f. Case 6: The Mfuleni Cape Town hate crimes of Murder, House Breaking and kidnapping, the accused was found guilty in all counts and sentenced to 15 years imprisonment for murder, 3 years imprisonment for Housebreaking and 5 years imprisonment for Kidnapping. The last two sentences run concurrently with the 15 years imprisonment sentence;
 - g. Case 7: In a Vosloorus Gauteng hate crime of rape, the accused was found not guilty.

To speed up the finalisation of the pending cases, the Rapid Response Team took a resolution to meet on a monthly basis. This is also due to the increasing incidence of hate crimes in the country.

(iv) Review of the National Intervention Strategy (NIS), National Task Team (NTT) and Provincial Task Teams (PTTs): In August 2017, the NTT developed a Survey Questionnaire to evaluate the NIS, NTT and PTTs. The researcher is in the process of finalising the preliminary report which will be presented at the NTT meeting for members' inputs.

Challenges

(v) The National Intersectoral Strategy (NIS) Implementation Plan: A 2017-2019 NIS Implementation Plan was developed and its proposal submitted to the European Union (EU), through the National Treasury, for consideration to ensure sustained implementation of the NIS activities for 2018 to 2020 period. The proposal had a budget projection of R10 million. However, the application for funding was not successful and funds are still being sought from other funding agencies.

2.2.5 Provincial Sexual Offences Committees/Forums

The Provincial Sexual Offences Committees/Forums were established mainly to deal with operational matters regarding the implementation of the Act and the NPF. The Chairpersons of these structures are drawn from the Department, and they are also members of the NT ISC SO to ensure the escalation of provincial challenges to the national level.

Challenges

In 2017 the Provincial Forums of Free State and North West which were not operational were resuscitated and established. Provinces are facing human resource challenges due to high staff turnover and moratorium on new appointments, which have affected the coordination of and attendance to the forums/ committees responsible for the implementation of legislation. Free State, KwaZulu-Natal, Mpumalanga, Northern Cape and North West have not provided reports on the operation of their Provincial Sexual Offences Committees/Forums.

- (i) Eastern Cape Provincial Sexual Offences Forum: During this reporting period, this committee addressed issues related to the unlawful practice of Ukuthwala custom, which often result in sexual violence, particularly against children. The actors worked together in conducting information sessions at TVET College⁴² and in the communities of Engcobo, Lusikisiki, Bizana and Mount Fletcher. Working with the *Imbumba ya Makhosikazi*, a forum of female traditional leaders and wives of traditional leaders, the Committee addressed cases of domestic violence and sexual offences in rural areas. The committee also held meetings with personnel of Settlers Hospital, Tarkastad, Cradock and Kenton-on-Sea to problem solve issues related to failure of victim to cooperate with courts, poor data capturing due to lack of folders, lack of forensic social workers, and delayed finalisation of sexual offences cases. During the second quarter, the committee escalated a crisis regarding unsupervised intern doctors in Uitenhage Hospital to the provincial department and held a workshop in Mount Fletcher to improve the completion of J88⁴³ by the health care workers. The Committee further ensured that the SINAWE Thuthuzela Care Centre (TCC) had comfort sets as these were originally not available. It was also resolved that the TCC staff must hold implementation meetings, and the minutes thereof be submitted to the NPA Committee representative regularly.
- (ii) Free State Provincial Sexual Offences Forum: During 2017/2018 financial year, this committee met thrice. Efforts are being made to ensure that this committee is strengthened and meets regularly. The committee addressed a variety of issues including the finalization of the committee's terms of reference⁴⁴, identification of the regional courts suitable for upgrading into Sexual Offences Courts, finalization of the recruitment of Intermediaries, and planning and execution of Trauma Debriefing Sessions which were held for the intermediaries, interpreters and prosecutors.
- (iii) Gauteng Provincial Sexual Offences Forum: Gauteng province has deferred the coordination of meetings to the NPA to avoid duplicated governance structures. The forum, though coordinated by the NPA, addresses operational matters in the intersectoral management of sexual offences cases. Among the major challenges it dealt with was the issue of unavailability of foreign language interpreters.
- (iv) **Kwa-Zulu Natal Provincial Sexual Offences Committee:** Although the Region planned for meetings to take place in June and September 2017, these had to be re-scheduled due to the unavailability of the members. As a result, only one (1) meeting was held in February 2018. The SAPS was requested to gather information on reasons for the decline in the number of sexual offences cases reported in Empangeni district. It was also agreed that the committee will conduct training for the Department of Basic Education (DBE) educators on the Act so as to improve response by educators to cases of sexual offences at schools.
- Limpopo Provincial Sexual Offences Forum: The Limpopo Region has a fully functional sexual offences forum which holds its meetings on a quarterly basis. The purpose of these meetings is to monitor the number of sexual offences cases which are recorded per cluster and to address other challenges experienced with the investigation and prosecution of cases. Four meetings were held on 25 May, 18 August 2017, 17 November 2018 and 23 February 2018. Issues dealt with in this forum include challenges relating to prosecution of sexual offences cases, especially with regards to poor/ delayed police investigations, withdrawal of charges, poor conviction rates, and outstanding psychological reports. The conviction rates for the various clusters were analysed on a quarterly basis and were reported to vary from 39% to 75% in the province. Hotspots for sexual offences were identified and subsequently public awareness and education interventions were held in these areas. Issues relating to lack of victim support officers in specialised areas such as Court Preparations and Family Violence, Child Protection and Sexual Offences Units (FCS) were also discussed to share information and support on how to stretch the existing personnel

⁴² In July 2017

⁴³ Medical Report used in court as evidence

⁴⁴ It started to re-operate in 2017

resources to areas of dire need. SAPS reported to be making headways in the speedy provision of DNA reports. The committee also monitored the DoH responsibility to provide designated public health facilities⁴⁵ which provide, among other things, Post-Exposure-Prophylaxis services to victims of sexual offences. It further dealt with the establishment and management of the performance of sexual offences courts. Overall, this Forum closely monitors the intersectoral implementation of the Act with great cooperation of key role-players.

- (vi) Mpumalanga Provincial Sexual Offences Forum: This forum also meets on a quarterly basis to monitor cases and address challenges experienced in the investigation and prosecution of sexual offences cases. However, during this reporting period, only two meetings were held. The following key outcomes were achieved from these meetings: Hotspot areas were identified and these included Mkhuhlu, Nsikazi, Pienaar, Eesterhoek, Mkobola, Mbibane, Witnbank, Mbombela and Barberton. As a result of the identification of hotspots, awareness raising interventions were held in these areas and a plan was developed to reach the areas which were not reached in future. Mpumalanga has a shortage of prosecutors and could not identify any regional court for upgrading into sexual offence court.
- (vii) **Northern Cape Sexual Offences Committee:** This committee met twice during this reporting period where it discussed and agreed that the Kimberley, Galeshewe and Colesburg regional courts would be upgraded into sexual offences courts. As a result of this decision, the NPA appointed prosecutors for Kimberly and Upington courts as additional prosecutors who would be working at the sexual offences courts. The committee considered challenges in the operation of the TCCs⁴⁶ and the conviction rate in the sexual offences cases.
- (viii) **North West Sexual Offences Committee:** The North West Region only established an informal structure during the current financial year. The departure of the Regional Court President tremendously impacted on the operation of this structure. The structure is currently recuperating and meets on *ad hoc* basis mainly to deal with tasks received from the NT ISC SO. It also identified regional courts for upgrading into sexual offences courts, and also investigated the reasons for the upsurge in sexual offences in the region.
- (ix) Western Cape Provincial Gender Justice Forum: The Gender Justice Forum continues to be the hub for addressing gender-based violence issues, which include sexual offences. It is hosted and coordinated by the Provincial Premier's Office and has all the role-player departments responsible for the management of sexual offences. This committee met thrice on 3 May 2017, 28 June 2017 and 30 August 2017. The forum considered the identification of sites for Sexual Offences Courts, which were Cape Town, Mitchell's Plain and Paarl regional courts. It monitored both the upgrading process and other issues relating to the implementation of the Act.

Challenges

From the reports, it appears that the majority of the Provincial Forums began to experience operational challenges in 2017/2018 financial year due to high staff turnover in the provinces. Many suffered due to staff rotations which resulted in poor and inconsistent attendance. The NT ISC SO will consider these challenges in the next financial year.

⁴⁵ In terms of section 29 of the Act

⁴⁶ Thuthuzela Care Centres established and managed by NPA and DoH

Chapter 3: Physical and Human Resources

3.1. Introduction

The Department has moved into year 2 of Phase 2 of the Sexual Offences Courts (SOC) Project. According to the MATTSO⁴⁷ Report, Phase 2 must be implemented over a period of 10 years to meet a target of 106 SOCs. In the previous financial year, the Department upgraded 11 regional courts into SOCs, while in this financial year an additional 17 SOCs were established in terms of the MATTSO SOC Model.

The implementation of the second Phase is increasingly experiencing challenges ranging from space limitations at the courthouses, high staff turnover to the recent moratorium on new appointments due to serious budget cuts. In the midst of these challenges, the cumulative stakeholder support and cooperation has kept the Project strong against all tides.



- Information service
- Court preparation service
- Pre-trial containment service
- Private testifying service
- Intermediary service
- Private waiting room service
- Witness fee service
- Post-trial containment service

The SOC Model is a home-grown intervention that provides a catalogue of victim-centric services intended to bring solace, care and compassion to victims of sexual violence. Over the years, it has been gaining recognition as the pride of SA and the great practice model in the global efforts of placing the crime victim at the centre of the criminal justice system.

It is for this reason that the announcement of the return of the SOCs was generally received as a symbol of hope and care for victims of sexual violence. In 2015 the African Union expressed its appreciation of the decision taken by South Africa and encouraged other African states to follow suit. On 16 September 2016 at the 73rd Session of the UN Committee on the Rights of the Child, South Africa was criticised of its high figures of sexual violence against children, and labelled as the rape capital. However, the resuscitation of the SOCs was met with great commendation and considered as an imperative for our country.

Through the establishment of the SOCs, the Department is contributing in the country's efforts to bring down the incidence of sexual offences. In addressing the challenges in the SOC Project, the Department is now in the process of introducing the Minimum Standards SOCs with modified specifications but crafted within the spirit of the original SOC Model. The Department's performance in SOCs is briefly dealt with below.

3.2. Infrastructure and Other Physical Resources

Since August 2013, the Department has upgraded 74 regional courts into SOCs. The total number of these courts could have been 75 but at the time of writing of this report it was learned that the Masoyi SOC⁴⁸ is experiencing the human resource⁴⁹ challenges that temporarily disqualified it operate as the SOC in terms of the SOC Model specifications. Efforts are underway to address these challenges with the provincial governance structure and the judiciary.

⁴⁷ Ministerial Task Team on the Adjudication of Sexual Offences Matters

⁴⁸ Established in 2016/2017 financial year

⁴⁹ The Mpumalanga province reported resource gaps in prosecution services.

Below is Table 2 indicating the progressive upgrading of regional courts to SOCs.

Table 2: Sexual Offences Courts Established in 2017/2018

Province	Regional Court	No of SOCs	Location	Model	Court room No	Court Manager	Physical Address & Tel
Free State	Koffiefontein	1	Rural	Hybrid	RC. 18	Mr K Mudau	Hampden Street, Koffiefontein, 9986 053 205 0002
	Botshabelo	1	Semi-urban	Hybrid	RC. A	Ms R Mushwana	Hospital Street, Botshabelo, 9781 053 712 1081
Gauteng	Tembisa	3	Semi-urban	Pure & Hybrid	RC. 1, 3 & 4	Mr Bhutana Nkuna	244 Qgaqga Section, Tembisa, 1632 011 281 0319
KwaZulu- Natal	Madadeni	2	Semi-urban	Hybrid	RC. 76A & 79A	Mr M Mhlophe	2583 Section 2, Next to Madadeni SAPS, Madadeni 2951 034 329 7541
	Scottsburg	1	Semi-urban	Hybrid	RC. 3	Mrs T De Klerk	C/O Airth & Scott Street, Scottburg, 4180 039 978 9400 079 529 1123
	Umbumbulu	1	Rural	Hybrid	RC. 1RC 3	Mrs S.P Zikhali	Main Road, Umbumbulu 410 031 915 0100/01/02/03
Limpopo	Nebo	1	Rural	Hybrid	RC. B	Ms M Maluleke	Next to Nebo Old Post Office Maserumule Park Village, Nebo, 1059 013 264 8221 073 650 4778
	Groblersdal	1	Rural	Hybrid	RC. A	Mr T.J. Nkosi	13 Taute Street (cnr Taute & Van Riebeeck Str), Groblersdal 0470 013 262 2033/4
Northern Cape	De Aar	1	Rural	Hybrid	RC. W06	Ms C Melamane	43 Voortrekker Street, De Aar, 7000 053 631 2184
	Kathu	1	Rural	Hybrid	RC. H25	Ms N Letebele	Hendrik van Eck Road, Kathu, 8446 053 723 3221
North West	Brits	1	Semi-urban	Hybrid	RC.2	Ms Mooi Biyela	Cnr Van Velden & Court Street Brits, 0250 012 252 3416 / 0676
Western Cape	Paarl	1	Urban	Hybrid	RC. 3	Mr. D Xegwana	44 Voortrekker Road, Ceres, 6835 023-312-1112
	Mitchells Plein	1	Semi-urban	Hybrid	RC. B	Nomkita Maimela	First Ave, Cape Town, 7785 021 370 4296
	Cape Town	1	Urban	Pure	RC. 1	Mr C J Fortuin	Keerom Street, Cape Town, 8000 021 401 1511

Source: PRVG

Table 3: List of Sexual Offences Courts Established from August 2013 – March 2018

Region	2013/201		2014/2015		2015/2016		2016/2017		2017/2018	
	Court	No ⁵⁰ .	Court	No.	Court	No.	Court	No	Court	No.
EC	Butterworth	1	Port Elizabeth	2	-	-	Tsolo	1	-	-
	East London	1	-	-	-	-	-	-	-	-
FS	Welkom	1	Bethlehem	1	Phuthadi tjhaba	1	Colesburg	1	Botshabelo	1
	Bloemfontein	3	-	-	-	-	-	-	-	-
							Galeshewe	1	Koffiefontein	1
	-	-	-	-	-	-	Kimberley	1	-	-
GP	Palm Ridge	2	Pretoria	3	Johannesburg	3	Pretoria North	2	Tembisa	3
	-	-	-	-	Protea	2	-	-	-	-
KZN	Ntuzuma	1	Emlazi	1	Durban	2	-	-	Madadeni	2
	P'maritzburg	1							Scottsburg	1
	-	-	-	-	-	-	-	-	Umbumbulu	1
Mpu ⁵¹	Tonga (Boschfontein)	1	-	-	Eestehoek	1	-	-	-	-
	Secunda	1	-	-	-	-	Mhala	1	-	-
Limp	Lephalale	1	Mankweng	2	-	-	Sekgosese	1	Nebo	1
	-	-	Mokerong	1	-	-	-	-	Groblersdal	1
NC	Kimberley	1	-	-	Galeshewe	1	Upington	1	De Aar	1
	-	-	-	-	Colesburg	1	Barkley West	1	Kathu	1
NW	Potchefstroom	1	Schweize- Reneke	1	Mankwe	1	Moretele	1	Brits	1
	Klerksdorp	1	Molopo	1	-	-	Taung	1	-	-
WC	Wynberg	3	Parow	2	Atlantis	2	Thembalethu	1	Paarl	1
	-	-	-	-	-	-	-	-	Mitchells Plain	1
	-	-	-	-	-	-	-	-	Cape Town	1
Sub- Total	19		14		14		10		17	
Total	74									

Source: PRVG

⁵⁰ Number of courts upgrade

⁵¹ Masoyi SOC has been temporarily removed from the list due to staff shortages

3.2.1. Sexual Offences Courts (SOCs) Linked to Thuthuzela Care Centres (TCCs)



Justice Deputy Minister John Jeffery assessing the George Thuthuzela Care centre.



DoJ&CD Director General Mr Vusi Madonsela with Ms Mayke Huijbregts, a UNICEF official, in a walkabout at the Sexual Offences Court in Pretoria.

Table 4: SOCs Linked to TCCs52

Province	SEXUAL OFFENCES COURT	rs (socs)	T	HUTHUZELA CARE CENTRE
	Sexual Offences Courts	No of SOCs	Thuthuzela Care Centre	Location
Eastern Cape	Butterworth	1	Butterworth TCC	Butterworth Hospital, Butterworth
	East London	1	Mdantsane TCC	Cecilia Makiwane Hospital, Mdantsane, East London
	Port Elizabeth	2	Dora Nginza TCC	Dora Nginza Hospital, Port Elizabeth
Free State	Bethlehem	1	Phekolong TCC	Phekolong Hospital, Bohlokong, Brethlehem
	Bloemfontein	3	Tshepong TCC	National District Hospital, Willows, Bloemfontein
	Welkom	1	Bongani TCC	Health Complex (Old Provincial Hospital)
Gauteng	Palm Ridge	2	Thele Mogoerane TCC	Thele Mogoerane Regional Hospital, Vosloorus
	Pretoria	3	Mamelodi TCC	Mamelodi Day Hospital, Pretoria
	Protea/ Soweto	2	Nthabiseng TCC	Chris Hani Baragwanath Hospital, Diepkloof
	Tembisa	3	Masakhane TCC	Tembisa Hospital, Tembisa
KwaZulu-Natal	Madadeni	2	Madadeni TCC	Madadeni Hospital, Madadeni
	Umlazi	1	Umlazi TCC	Prince Mshiyeni Memorial Hospital, Umlazi
	Ntuzuma	1	Phoenix TCC	Mahatma Ghandi Memorial Hospital, Phoenix
	Pietermaritzburg	1	Edendale TCC	Edendale Hospital, Pietermaritzburg
Limpopo	Groblersdal	1	Groblersdal TCC	Groblersdal Hospital, Groblersdal
	Mankweng	2	Mankweng TCC	Mankweng Hospital, Mankweng
Mpumalanga	Tonga	1	Tonga TCC	Tonga Hospital, Tonga View
Northern Cape	De Aar	1	De Aar TCC	Central Karoo Hospital, De Aar
	Galeshewe	1	Galeshewe TCC	Galeshewe Day Hospital, Tyson Road, Kimberly
	Kimberly	1	Galeshewe TCC	Galeshewe Day Hospital, Tyson Road, Kimberly
North West	Klerksdorp	1	Klerksdorp TCC	Klerksdorp Hospital, Klerksdorp
	Molopo (Mahikeng)	1	Mahikeng TCC	Mahikeng Provincial Hospital, Molopo
	Potchefstroom	1	Potchefstroom TCC	Potchefstroom Hospital, Potchefstroom
	Taung	1	Taung TCC	Taung District Hospital, Taung
Western Cape	Atlantis	2	Wesfleur TCC	Wesfleur Hospital, Wesfleur Circle, Atlantis
	Mitchell's Plain	1	Manenburg TCC	CF Jooste Hospital, Manenburg
	Parow	2	Karl Bremer TCC	Karl Bremer Hospital, Bellville
	Thembalethu (George)	1	George TCC	George Provincial Hospital
	Wynberg	3	Karl Bremer TCC	Karl Bremer Hospital, Bellville

⁵² List compiled with SOCA Unit, NPA

3.2.2. The Interdependencies in the Functionality of the SOCs

The success of the SOC functionality is dependent on the collective efforts, contributions, and support of the different stakeholders, which include:



South African Police Service



Department of Social Development



Department of Health



National Prosecuting Authority



Department of Justice and Constitutional Development



Department of Correctional Services



It is for this reason that the decision to establish each court is the consequence of a series of deliberations and reflections by a number of key players in the criminal justice system. Resource commitments always take the centre of the discussions alongside the collective commitment to reduce the incidence of sexual violence in the country. Should any of the key players pull out for whatever reason; the puzzle inevitably breaks to affect court functioning to a certain extent. These are the inescapable realities that sadly define the criminal justice system, and in most circumstances, they surface in areas beyond the Department's control⁵³.

Other Challenges

Some of the sexual offences courts have been reduced to a level of a hybrid court because:

- (i) The case volume of sexual offences declined. One of the key reasons for the establishment of the sexual offences courts is to bring down the level of sexual offending. In some communities, the performance of these courts quickly yields impactful results which scare off sex offenders⁵⁴. It is in such moments that the victory of this intervention is celebrated. To ensure ongoing service delivery, a court with reduced case volume of sexual offences is then permitted to deal with mixed court roll, while giving priority to sexual offences cases:
- (ii) Court personnel have to be shared with other courts to close human resource gaps. To ensure equal protection and benefit of law to all⁵⁵, the court has to spread its support to other victims of crime;
- (iii) The migration of people from one jurisdictional area to another;
- (iv) The migration of crime and sex offenders from one jurisdictional area to another. As you will note at Chapter 7 of this Report, most of the Top 10 regional courts which registered high volumes of rape cases are in urban areas, most probably because of migration to better socio-economic opportunities;
- (v) The impactful performance of SAPS and courts that successfully discourages sex offending at a particular community and beyond etc.

In the midst of all, the SOCs continue to provide victim-centric services that are globally –competitive. These courts largely comply with the Minimum Standards for the Service Charter for Victims of Crime, and by so doing, affirm government's commitment to protect the rights of crime victims in compliance with the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1995) and the Prevention and Eradication of Violence against Women and Children Addendum to the 1997 SADC Declaration on Gender and Development.

⁵³ The temporary non-functionality of the Masoyi SOC is the result of the broken puzzle of stakeholder-commitments.

⁵⁴ In 2016/17 financial year the SAPS Family Violence, Child Protection, and Sexual Offences (FCS) Unit reported that 541 life sentences were imposed by our courts against sex offenders.

⁵⁵ Section 9 of the Constitution

3.2.3 The Monitoring & Evaluation Strategy for SOCs

The Department has partnered with USAID to develop the Monitoring and Evaluation Strategy for the SOCs. The Strategy is expected to assist in measuring and maintaining efficacy in these courts. The Provincial governance structures will use this strategy to identify and address challenges, even before they occur. The Strategy may be finalised in the next financial year. The Strategy may be finalised in the next financial year, and it is expected that the NPA will take leadership in the monitoring of the performance of these courts.

3.3 Human Resources

Section 170 A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) provides that a court may appoint an intermediary where it would appear that a witness under the age of 18 years would suffer undue mental stress if he or she testifies at such proceedings. The Department has since the Phaswane judgement been appointing intermediaries, particularly for the SOCs⁵⁶. However due to the declining economy, the austerity measures have slowed down the appointment of Intermediaries as originally intended. The Table below indicates the numerical capacity of intermediaries in each province:

Table 5: Available Intermediaries in 2017/2018

Province		2016/2017			2017/2018	
	Intermediaries	<i>ad ho</i> c Intermediaries	Social Workers	Intermediaries	ad hoc Intermediaries	Social Workers
Eastern Cape	25	1	3	24	1	22
Free State	9	3	1	8	3	0
Gauteng	45	23	9	32	25	15
KwaZulu-Natal	35	0	4	25	2	1
Limpopo	18	0	2	12	0	0
Mpumalanga	32	2	6	24	3	1
North West	19	1	0	18	2	0
Northern Cape	12	0	2	13	1	6
Western Cape	26	4	2	28	2	3
Grand Total	221	34	29	184	39	48

Source: Human Resource, DoJ&CD

The table above shows that the number of permanently employed intermediaries decreased by 17% nationally between the two periods. Similarly, the utilization of *ad hoc* intermediaries also decreased by 15%, while the support of social workers increased by 66%. The Department welcomes the increased use of social worker- intermediaries as a positive step as it shows the level of support by DSD in the finalisation of cases of sexual offences and human trafficking. In addressing the capacity gaps in intermediary services, the Department is in the process of filling some of the critical vacancies.

3.3.1 Statistics of Intermediary Services

The Tables below compare intermediary services rendered at lower courts for the period 2016/17 and 2017/18 financial year.

Table 6: The total number of child-victims of sexual offences and human trafficking for the periods 2016/17 & 2017/18

		2010	6/17		2017/18				
Danian	Sexual Offence		Human Trafficking		Sexual Offence		Human Trafficking		
Region	Witnesses	Victims	Witnesses	Victims	Witnesses	Victims	Witnesses	Victims	
Eastern Cape	664	1 711	910	1	719	1 826	1	2	
Free State	249	1 224	678	0	301	858	0	0	

⁵⁶ As the lack of Intermediaries was decried in S v Mokoena; State v Phaswane (CC7/07, CC/92/07) [2008] ZAGPHC

		201	6/17		2017/18				
Danian	Sexual (Offence	Human Trafficking		Sexual (Offence	Human Trafficking		
Region	Witnesses	Victims	Witnesses	Victims	Witnesses	Victims	Witnesses	Victims	
Gauteng	633	1 979	420	3	670	2 003	2	9	
KwaZulu-Natal	971	3 187	876	14	803	2 796	0	0	
Limpopo	461	1 104	444	3	408	833	0	0	
Mpumalanga	436	993	422	2	544	1 364	0	1	
North West	421	1 394	346	0	276	824	0	0	
Northern Cape	159	535	429	1	227	604	0	0	
Western Cape	326	1 235	596	11	433	1 047	1	2	
Grand Total	4 320	13 362	5 121	35	4 381	12 155	4	14	

Source: NOC

The table above indicates that KZN is the province which uses intermediary services for child victims of sexual offences and human trafficking most frequently- followed by Gauteng, and then Mpumalanga. It is however unfortunate to note that during this reporting period KZN experienced a reduced a capacity of permanent intermediaries from 35 to 25 intermediaries.

Table 7: Mentally-disabled witnesses and victims of sexual offences and human trafficking matters during periods 2016/17 & 2017/18

		201	6/17		2017/18				
Danien	Sexual (Offence	Human Tr	afficking	Sexual (Offence	Human Trafficking		
Region	Witnesses	Victims	Witnesses	Victims	Witnesses	Victims	Witnesses	Victims	
Eastern Cape	12	89	0	0	6	105	1	1	
Free State	0	9	0	0	0	6	0	0	
Gauteng	1	26	0	0	1	32	0	0	
KwaZulu-Natal	22	97	0	1	13	55	0	0	
Limpopo	3	21	0	0	0	16	0	0	
Mpumalanga	1	9	0	0	3	7	0	0	
North West	4	17	0	1	4	11	0	0	
Northern Cape	1	18	1	1	3	18	0	0	
Western Cape	9	25	0	0	11	31	0	0	
Grand Total	53	311	1	3	41	281	1	1	

The table above shows the total number of mentally disabled witnesses and victims of sexual offences and human trafficking for the periods 2016/17 and 2017/18. There was a decrease of 10% in the number of mentally disabled victims of sexual offences who received intermediary services. Only one case of mentally disabled victim of human trafficking was registered in 2017/18, while in 2016/17 there were 3 cases registered.

Challenges

It is anticipated that the decline capacity of permanent intermediaries may impact on the turnaround time in the completion of the sexual offences cases involving children and mentally disabled victims and witnesses if it is not attended to with the urgency it deserves. The Department has considered the vacant posts of intermediaries as critical posts that must receive priority attention.

The 66% increase in the utilisation of the social workers points to the need for the development of a protocol between the two departments to ensure the sustainability of this good practice.

To ensure the undisturbed service provision, the Department is currently finalising an electronic Intermediary Diary System which is intended to facilitate shared services of intermediaries within a province and the country as a whole. The system will manage the internal booking of intermediary services and also assist address language requirements.

Chapter 4: Training and Development



4.1 Introduction

The Department considers the need for training the officials who deal with victims of sexual offences as these victims often have special needs which usually require specialized services. Intermediary services are classified as specialty services which must be nurtured with regular training to ensure impactful outcomes.

The Justice College is the Department's institution established to offer training courses to justice officials across spectrum. However, during this period of reporting, the College experienced staff shortages which circumvented the delivery of certain courses, particularly the intermediary course.

4.2. Trauma Debriefing Programme

However, the Department carried on with the Trauma Debriefing Programme and offered sessions to intermediaries, interpreters, stenographers and other court clerks who have direct contact with victims of power-based crimes, including sexual offences. It must be noted that the NPA and the judiciary DO NOT fall under the mandate of the Department, and are therefore individually responsible for the trauma debriefing of their officials. The Table below shows the 8 sessions that were conducted during the period 1 April 2017 to 31 March 2018.

Table 8: Trauma Debriefing Workshops undertaken in Regions

Region	Date	Personnel Trained			Number Trained	
		Intermediaries	Interpreters	Stenographers/ DCRS Clerks	Other	Sub-Totals
Eastern Cape	8/12/2017	8	13	8	4	33
Free State	3/3/2018	2	9	14	1	26

Region	Date		Personnel Trained			Number Trained
		Intermediaries	Interpreters	Stenographers/ DCRS Clerks	Other	Sub-Totals
Gauteng	26/ 1/2018	14	1	1	10	26
KwaZulu-Natal	2/3/2018	23	4	5	2	34
Limpopo	8/12/2017	14	20	24	9	67
Mpumalanga	31/1/2018	7	13	13	4	37
Northern Cape	-	-	-	-	-	-
North West	2/3/2018	4	14	35	5	58
Western Cape	31/1/ 2018	3	5	7	4	19
GRAND TOTAL	8 Sessions	75	79	107	39	300

Source: PRVG

The Trauma Debriefing session for Northern Cape court officials will be prioritized in the next financial year.

4.3 Justice College Training Conducted for Court Officials on the Act

As indicated, due human resource limitations and budgetary cuts, Justice College could not deliver the expected training courses in all provinces. The Table below indicates the courses delivered during this reporting period.

Table 9: Justice College Training Courses Delivered in 2017/2018

Province	Course	Officials Trained	No trained
Gauteng	Sexual Offences	Court clerks	48
Kwa Zulu-Natal	Sexual Offences	Court clerks	16
Limpopo	Sexual Offences	Court clerks	72
Total Trained			136

Source: Justice College

It must be noted that the South African Judicial Training Institute (SAJEI) provides training for judiciary, including the regional court magistrates who preside over cases of sexual offences.

The Sexual Offences and Community Affairs (SOCA) Unit of the NPA also conducts its own training for prosecutors who deal with cases of sexual offences.

Other Challenges

Justice College is in the process of accrediting its training courses with SAQA⁵⁷. The lecturers are also undergoing training to be registered to deliver unit standard and outcomes-based training courses. The improvement of the curriculum for the Intermediary training course remains a challenge. However, it is anticipated that it would be done when the resources so permit.

⁵⁷ South African Qualifications Authority

Chapter 5: Public Education

5.1 Introduction

Outcome 14 of the National Development Plan (NDP) 2030 requires every government stakeholder to develop and implement Constitutional Rights Awareness Campaigns/Programmes targeting the public with the focus on vulnerable and marginalized groups. This Chapter deals with efforts to implement public awareness campaigns aimed at:

- (i) Heightening social awareness of the different types of sexual offences;
- (ii) Improving awareness of victims' rights;
- (iii) Profiling and communicating the support services that are in place to assist victims;
- (iv) Unpacking the relevant legislation and its implications;
- (v) Building awareness and discussion of issues related to sexual offences, such as maintenance, domestic violence, abuse of older persons, trafficking in persons, child justice, child-substance abuse and femicide; and
- (vi) Creating media platforms for public dialogues on sexual offences and related power-based crimes. The Radio Talk Shows called 'Let's Talk Justice Programme' were used in partnership the GCIS⁵⁸.

The Department continues to use a multi-dimensional approach to public education and uses a wide range of targeted platforms, which include broadcast media, print media, social media, and community outreach interventions. The activities usually take the form of radio talk shows, print publications, school or community interactions, as well as stakeholder engagements and dialogues. During this reporting period, the target audience group was primarily women, children (school learners), older persons, LGBTI persons, and persons with disabilities. Due to the increase in incidents of intimate femicide and the Department's resolution to respond positively to the recommendation made by the UN Special Rapporteur on Violence against Women, Its Causes and Consequences, femicide was given more prominence. As frequently reported by media, during this reporting period, a number of women and girls were first raped before they were bludgeoned, maimed, charred and then buried in shallow graves.

5.2 Media & Public Education Interventions

Radio interviews were held to raise awareness in most of the official languages on the implementation of sexual offences legislation, Sexual Offences Courts, intimate femicide and other relevant court services. The campaign predominantly covered a number of femicide types, which include sexual orientation femicide, intimate femicide, HIV- related femicide, and the cultural and spiritual femicide. This was due to the spiraling killings of women and girls that occurred in 2017 where many of them were raped before they were murdered. Below is the list of these interviews:

Table 10: National and Community Radio Talk Shows and Interviews



Regional Reach	Radio Station	Topic	Estimated Listenership
Eastern Cape	Tru FM	Intimate Femicide and Gender-based Violence, which includes sexual offences	136 000
	Umhlobo We Nene FM	Sexual offences and other forms of gender- based violence Safety Planning for Victims of Domestic Violence (which includes sexual abuse in domestic relationships)	5 500 000
	Alfred Nzo FM	Sexual offences and other forms of gender- based violence	400 000
	SA FM Intimate Femicide and Gender-based Violence		601 000
	Ukhozi FM	Intimate Femicide, sexual-related femicide and Cultural and Spiritual femicide	7 751 000

⁵⁸ Government Communication and Information System

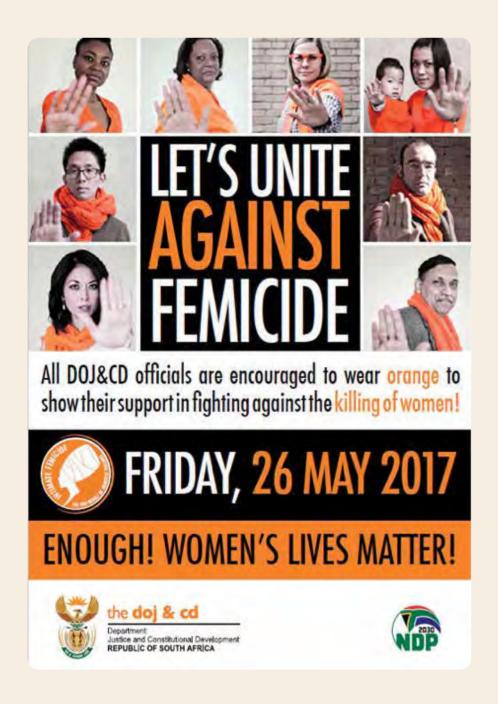
Regional Reach	Radio Station	Topic	Estimated Listenership
Free state	Motsweding FM	Sexual Offences	6 000
	Radio Sonder Grense	Gender-Based Violence, which include sexual offences	1 908 000
	SA FM	Intimate Femicide and other forms femicide	601 000
	Ukhozi FM	Intimate Femicide, gender-based violence and sexual violence	7 751 000
Gauteng Province	Radio Sonder Grense	Intimate Femicide, sexual orientation femicide	1 908 000
	UNISA Radio	Intimate Femicide, Gender-based violence, which includes sexual offences	28 300
	Ukhozi FM	Intimate Femicide and Other Forms of Femicide	7 751 000
	Motsweding FM	Sexual Offences	6 000
	Munghana Lonene FM	Intimate Femicide and Sexually-Related Femicide	1 229 000
	Ikwekwezi FM	Intimate Femicide and Other Forms of Femicide	1 993 000
KZN	Ligwalagwala FM	Intimate Femicide	1 275 000
	Ukhozi FM	Intimate Femicide and Other Forms of Femicide	7 751 000
	SA FM	Intimate Femicide and sexually motivated femicide	601 000
Limpopo	Ikwekwezi FM	Intimate Femicide and Other Forms of Femicide	1 993 000
	Ligwalagwala FM	Intimate Femicide and Other Forms of Femicide	1 275 000
	SA FM	Intimate Femicide and Sexual Orientation Femicide	601 000
	Munghana Lonene FM	Intimate Femicide and Cultural and Spiritual Femicide	1 229 000
Mpumalanga	Ikwekwezi FM	Intimate Femicide and Cultural and Spiritual Femicide	1 993 000
	Ligwalagwala FM	Intimate Femicide	1 275 000
	Munghana Lonene FM	Intimate Femicide	1 229 000
	SA FM	Intimate Femicide and sexual orientation femicide	601 000
	Ukhozi FM	Intimate Femicide and Cultural and Spiritual femicide	7 751 000
Northern Cape	Ligwalagwala FM	Intimate Femicide and related forms of femicide	1 275 000
	Ikwekwezi FM	Intimate Femicide and related forms of femicide	1 993 000
	Motsweding FM	Sexual Offences	6 000
	Radio Sonder Grense	Intimate Femicide, sexual orientation femicide and gender-based violence	1 908 000
North West	Motsweding FM	Sexual Offences	6 000
	Munghana Lonene FM	Intimate Femicide and other related forms of femicide	1 229 000
	Radio Sonder Grense	Intimate Femicide and sexually motivated femicide	1 908 000
	Ikwekwezi FM	Intimate Femicide and other forms of femicide	1 993 000
	Ligwalagwala FM	Intimate Femicide and other forms of femicide	1 275 000
Western Cape	Radio Zibonele	Sexual Offence Courts	198 000

Source: PEC

The Let's Talk Justice Talk Show reaches listenership of up to 65 community radio stations- spread throughout the country.

Table 11: Television Educational Programmes

TV Station	Topic	Dates
ENCA	Sexual Violence and Abuse Imbizo- Khayelitsha	15 June 2017: 10h00
SABC TV	Sexual Violence and Abuse Imbizo- Khayelitsha	15 June 2017: 10h45
ENCA	Intimate Femicide	20 June 2017: 17h00



5.3 Public Education Campaigns

In seeking to achieve Outcome 4 of the National Development Plan, the Department held community and school campaigns in partnership with other stakeholders. The messages communicated were aimed at educating the public and learners on the various forms of sexual offences, cyber-bullying and sexting, drug related sexual crimes, sexual orientation femicide and other types of femicide, among others. The information below indicates the topics covered and the number of people reached during the reporting period. The Minister of Justice and Correctional Services and the Deputy Minister of Justice and Constitutional Development participated in the number of these public interventions.



The Hon Minister of Justice and Correctional Services, Adv Michael Masutha, in a community imbizo to popularise the victim-support services offered by the sexual offences courts.

5.3.1 Ministerial Imbizos

The Ministerial imbizos were the platforms where members of the community engaged the Minister and the Deputy Minister on challenges they experience when they participate in the court system. Government stakeholders attended these Imbizos to resolve such challenges, either on site or at the later stage, depending on the nature of the challenge.

Table 12: Ministerial Public Education Campaigns

Province	Community	Intervention	Estimated No of People Reached
Gauteng	Pretoria	Men's Dialogue against Femicide	200
	Pretoria	Older Persons Dialogue on Age- Centric Justice System	200
	Kempton Park	National Forum on the Implementation of the Sexual Offences Act ⁵⁹	250
	Soweto	Adam's Night Fathers & Sons Camp against Gender-based Violence & Femicide, in partnership with KHULUMA NDODA	150
	Sharpeville	Dialogue with Older Persons	180

⁵⁹ Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007)

Province	Community	Intervention	Estimated No of People Reached
Northern Cape	Colesburg	Launch of the Sexual Offences Court & Imbizo	350
Western Cape	Thembalethu	Launch of the Sexual Offences Court & Imbizo	470
Total			1 800

Source: PEC

5.3.2 Schools and Older Persons Educational Campaigns

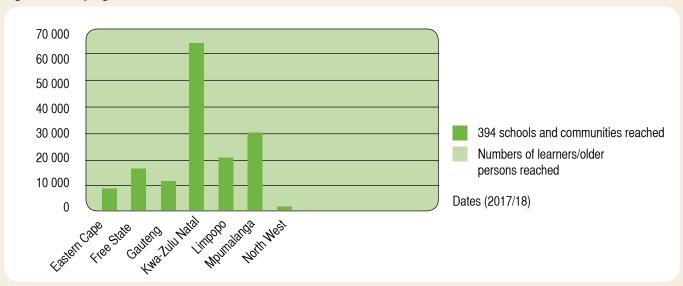
In response to the rising cases of sexual violence and other forms of gender-based violence involving children and older persons, the Department intensified its outreach campaign to educate this target group. The campaign covered awareness on legislation relating to gender-based violence, particularly on sexual violence, domestic violence, trafficking in persons for sexual purposes, and femicide. It targeted communities based in urban, semi-urban and rural areas, and reached the outcomes as indicated below.

Table 13: Community Outreach to Schools and Older Persons

Province	No of Schools & Communities Reached	Municipal Districts	No of Children & Older Persons Reached
EC	23	Nelson Mandela, Buffalo District, etc.	8 104
FS	55	Lejweleputswa, Fezile Dabi, Thabo Mafutsanyane, etc.	15 918
GP	22	Alexandra, Tembisa, Soshanguve, Springs, Nigel areas, etc.	11 018
KZN	122	Ethekwini, Illembe, Chesterville, etc.	64 460
Limp	80	Capricon to Ga-Moja	22 869
Mpum	82	Kangala, Mbombela, etc.	29 487
NW	10	Kenneth Kaunda	1 317
Total ⁶⁰	394		153 173

Source: Regional Offices

Figure 1: Campaign for Children and Older Persons



Source: Regional Offices

Communities are often segmented according to crime statistics, age groups, language accessibility, and other needs. This is to ensure that information reaches the targeted beneficiaries to achieve the desired impact in a particular community.

⁶⁰ The list excludes NC and WC annual performance.

5.3.3 Other Community Outreach Campaigns

Table 14: Community Outreach: Dialogues and Information Sessions

Province	No of Communities Reached	No of People Reached
Eastern Cape	6	359
Free State	20	2 035
Gauteng	6	633
Kwa Zulu- Natal	33	2 436
Limpopo	19	1 625
Mpumalanga	71	15 992
Northern Cape	26	20 933
North West	10	618
Total	191	44 631

Source: Regional Offices



Exhibition fair at the Launch of Colesburg Sexual Offences Court, Free State



Exhibition Fair at the launch of the Thembalethu Sexual Offences Court in Western Cape



Morebeng Magistrates Court, Sekgosese, Limpopo



Table 15: Exhibitions/Service Fairs⁶¹

Province	District/Metropolitan Municipality	Number of people reached
Gauteng	Sedibeng District Municipality, 2 exhibitions.	335
KwaZulu-Natal	Ethekwini District Municipality	138
ESTIMATED NUMBER OF PERSONS REACHED	473	

Source: PEC

5.3.4 Justice Services Awareness Campaign by the Office of the Director-General

The Gender Unit is situated within the office of the Director-General and is mainly responsible for gender-mainstreaming within the Department. In support of Outcome 14 of the National Development Plan, 2030 the Gender Directorate also reaches out to the general public to sensitize communities of the justice services.

In 2017/2018 financial year, the Gender Directorate conducted the following public education interventions:

Access to Justice Week: During the Access to Justice Week held from 07 to 11 August 2017, the Department selected a number of courts and public spaces to establish information desks where officials were provided with information regarding the justice services. This community service initiative presents an excellent opportunity for the Department to promote access to justice particularly to women and the children.

Table 16: Access to Justice Week Interventions

Date	Venue	Area	Type of an Event	
07 August 2017	Ga- Phokwane Tribal Office	Phokwane, Nebo	Public Information Session	
08 August 2017	Diboro Deaf School	Burgersfort, Praktiseer	Public Information Session	
10 August 2017	Ga- Nkoana Tribal Office Sekhukhune, Ga-Nkoana		Public Information Session	
11 August 2017	University of Venda	Thohoyandou, University of Venda	Director-General's Dialogue with Students on Sexual Harassment and related matters	
Total Number of IInterventions			4	

Source: Gender Directorate- Office of the DG

During the Women's Month, the Gender Directorate raised awareness raised awareness amongst women officials on matters relating to sexual offences as follows:

Table 17: Women's Month Initiatives for Justice Women

Date	Venue	Date	Type of an Event	Estimated No. Participants Reached
Women's day Commemoration	National Office	25 August 2017	Annual Women's Day commemoration	100
Women's dialogue Regional Office	Free State	29 August 2017	Annual Women's Day commemoration	150
Total Reached				250

Source: Gender Directorate- Office of the DG

⁶¹ Few exhibitions were held due to budget cuts

Public Education Campaign against Illegal Practice of Ukuthwala Custom

During the 16 Days of Activism for No Violence against Women and Children, the Department raised awareness at Flagstaff in the Eastern Cape on the harmful practice of 'ukuthwala' custom, its root causes and the impact on the victims, particularly child victims. The target audiences were women and men, including traditional leaders, in collaboration with civil society and other government departments. Approximately about 300 community members attended this awareness session.













Awareness Raising for Justice Men and Boy Children



In commemoration of the 16 Days of Activism, the Department, through the established Justice Men's Forum, held two education and awareness events under the Boy Child Programme. The first event was held in Meadowlands (SOWETO) in partnership with the Gauteng Regional Office, targeting 100 school boys at Primary and Secondary level from local schools and 100 men from surrounding community. The objective was to tackle issues of domestic violence, maintenance defaulters, child trafficking, sexual offences, harassment and other issues affecting men and young boys within the community. The second event was held on the 08th of December 2017 in collaboration with Department of Correctional Service and other stakeholders. The event was held at Baviaanspoort Juvenile Centre targeting 100 children in conflict with law and Justice Men's Forum.

This is the beginning of a men's intervention programme which is aimed at prevention of violence against women. The learning from these workshops will be replicated to the Regions of the Department to spread it across the provinces.

This event took a form of "Father and Son Dialogue", wherein 100 Justice Men visited the Correctional facility and engaged with young boys in custody. Various topics covered included sexual offences, expungement of criminal records, consequences of substance and drug abuse on safety of the community.

5.4 Challenges: Public Education and Communication

The cost containment measures across government have limited the frequency and scope of the desired public education interventions on sexual offences and related matters. This has raised the need for the Department to streamline its interventions under the leadership of the Public Education and Communication Unit with the support of the subject- matter experts.







Deputy Minister of Justice and Constitutional Development, Mr John Jeffery officially launched the Thembalethu Sexual Offences Court in Western Cape.





Justice Men at Baviaanspoort Juvenile Centre







Colesburg Sexual Offences Court in Free State







Sekgosese Sexual Offences Court in Limpopo.

Chapter 6: National Register for Sex Offenders

6.1 Introduction

The Act gives the Minister the responsibility to establish and maintain the National Register for Sex Offenders (NRSO)⁶¹. The main object the NRSO is to protect children and persons with mental disability against sex offenders.⁶²

The NRSO has been in operation since 30 June 2009. Phase 1 of the NRSO required the development of the electronic system of the Register, and this was done through the introduction of the Integrated Case Management System (ICMS): NRSO. As time progresses, the ICMS: NRSO began to experience system challenges that contaminated the purity of the data to a certain extent. It was in the previous financial year that these challenges started to surface, and since then the Department has been exploring the root causes and introducing mechanisms to remedy the situation. In this Chapter the Department indicates the actions taken thus far to improve the operation and the maintenance of the NRSO.

6.2 Integrated Justice System (IJS) and NRSO

In conjunction with IJS the Department (led by the Chief Directorate: Information Management Systems (IMS)) has commenced with the establishment of Phase 2 of the NRSO which entails:

- (i) the issuing of certificates in respect of particulars;
- (ii) the removal of details from the Register for expungement purposes; and
- (iii) the development of NRSO process maps or Standard Operating Procedures to ensure that business processes are well thought through and that each task in a process is performed the same way every time.

Like Phase 1, Phase 2 has serious interdependencies which involve the SAPS Criminal Record Centre, Department of Social Development and a number of internal stakeholders, particularly the IMS. Its success is also depended on stakeholder- compliance with the obligations laid down by the Act.







NATIONAL REGISTER FOR SEX OFFENDERS

Maintaining a safe environment for children and mentally disbled persons

Whilst making notable progress, the implementation of Phase 2 is not without hiccups. The following are the key challenges:

- (i) The delayed completion of the interphase of electronic systems between stakeholder Departments. This project has been in the hands of IJS for some time, but the interdependencies in systems' integration keep producing challenges that slow down the process. This matter is beyond the control of the Registrar;
- (ii) The capturing of incorrect details in the NRSO due to flaws in the system. This has contaminated the purity of the data to a certain extent. The Registrar is in the process of verifying all entries to restore data accuracy⁶³;
- (iii) The failure of the judiciary to make orders in terms of section 50 of the Act after conviction. This non-compliance restricts the Registrar from entering the particulars of the convicted sex offender in the NRSO unless the original court order (Form 5) is received from the court. This challenge has been brought to the attention of the Regional Court Presidents for intervention:

- (iv) The failure of SAPS to provide written confirmations pertaining to the applicant's request for removal of their particulars from the NRSO as required in terms of section 51 of the Act. This means that the Department cannot issue out any clearance certificates to determine whether or not a person's details are in the NRSO; and
- (v) The administrative and financial challenges encountered in the implementation of the NRSO. The lack of dedicated human resource capacity in the office of the Registrar and across all the stakeholder Departments has also hampered the full implementation of the NRSO.

The magnitude of work required to support the public and businesses with the applications for determining whether a person's details are in the NRSO or not has a huge stakeholder base, and will require enough dedicated human resource capacity to match the work volume.

The Registrar has developed a consequence management plan to address the challenges facing the effective management of the NRSO. The implementation of this plan is monitored by the Department's EXCO.

6.2.1 Convictions Registered on the NRSO

The number of registrations cannot be released until the NRSO data is completely verified and the system's gaps are addressed. It is anticipated that the purification of the data will be finalised in the next financial year.⁶⁴

6.3 Training Interventions on NRSO

Data Capturing Workshops

In addressing the incorrect data capturing into the ICMS: NRSO by the court clerks and data capturers, the need for training was identified. The office of the Registrar conducted a number of 2- day workshops on the NRSO Regulations and the prescribed procedures of data submission to the Registrar by courts. The workshops also clarified the roles and responsibilities of different stakeholders and most importantly, distinguished the NRSO from the National Child Protection Registrar (NCPR) so as to establish clear demarcation lines between the 2 registers. The workshops were held in the Eastern Cape, Gauteng, KwaZulu-Natal and Western Cape where a total of 223 Information Technology coordinators, court clerks and data capturers were trained.

Compliance Information Session with the Judiciary

The Registrar participated in the SAJEl 65 Criminal Refresher Course held on 28 Feb - 2 March 2018 and conducted an information session to address non-compliance by the judiciary which led to audit qualification. The most prominent operational error is the failure of the presiding officer to complete Form 5, which is the court order for inclusion of particulars in the Register. This course was attended by about 150 Regional Court Magistrates. The Register reached a resolution with the judiciary to redirect all non-compliant convictions to the Regional Court Presidents for immediate intervention.

6.4 Other NRSO Challenges

A number of challenges are being experienced with regard to the effective implementation of the Register. These can be divided into two categories, namely, challenges that relate directly to the interpretation and application of the Act and challenges that are administrative in nature. These categories will be discussed hereunder. In terms of section 42 of the Act, the Minister must establish the NRSO and designate the Registrar of the NRSO, as follows:

(1)"A National Register for Sex Offenders containing particulars of persons convicted of any sexual offence against a child or a person who is mentally disabled or are alleged to have committed a sexual offence against a child or a person who is mentally disabled and who have been dealt with in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977, whether committed before or after the commencement of this Chapter and whether committed in or outside the Republic, must, within six months after the commencement of this Chapter, and, in accordance with the provisions of this Chapter and the regulations made there-under, be established and maintained by the Minister.

The Act provides for the NRSO to be kept in an electronic format which not only collects, analyses, and disseminates information on sexual offences against children and mentally disabled persons, but also regulates the manner in which sexual offences matters and the exchange of data must be handled between stakeholder Departments.⁶⁶

⁶⁵ South African Judicial Education Institute

⁶⁶ Section 50 of the Ac

Section 50(6) of the Act further requires the National Commissioner for the South African Police Service (SAPS) to, in a prescribed manner, forward all available particulars in his or her possession of every person, who, at the commencement of Chapter 6 of the Act, has a previous conviction for a sexual offence against a child or a person who is mentally disabled. Similarly, when a person applies for a removal of his/her details from the Register for expungement purposes, he/she must in terms of section 51 of the Act apply for a prescribed certificate to be removed from the NRSO.

Section 51 of the Act and the Regulation 19(3) further require that the name of the applicant cannot be removed from the NRSO until the National Commissioner of SAPS confirms in writing that the applicant's name is not a subject of an investigation or a charge. Essentially, it means that, if a person is confirmed to being under investigation or has been charged with a sexual offence against a child or a mentally disabled person, or is alleged to have committed a sexual offence against a child or a person who is mentally disabled, the Registrar cannot remove the details of such person from the register.

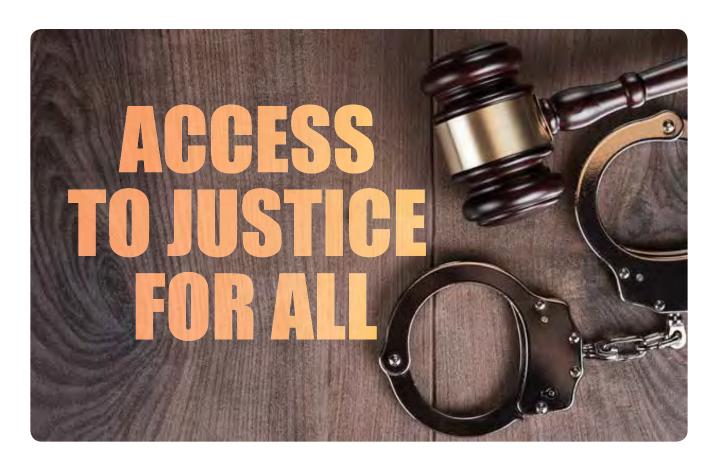
The SAPS has to date not been able to execute its obligation and to this effect the Department has been engaging with the National Commissioner of SAPS and the Minister of Safety and Security to find a solution to this matter.

Similarly, the Department of Correctional Services (DCS) is in terms of section 50(5)(a) of the Act required to forward the particulars of every prisoner or former prisoner which he or she has on record, who, at the commencement of this Chapter, is serving a sentence of imprisonment or who has served a sentence of imprisonment as the result conviction for a sexual offence against a child including an offence referred to in section 14 or 15 of the Sexual Offences Act, 1957 (Act 23 of 1957). The DCS has since 2014 submitted a list of +/- 250 000 of persons imprisoned for sexual offences to SAPS for confirmation of whether or not they were convicted for sexual offences against a child or a person who is mentally disabled before submission to the Registrar. This data has not reached the NRSO yet.

In terms of section 50(7) of the Act, the Department of Health (DoH) is also required to provide information of persons who committed sexual offences and were subject to a direction in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977. This has been impossible to achieve as the DoH did not keep the records of such persons prior to the implementation of the Act.

The Department is in the process of exploring the feasibility of amending the legislative barriers to the effective implementation of the NRSO.

The administrative challenges have been dealt with under paragraphs 6.2 and 6.3, above.



Chapter 7: Sexual Offences Cases Registered and Managed by Courts

7.1 Introduction

The Department collects statistics from all regional courts that deal with sexual offences cases, including the sexual offences courts. The performance of these courts is primarily centred on the prosecution of these cases, which squarely falls under the mandate of the NPA, as well as the adjudication role, which lies with the judiciary. The Department collects this statistics not for reporting purposes, but to have a statistical base to guide and inform its interventions.

The Department developed the Integrated Case Management System (ICMS): Criminal which tracks down all criminal cases⁶⁷ from the time of entry into the court roll until the departure point from the court system. The court clerks upload information received from the prosecutors and the judiciary into the ICMS. Over the past few years, the ICMS has been progressively improved to add more data variables so as to provide a holistic picture of the court performance against crime in the country. Against this plan, the system has begun to show operational flaws that continually put pressure on data purity. It is for this reason that emphasis is made NOT to use the information in this

Chapter as the official expression of the statistical account in the country. Reference to the NPA Annual Report is therefore encouraged since NPA also collects statistics in sexual offences⁶⁸.

This Chapter provides the summary of sexual offence cases that were registered in all regional courts from period 01 April 2017 to 31 March 2018.

7.2 Top 3 New Sexual Offences Cases Registered

The table below records the top 5 sexual offences cases registered in court system by the prosecutors, and this data is compared between 2016/2017 and 2017/2018 financial years:

Table 18: Top 3 New Sexual offences cases registered in Regional Courts: 2016/17 & 2017/18 financial years

Top 3 sexual offences	2016/17	Top 3 sexual offences	2017/18
Rape	5 900	Rape	6 240
Sexual exploitation of children/ persons who are mentally disabled ⁶⁹	552	Sexual exploitation of children/ persons who are mentally disabled ⁷⁰	650
Compelled sexual assault	121	Sexual assault	124

Source: ICMS- Criminal

As the above table depicts, rape seems to be the most predominant sexual offence registered in our court rolls. An increase of 6% of the registered rape cases in 2017/18 is noted as compared to the previous financial year of 2016/17. The top 3 offences also remain almost the same.

7.3 Top Ten Regional Courts with the Highest Volume of New Cases of Rape

During this reporting period, the Report has sifted 10 regional courts which registered the highest volume of rape cases, as against the unclassified sexual offences cases. This is to show the prevalence of rape cases in our courts.

Table 19: Courts with the highest volume of new rape cases

Charge	Regional Court	Туре	2016/17	Regional Court	Туре	2017/18
Rape	Welkom	SOC ⁷¹	257	Welkom	SOC	279
	Bloemfontein	SOC	334	Bloemfontein	SOC	334

⁶⁷ Including sexual offences

⁶⁸ As the key actor in court performance, the DG ISC SO requested the NPA report on statistics annually

⁶⁹ Sections 17 and 23

⁷⁰ Sections 17 and 23

⁷¹ Sexual offences court as at 31 Mar 17

Charge	Regional Court	Туре	2016/17	Regional Court	Туре	2017/18
Rape	Pietermaritzburg	SOC	184	Pietermaritzburg	SOC	163
	Wynberg [WC]	SOC	127	Johannesburg	SOC	132
	Worcester	NSOC	125	Paarl	SOC	112
	Klerksdorp	SOC	119	Phuthaditjhaba	SOC	110
	Ga-Rankuwa	NSOC ⁷²	116	WYNBERG (GP)	NSOC	109
	Paarl	SOC	112	Benoni	NSOC	102
	Mmabatho	NSOC	109	Secunda	SOC	102
	Potchefstroom	SOC	107	Ga-Rankuwa	NSOC	91

The table above shows that most of the courts that registered highest volume of rape cases are sexual offences courts. This is an indication that the Department is establishing these courts where they are mostly needed. In the next financial year, the Department will explore the possibility of upgrading the regional courts of Ga-Rankuwa, Wynberg (GP), Benoni, and Worcester into SOCs. The Welkom SOC registered high number of rape cases followed by Bloemfontein and Pietermaritzburg in both reporting periods. These courts remain constantly on the top 3. The North West had an alarmingly high volume of cases which raised questions and led to the NT ISC-SO requesting that the Region must dig deeper to determine the cause in the surge during 2016/2017. However, during 2017/2018, North West moved from having 4 courts in the top 10 courts to only one court i.e. Ga-Rankuwa court during 2017/2018 financial year. The North West Sexual Offences Forum is continuing with the implementation of interventions to address the hike in the number of sexual offences in its province.

7.4 Top 10 Court with High Charge Withdrawal

The high withdrawal rate of charges of sexual offences is a concern. The NPA withdraw charges mostly for the following reasons:

- (i) Insufficient evidence;
- (ii) Unwillingness of the victim to proceed with the case;
- (iii) Untraceable witnesses, etc.

The ICMS does not collect reasons for charge withdrawal due to the fact that the charge sheets are usually silent in this regard. The NT ISC SO⁷³ requested the NPA address this gap. The NPA promised to issue national circular that will require prosecutors to indicate reasons for withdrawal on the dockets. The judiciary will also be approached so that they record reasons for withdrawal of charges in court.

Table 20: Top Ten Courts with High Volume of Withdrawn Charges

Regional court	2016/17	Regional court	2017/18
Klerksdorp	124	Welkom	136
Wynberg [WC]	105	Wynberg (WC)	91
Bloemfontein	90	Bloemfontein	73
Pietermaritzburg	85	Klerksdorp	70
Welkom	72	Paarl	60
Soweto	56	Pretoria	59
Paarl	48	Pietermaritzburg	58
Durban	44	Ga-Rankuwa	48
Mankweng	39	George	46
Wolmaransstad	36	Johannesburg	39

The table above shows that Wynberg (WC) and Bloemfontein SOCs remain static at second and third spot respectively. These courts also appear in the top 10 courts that registered highest volume of new cases of rape in 2017/18 financial year.

⁷² Non-sexual offences court as at 31 Mar 17

⁷³ National Technical Intersectoral Committee for the Management of Sexual Offences Matters

7.5 Top 10 Courts with High Case Disposal Rate

Table 21: Top 10 Regional Courts with High Case Disposal Rate

Regional courts	Туре	2016/17	Regional courts	Туре	2017/18
Welkom	SOC ⁷⁴	269	Welkom	SOC	306
Pietermaritzburg	SOC	231	Bloemfontein	SOC	274
Bloemfontein	SOC	205	Pietermaritzburg	SOC	207
Klerksdorp	SOC	196	George	NSOC	169
Wynberg [WC]	SOC	169	Wynberg (WC)	SOC	165
Mthatha	NSOC ⁷⁵	145	Mthatha	NSOC	134
Soweto	SOC	137	Klerksdorp	SOC	130
Paarl	SOC	125	Paarl	SOC	127
Port Elizabeth	SOC	121	Phuthaditjhaba	SOC	124
Mbombela	NSOC	119	Wynberg (GP)	NSOC	123

Table 20 above indicates the Welkom SOC disposed the highest number of cases, followed by Pietermaritzburg SOC in 2016/17. Similarly, in 2017/18 Welkom still disposed a high number of cases. It is also a court that registered high volume of new rape cases.

7.6 Top 3 Reasons for Postponement of Cases

It is critical to interrogate why cases are postponed in the court as this enables early detection of challenges based on the analysis of trends. The table below illustrates the Top 3 reasons for the postponement of sexual offences cases during the periods 2016/2017 and 2017/2018:

Table 22: Top Case Postponement Reasons

No	Top postponement reasons	2016/2017	No	Top postponement reasons	2017/2018
1.	Trial	3 093	1.	Trial	3 142
2.	Further Investigations	1 115	2.	Part-Heard Case	1 033
3.	Plea: Plea & Trial	1 000	3.	Plea: Plea and Trial	1 025

It is quite disturbing that the regional courts are postponing cases for further investigations. It means that the district prosecutors are forwarding to the regional court cases that are not trial ready. This therefore calls for the training of prosecutors at district courts so as to adhere with the principle that only cases that are fully investigated must be transferred to the regional court.

7.7 Conclusion

As indicated above, the Department is not responsible for prosecution and adjudication of cases as these roles fall under the mandates of NPA and the judiciary, respectively. This therefore limits the ability of the Department to deeply analyse this statistics.

The Department is in the process of addressing the challenges in the ICMS: Criminal. During this reporting period, Statistics South Africa has also been approached to assist the Department with improved data management.

⁷⁴ Sexual offences court

⁷⁵ Non-sexual offences court

Chapter 8: Research Interventions



8.1 Introduction

When time demands, the Department conducts research studies usually to explore the feasibility of venturing into a new initiative, evaluate the impact of existing interventions or determine ways of addressing identified gaps. During this reporting time, the Department, in partnership with UNICEF, conducted the following studies:

8.2 Victim-Satisfaction Survey at SOCs⁷⁶

UNICEF conducted a Victim Satisfaction Survey at the first batch of Sexual Offences Courts established in 2013/2014 financial year. The report indicated a 69% victim satisfaction with the support services offered at the Sexual Offences Courts compared to the 48% reported from the baseline survey conducted at the non-sexual offences courts during 2015/2016 financial year. The increased victim satisfaction rate is indeed encouraging the Department to continue exploring better ways of placing the crime victim at the centre of the criminal justice system.

The Directors-General Intersectoral Committee for the Management of Sexual Offences Matters adopted the survey report during 2017/2018 financial year. The Report further served as the base to guide the development of the Minimum Standards for the Sexual Offences Courts.

8.3 Desktop Research on Information, Education and Communication (IEC) Material

In conjunction with UNICEF, the Department conducted a desktop research on IEC Materials. The research was inspired by the realisation that the country has never investigated the accessibility and the efficacy of the public education material used by the actors to reach out

⁷⁶ Sexual offences courts

⁷⁷ Lesbians, Gays, Bisexual, Transgender and Intersex

to the diversified victims of crime. People have different learning abilities based on their diversified needs. For this reason, it would be improper to use one language, one font size and one format to reach all victims of crime. Information material must be developed with the target victim in mind. It must *inter alia* be age-appropriate, language-appropriate, and formatted appropriately for the end user.

For a start, the desktop research focused on adult and child victims, as well as the parents or caregivers of child victims. The plan is to have a Phase 2 study which will move focus to other types of crime victims, like the older persons, persons with disabilities, the LGBTI⁷⁷ persons, non-nationals, etc.

The research considered the public education material on gender-based violence developed by the key actors both locally and internationally. Locally, the material was drawn from stakeholders like DoJ&CD, NPA, SAPS, DSD, and selected NGOs.

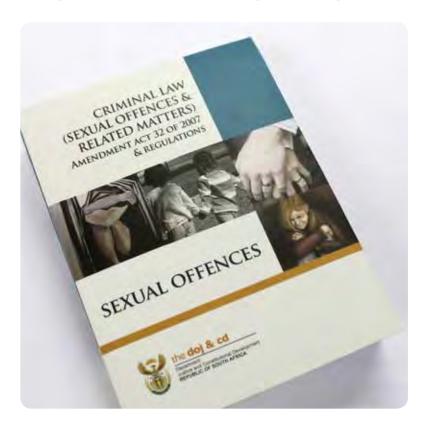
8.3.1 The Key Recommendations of the Research Report

The research report was adopted by the Directors-General Intersectoral Committee and it outlines a number of recommendations which include the following:

- (i) The target user must be identified before any content is developed;
- (ii) The purpose of the IEC material must be first clearly identified. It may cover information about court procedure, response to frequently asked questions, support services, etc.
- (iii) The material must be user-appropriate and responsive to the needs of the target user;
- (iv) Visual media is the most preferred and effective method for all full-sighted target groups;
- (v) Adolescents prefer communication via social media and internet;
- (vi) Victims need information relating to:
 - a. Why do postponements occur?
 - b. Why is the accused allowed to apply for bail? What is the role of the victim during bail application? What are the safety measures when bail is granted?
 - c. How to prepare for court? What is the role of the victim as witness in court?
 - d. How to manage stress?
 - e. What happens in court?
 - f. What support services are available to the victims before, during and after trial?
 - g. What are the roles of the different court officials?
- (vii) Parents, guardians and people offering court accompaniment need information to assist them with their role. Information on how to support child victim and support services available is fundamental;
- (viii) Story books are most interesting to young children, mostly under the age of 7. They often identify with the characters in story books; etc.

The DG ISC SO tasked the NT ISC SO to develop a plan to implement the research recommendations.

Chapter 9: Law and Policy Development



9.1 Introduction

As the lead in the implementation of the Act, the Department takes the responsibility to facilitate the amendment of the Act whenever the need arises. During this reporting period the following developments were achieved:

9.2 The Judicial Matters Amendment Act, 2017

As indicated in previous reports, the establishment of sexual offences courts by legislation was realized when the Judicial Matters Amendment Act, 2013 (Act 43 of 2013) (the JMA Act, 2013) was enacted. The date of commencement for this Act has not been set yet pending the finalisation of the Regulations. The JMA Act, 2013 also had flaws that needed to be addressed. This exercise led to the development of the Judicial Matters Amendment Act, 2017 (Act 8 of 2017) (the JMA Act, 2017), which was assented to by the President on 31 July 2017 and published in the *Gazette* as an Act on 2 August 2017.

Section 35 of the JMA Act, 2017 inserts a definition of 'sexual Offences court' in section 1 of the Act as a court that has a court roll that deals exclusively with

the bail application, plea proceedings, trial or sentencing of a person in criminal proceedings arising out of sexual offences and offences in terms of any other law which the Director of Public Prosecutions having jurisdiction, or a prosecutor authorised thereto in writing by him or her, deem expedient or necessary for the administration of justice in a particular case, to be disposed of together with a sexual offence. These courts are required to have certain facilities, to provide certain services and to meet certain requirements which must be determined by the Minister by Regulation.

Section 38 of the JMA Act seeks to substitute certain subsections of section 55A of the Act, as inserted by the 2013 JMA Act⁷⁸, which were indicated as problematic and were fully discussed in the previous report⁷⁹.

In terms of section 43(2) of the JMA Act, sections 35 and 38 will come into operation on a date fixed by the President by proclamation in the *Gazette*. This is to ensure that the draft Regulations, which are being considered by the Department, can be finalised and be operational when these sections come into operation.

9.3 The Draft Regulations Relating to Sexual Offences Courts

Section 67 of the Act provides that the Minister may-

- (a) after consultation with the cabinet members responsible for safety and security, correctional services, social development and health and the National Director of Public Prosecutions, make regulations regarding-
- (i) any matter which is required or permitted by this Act to be prescribed by regulation;
- (ii) the intersectoral implementation of this Act; and
- (iii) any other matter which is necessary or expedient to be prescribed in order to achieve or promote the objects of this Act; and
- (b) in consultation with the Chief Justice make Regulations necessary to give effect to the designation of the courts referred to in section 55A(1), including the requirements for the efficient and effective functioning thereof.'

⁷⁸ Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007)

⁷⁹ Department of Justice and Constitutional Development Annual Report on the Implementation of Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) for 2016/2017 financial year which was tabled in Parliament on 30 September 2017.

Different versions of the Draft Regulations have since been prepared and consulted upon with stakeholders. On 24 November 2017, the draft Regulations were therefore again published for public comments. The comments were consolidated and presented in a working session held on 28 March 2018 with the NGOs who submitted comments and government officials from DSD, SAPS and the NPA for further deliberations and inputs. Among the considered comments were the following:

- (i) The draft Regulations should only deal with basic requirements to ensure the immediate implementation of the document. The Regulations may therefore be revisited after a period to include the long term requirements;
- (ii) The need for the anatomically-detailed dolls was raised as a basic requirement for the sexual offences courts;
- (iii) Due consideration should be given to resource constraints and limited space in court buildings when determining the basic requirements;
- (iv) Officials who do not comply with the Regulations should be held accountable;
- (v) Some of the draft Regulations would be *ultra vires* as they go beyond the scope of what the Minister can regulate in terms of section 67 of the Act;
- (vi) The need to make provision for victim-support services rendered by some NGOs or court supporters at the courts hearing sexual offence cases;
- (vii) Provisions relating to the repair, maintenance and replacement of some of the devices and equipment in the courtrooms and private testifying rooms must be included to ensure undisturbed service delivery and accountability.
- (viii) It was proposed that adequate measures must be included in the Regulations to prevent the complainants (victims) from coming into contact the perpetrators when in the court building; and
- (ix) Different views were expressed about whether or not to provide for separate waiting rooms for adult complainants and children.

Some of the comments received were of a technical nature.

Due to the complexity of some of the issues raised and the fact that some of the stakeholders have strong but different views about a number of the requirements, the need was identified to have a further workshop with all the relevant stakeholders where the revised set of draft Regulations can be discussed. The intended workshop is scheduled for the first quarter of the 2018/2019 financial year. When this process of consultation has been concluded, the Chief Justice will be approached for his comments, as is required in terms of section 67 of the Act.

9.4. Amendment of section 29 of the Act

Section 29 of the Act states that:

- '(3) The Director-General: Justice and Constitutional Development must, within 14 days of the publication of each designation or withdrawal thereof contemplated in subsection (1), provide a copy of the notice to-
- (a) the relevant role-players falling under his or her jurisdiction; and
- (b) the National Commissioner of the South African Police Service, the National Commissioner of Correctional Services and the Director-General of Health.
- (4) The National Commissioner of the South African Police Service, National Commissioner of Correctional Services and Director-General of Health must distribute the notice referred to in subsection (1) to all relevant role-players falling under his or her jurisdiction.

Section 29(1) requires the Minister of Health, by notice in the *Gazette*, to designate public health establishments for the purposes of offering PEP⁸⁰ services to the victims of sexual offences and also carry out compulsory HIV testing of the perpetrators. The Act⁸¹ allows the victim who has been exposed to the risk of being infected with HIV as the result of a sexual offence to receive PEP for HIV infection at the designated public health establishment and at the State's expense. This service is available to the victim only when it is sought within 72 hours after the alleged sexual offence took place⁸².

The Act⁸³ further allows the victim or any interested person on behalf of the victim to apply to court for an order that 'the alleged offender be tested for HIV and that the results thereof be disclosed to the victim or interested person, as the case may be, and to the alleged offender.' The compulsory HIV testing of the sex offenders is also conducted at the designated public health facilities.

Chapter 5⁸⁴ of the Act dealing with services for victims of sexual offences and compulsory HIV testing of alleged sex offenders commenced to operate on 21 March 2008. Since then, the Minister of Health has designated 279 public health facilities⁸⁵. Technically, section 29 of the Act:

- (i) Requires the Director-General: Justice and Constitutional Development (DG: DoJ&CD) to receive from the Department of Health the notice that published or withdrawn the designation of public health facilities for the purpose of providing the copy thereof to the relevant actors in the sexual offences sector falling under his jurisdiction, including the Director-General for Health (DG: DoH);
- (ii) Impliedly requires the DG: DoH to ensure that the DG: DoJ&CD receives the notice within 14 days of its publication;
- (iii) After receiving back the copy of the notice from the DG: DoJ&CD, the DG: DoH is required to distribute it to the role-players falling under his/ her jurisdiction.

As the custodian of the notice, the DG: DoH supplies the DG: DoJ&CD with the notice and then wait to receive back a copy thereof from the DG: DoJ&CD for the purpose of circulating it to his/ her stakeholders. This is the administrative glitch that the Department has been requested by the DG ISC SO to fix.

The DG ISC SO suggested that the section 29(3) of the Act be amended to shift the responsibility of distributing the notice from the DG: DoJ&CD to the DG: DoH, who is *administratively* the custodian of this notice.

The Department is in the process of facilitating this amendment with Parliament. Further progress will be reported in the next annual report.

⁸⁰ Post Exposure Prophylaxis

⁸¹ Section 28 of the Act

⁸² Section 28(3)(a)(i) of the Act

⁸³ Section 30(1) of the Act

⁸⁴ Sections 27 to 39 of the Act

⁸⁵ Please note that this figure has been extracted from the 2016/2017 Department of Health Annual Report on the Implementation of the Act, and therefore excludes the 2017/2018 performance.

Chapter 10: Limitations, Possible Interventions/Recommendations and Conclusion

10.1 Introduction

With the rising figures of sexual offences in the country, the issue of the practicability of the Act has become central in the intervention process. The following challenges must be read with the concerns and challenges raised at the National Forum on the Implementation of the Act and listed under paragraph 1.7 of this Report:

Table 23: Challenges and Proposed Interventions/ Recommendations

No	Challenges	Proposed Interventions/ Recommendations
1.	Section 29 of the Act requires the Director-General of DoJ&CD to provide stakeholders falling under his jurisdiction (including the Director-General: Health) with a copy of the Gazette Notice which published the public health establishments designated by the Minister of Health within 14 days of such publication. Practically, this provision gives the Director-General: DoJ&CD the responsibility of providing a copy of the Notice published by the Department of Health back to the DG of Health.	The DG ISC SO facilitated the amendment of this provision to ensure that it places the responsibility of the circulation of the Gazette Notice on the Director-General of Health, instead of the Director-General: DoJ&CD. The amendment of this provision will be finalised in the next financial year (2018/2019).
2.	The state has the fundamental responsibility not only to respond but to prevent sexual offences. This action cannot be achieve only by implementing the Act, but requires the country to dig deeper into the determinants or triggers of the prevalence of sexual offences. This is to ensure that the root causes and the consequences thereof are systematically and effectively dealt with. The intervention process therefore requires a broader approach that would call for the participation of other stakeholders.	There is a need for a multi-pronged approach over and above the criminal justice response to the offending levels, which requires the participation of socio-economic, religious, cultural and education sectors to influence the prevention and reduction of the offending rates. For instance, the local government has the major role in ensuring peace and safety in the streets, particularly for women and children. In view of the recent sexual violence perpetrated by certain taxi drivers, the Department of Transport must also be part of the actors in the gender-based violence sectors. Unless there are strategies to deal with all these factors holistically, the criminal justice system efforts may be cyclical with no end to the number of cases dealt with.
3.	The need to establish a national oversight body with political chairpersonship continues to take the centre of discussions at different platforms. The Technical Task Team for the Inter-Ministerial Committee on the Root Causes of Violence against Women and Children has recommended that this body be established under the leadership of the Minister of Social Development. This view will lead to shared leadership with the Minister of Justice and Correctional Services since the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 and the Prevention and Combating of Trafficking in Persons Act expressly provide the Minister with inter-ministerial leadership in the implementation of these pieces of legislation. It may be further indicated that the Victim Support Services Bill, 2018 also proposes the establishment of the National Coordinating Committee which will be chaired by the Minister of Social Development, and tasked with the oversight role over the agenda of gender-based violence in the country.	There might be a need for the amendment of relevant pieces of legislation in the event of placing the leadership role in the gender-based violence on the Minister of Social Development.

No	Challenges	Proposed Interventions/ Recommendations
4.	The persistent budget cuts remain the major challenge for all government actors. Austerity measures are definitely impacting on the implementation of the Act, particularly in areas of victim support, e.g. the Department's moratorium on appointments has left resource gaps in intermediary services. The same applies to the inability of the NPA to appoint prosecutors and court preparation officers required for the optimal functioning of the sexual offences courts.	The Department is finalising the Intermediary Diary System which is intended to facilitate human resource sharing between courts to ensure undisturbed delivery of intermediary services. The Department is further considering filling critical vacant posts of intermediaries within its budget constraints.
5.	The provision of Trauma Debriefing sessions to court officials who have direct contact with the victims of sexual offences has been compromised by the budget cuts or austerity measures. Some participants were required to travel more than 200km and some invariably arrived late and missed out on the greater parts of the debriefing sessions. In some provinces sessions were held in the court buildings against the requirement to hold such in environments detached from the working space and in spaces that will allow physical exercises.	The Department is studying the annual report received from the facilitators which lists a number of recommendations to ensure efficacy in the delivery of these sessions.
6.	The space constraints at the court buildings are still a challenge that faces the Sexual Offences Courts Project ¹⁴ .	The Department produced the Draft Minimum Standards for Sexual Offences Courts, but the process had to be halted pending the finalisation of the Regulations for the Sexual Offences Courts. The Minimum Standards seek to address the issue of space limitations and human resource constraints.

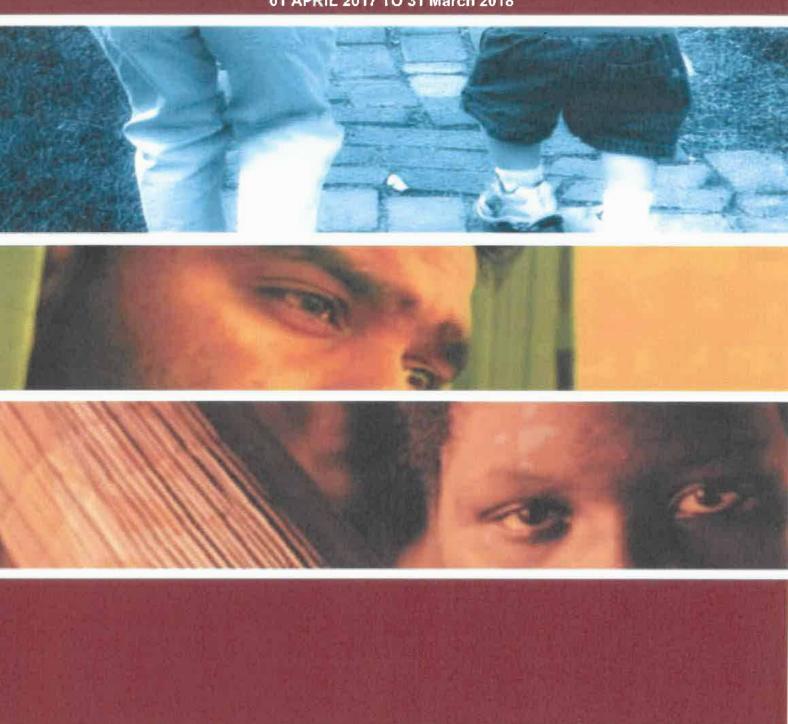
10.2 Conclusion

More work has been done but the need for the country to reflect on the efficacy of its interventions remains paramount and urgent. The Department has already initiated this discourse with the civil society and government actors to explore deep into what is working and what needs to be done to turn the tide against the rising levels of sexual offending in the country. This expedition requires the collective understanding of the root causes of the scourge so as to act appropriately and impactfully. This is what the Department is determined to achieve with its partners.

Department of Correctional Services (DCS)

DEPARTMENT OF CORRECTIONAL SERVICES ANNUAL REPORT ON THE COORDINATION AND IMPLEMENTATION OF ACTIVITIES RELATING TO THE IMPLEMENTATION OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) ACT 32 OF 2007

01 APRIL 2017 TO 31 March 2018





Correctional Services Health Justice and Constitutional Development Social Development





TAB	LE OF CONTENTS	
1.	Background	3
2.	Governance Framework	5
3.	Physical and Human Resources	6
3.1	Security and Safety	6
3.2	Inmate facilities	6
3.3	Human Resources	7
4.	Training and Development	7
5.	Services for Victims of Sexual Offences & Compulsory HIV	8
	testing of alleged sex Offenders	
5.1	HIV and AIDS	9
5.1.1	Challenges for offenders to receive PEP within 24 hours where possible	10
5.2	Social Work Services	10
5.3	Implementation of Restorative Justice in DCS	12
5.4	Psychological Services	12
5.5	Pre-Release Resettlement	13
5.6	Trafficking for Sexual Purposes	14
6.	Prevention and Awareness	14
6.1	Correctional Programmes	14
7.	National Register for Sex Offenders (NRSO)	15
7.1	Challenges in submitting historical information of sexual offenders in terms of Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007	15
7.2	Actions taken to address challenges	16
7.3	General Challenges	17
8.	Monitoring and Evaluation Framework	17
8.1	Information Management	17
8.2	Monitoring and Evaluation	18
9.	Conclusion	18

1. BACKGROUND

The Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007 (SOAA), Section 65(3) stipulates that each State Department must submit reports on the implementation of the SOAA. In compliance with this Act the Department of Correctional Services (DCS) outlined its report on the activities related to the implementation of the SOAA for the period **01 April 2017 to 31 March 2018**.

DCS Task Team consisting of representatives from various components, continued to ensure proper coordination of all activities on the implementation of the SOAA within the Department.

DCS has consistently participated in the Operational Inter-Sectoral Committee (OISC) and the Inter-Sectoral Committee (ISC) on all matters related to the SOAA chaired by the Director-General of the Department of Justice and Constitutional Development to advance its implementation (DG ISC). Emanating from the participation in these Inter-Sectoral Committees, the key deliverables are as follows:

- The development of the strategy to manage sexual offences within Correctional Facilities; including rehabilitation programmes and Restorative Justice involving victims of sexual offences.
- Developed policy and framework on the management of sexual violence in correctional facilities.
- Participate in consultation with the Justice Crime Prevention and Security Cluster departments.
- Training of officials.
- Strengthening of parole boards to include victim centred approach.
- Annual reporting against the implementation plans
- Participated in support of the other departments in the development of the National Instructions and Directives in respect of Chapter 5 of the SOAA.

58

Within DCS, the following Components are responsible for the Administration and Management of the SOAA:

- <u>Chief Directorate:</u> Personal Corrections (Responsible for the coordination of activities relating the SOAA)
- <u>Chief Directorate:</u> Social Reintegration (Responsible for re-integration of offenders into the community)
- <u>Chief Directorate:</u> Communication (Responsible for the awareness campaigns and education)
- <u>Chief Directorate:</u> Personal Well Being (Responsible for rehabilitation; social work services, and psychological etc.)
- <u>Chief Directorate:</u> Health Care Services (Responsible for Health Care issues of inmates)
- <u>Chief Directorate:</u> Personal Development (Responsible for Formal Education Skills Development, Sports, Art, Recreation and Culture)
- <u>Chief Directorate:</u> Legal Services (Responsible for ensuring legal compliance and review and amendment of policies)
- <u>Chief Directorate</u>: Policy Coordination and Research (Responsible for coordination of policies; procedures and research)
- <u>Chief Directorate:</u> Support Services (Responsible for Remand Detention systems)
- <u>Chief Directorate:</u> Security Officer (Responsible for Security Management services
- <u>Chief Directorate:</u> Human Resource Development (Responsible for training of correctional officials)
- Chief Directorate: GITO (Responsible for system development/IT)
- <u>Chief Directorate:</u> Intergovernmental Relations (Responsible for cross border interaction)

2. GOVERNANCE FRAMEWORK

- 2.1 DCS is one of the outlined Inter-Sectoral structures that is tasked with service delivery and monitoring and evaluation of the implementation of the Sexual Offences Amendment Act.
- 2.2 Coordination of Structures (DG Inter-Sectoral Committee and Operational Inter-Sectoral Committee) refers to collective efforts of all the implementing departments to ensure the effective achievements of the objectives of the Act.

The DCS National Task Team continues to coordinate and manage the implementation of the Sexual Offences Act.

2.3 Legislation and Policy (Adoption and Implementation of National Policy Framework).

The Department ensured that the following approved policies, inclusive of sexual offenders, are implemented:

2015/16	2016/17	2017/18
Policy and Framework to manage sexual violence/abuse of inmates approved and implemented.	Continued with implementation	Continued with implementation
Restorative Justice Policy approved and implemented.	Continued with implementation	Continued with implementation
DCS Victim-Offender Mediation (VOM) Model approved and implemented. The DCS partnership (MOU) with the Foundation of Victims of Crime (FOVOC); an NGO who assist DCS with tracing of victims, continued during the reporting period.	Continued with implementation	Continued with implementation
AVS project facilitating inputs from victims at Parole Boards approved and implemented.	Project was completed in December 2016.	Continued with implementation.
The complainant/victim-involvement policy in Correctional Supervision and Parole Boards for promotion of Victim' Charter was approved and implemented.	Continued with implementation	Continued with implementation

3. PHYSICAL AND HUMAN RESOURCES

3.1 Security and Safety

The DCS continues to prioritise the security of inmates through the prevention and management of security threats in accordance with the standing security procedures.

Security infrastructure and technology are also continuously being upgraded as part of the DCS existing capital works programme within the limits of budget constraints. Security strategies must not be seen in isolation but is aimed at addressing and managing the full spectrum of security risks in correctional centres which include the issue of sexual violence. It also aims to create a supportive environment for the successful implementation of other DCS programmes, including the targeting of sexual offending behaviour in correctional facilities.

3.2 Inmate Facilities

DCS managed 243 correctional centres during the year under review, with an average inmate population of 160 583 with approved bed space of 118 723. The following table indicates the number of regions per management area and correctional centres as at 31 March 2018:

Region	Number of	Number of correctional centres			
	management areas	Number of centres temporarily closed	Number of active centres	Total number of centres	
Eastern Cape	6	1	44	45	
Gauteng	8	1	25	26	
Free State / Northern Cape	7	-	47	47	
KwaZulu-Natal	7	2	40	42	
Western Cape	10	2	41	43	
Limpopo/Mpumalang a/North West	8	2	36	38	
Public Private Partnership (PPP's) in FS/NC (1) and LMN (1)	-	-	2	2	
Total	46	8	235	243	

DCS is still faced with a challenge of overcrowding in its correctional facilities. DCS accommodates both sentenced and unsentenced inmates within its facilities.

3.3 Human Resources

Personnel are deployed in all Correctional Centres to, amongst others; ensure the safety of all inmates. The status of the Human Resources at the end of 2017/18 financial year was as follows:

Programme	Number of posts on approved establishment	Number of posts filled
Administration	6783	6103
Incarceration	2021	1820
Rehabilitation	27982	27141
Care	2455	2189
Social reintegration	2221	2043
Total	41462	39296

4. TRAINING AND DEVELOPMENT

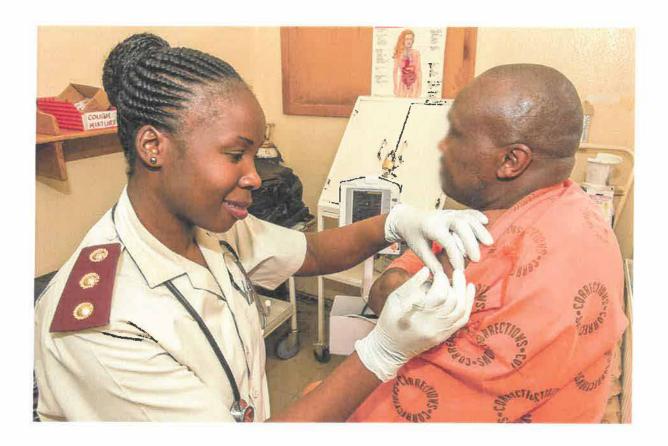
The objective of training and capacity building is to strengthen the capacity of DCS officials in the implementation of the SOAA.

- Employee Assistance Programme Trauma Debriefing provides health and wellness services for the correctional officials to enhance their mental health on daily basis as they deal with, among others, cases of sexual violence.
- During the induction process inmates are, among others, orientated on the dangers of joining gangs including those that are associated with sexual activities. A revised Orientation Manual for offenders which includes the rights and responsibilities/ obligations as stated in the SOAA has been finalized. The national implementation of the Orientation Manual is prioritised for the financial year 2018/19.
- During the Financial year 2017/18, 293 official completed training on the prevention of sexual abuse in correctional centres.

5. SERVICES FOR VICTIMS OF SEXUAL OFFENCES & COMPULSORY HIV TESTING OF ALLEGED SEX OFFENDERS

DCS is required in terms of the Act to provide services to victims of sexual offences by referring them to Health Care Services for medical treatment and to psychological services for counselling.

Inmates who alleged to have been sexually penetrated are referred to the Correctional Health Care facility, managed and /or referred to the external Crisis Centres and managed in accordance with the Post Exposure Prophylaxis (PEP) Guidelines.



DCS ensures that offenders who received a sentence of imprisonment longer than 24 months are assessed according to specifically designed instruments to determine risks they present as well as the needs present.

Based on these assessments results these offenders also have Correctional Sentence Plans compiled. As at the end of March 2018, 105 303 (99%) out of 105 807, offenders had Correctional Sentence Plans.

Furthermore, 97% of newly admitted offenders into correctional centres were assessed, profiled and their Correctional Sentence Plans were developed within 21 days of admission.

The Correctional Sentence Plan identifies the intervention programmes and services that offenders should attend to address their needs and risks.

Therefore all offenders who are incarcerated for more than 24 months as a result of a sexually related conviction will also be assessed and have Correctional Sentence Plans.

The monitoring tool utilised to monitor and evaluate the Correctional Sentence Plan has been reviewed and amended to include criteria on sexual offences.

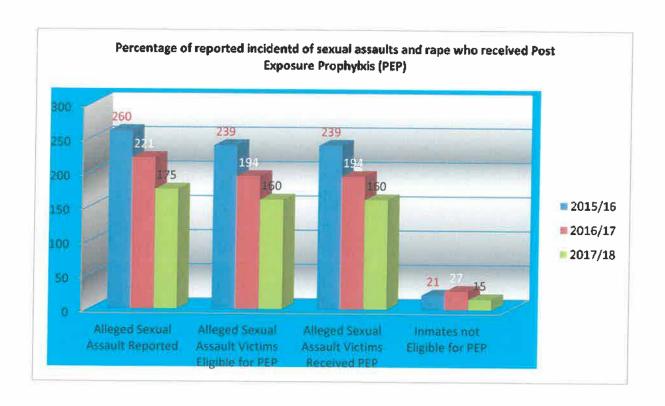
The tool measures the number of offenders with sexual offences and whether the sentence plans have been compiled to ensure intervention. Issues of sexual offences against children and people who are mentally disabled have been highlighted so that interventions can be specific.

The offender's progress during the incarceration period is monitored by a Case Review Team consisting of various service providers where after a Correctional Sentence Plan review framework is compiled which directs continuation of previous interventions or new interventions to be implemented.

This cyclical process continues until the offender's sentence expires whilst in incarceration or during parole/correctional supervision.

5.1 HIV AND AIDS

The graph below reflects the Post Exposure Prophylaxis (PEP) services rendered to inmates during the 2015/16, 2016/17 and 2017/18 financial years:



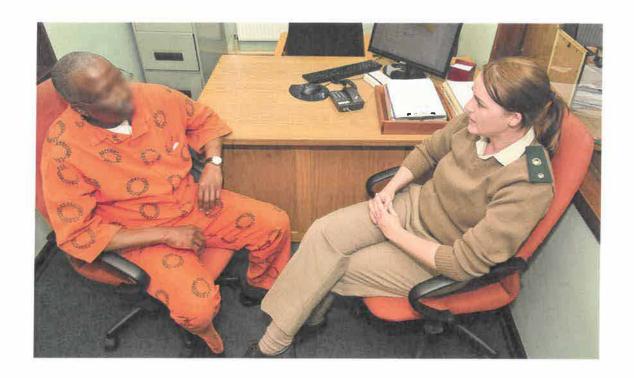
5.1.1 Challenges for offenders to receive PEP within 24 hours where possible

- Reluctance of inmates to report the incident of alleged sexual assault immediately or soon after an incident, thus preventing them from receiving the PEP within 24 hours where possible.
- The need for one-stop-centre (Thuthuzela model) service to provide support and collect evidence from victims of sexual assault within the correctional centres.

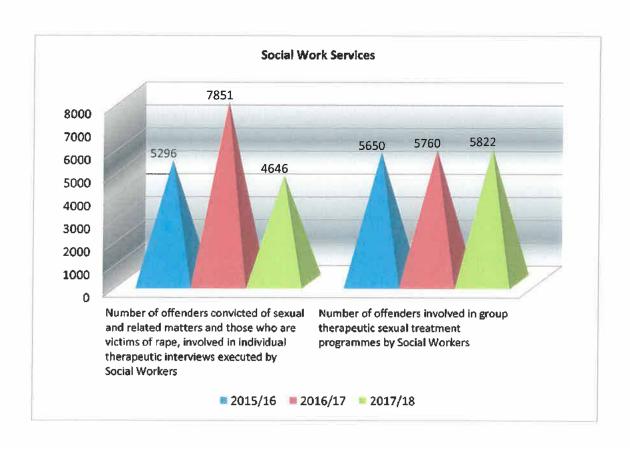
5.2 SOCIAL WORK SERVICES

The core function of Social Work Services in DCS is to assess the offenders and provide needs based programmes and services in order to enhance the adjustment, social functioning and reintegration of offenders back into the community.

Social Work Services is rendering therapeutic services to offenders who are victims of rape and offenders who have been convicted of sexual offences and related matters. The therapy is rendered through individual or group sessions.



The following table reflects the number of offenders convicted for sexual and related matters involved in **group therapeutic** sexual treatment programmes and the number of the same category as well as victims of rape who have been involved in **Individual therapeutic interviews** executed by Social Workers during the 2015/16, 2016/2017 and 2017/2018 financial years:



Involvement of offenders in the individual or group therapeutic sexual offender treatment programme is based on the need as assessed by the Social Worker. Therefore, the differences in numbers involved in 2015/16 and 2016/17 respectively reflect the reality of the need as assessed and the interventions made.

The programme utilizes the cognitive behaviour approach which focuses on increasing offenders' self-control over their offending behavior, while also providing opportunities to interact with other group members.

5.3 IMPLEMENTATION OF RESTORATIVE JUSTICE IN DCS

The Department is committed to implement Restorative Justice Process to improve the relations between the victims/offended and offenders. Sixty three (63) Social Auxiliary Workers were contracted to trace and prepare victims for Victim Offender Mediation and Dialogue (VOD/VOM).

Since 2015 to date, a total number of 22 907 victims and 11 059 offenders, including sexual offenders, participated in the Restorative Justice programme. Forty six (46) Victim Offender Dialogue and Community Corrections forums were established to manage the process and prepare stakeholders for victim offender dialogue sessions.

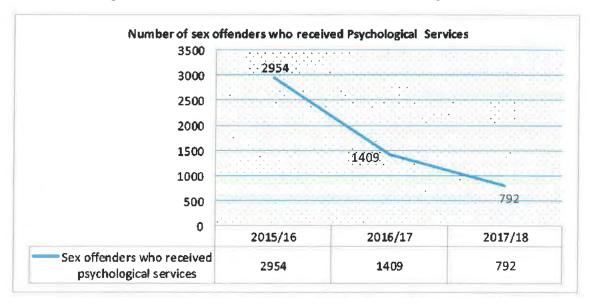
5.4 PSYCHOLOGICAL SERVICES

Psychological Services renders services to sentenced and unsentenced inmates. The interventions and/or programmes offered are needs-based and are provided both in individual and group sessions. Sexual offences are regarded as serious and as such all offenders who have been convicted of a sexual crime receive Psychological Services at some stage while serving their sentences.

Psychological treatment concentrates on effective behaviour management to ensure safety for the individual and for the community. A central focus of treatment is to help an individual create a better life for him/herself by developing their strengths while managing risk. Participants address personal accountability, relapse prevention, and possible aid appreciation of the position or experience of victims. The goals for the person in treatment may include:

- Identify offender own specific risk factors and develop a personalized plan for preventing abuse in the future.
- Recognize and decrease the use of manipulative behaviour patterns.
- Address denial and accept full responsibility for offender harmful behaviours, past and present.
- Understand the impact of harmful behaviours on self and others.
- Develop healthy sexual attitudes and behaviours.
- Explore the impact of one's own childhood victimization if and when appropriate

The graph below illustrates the number of sex offenders who received psychological services during the 2015/16, 2016/17 and 2017/18 financial years:



The rendering of psychological services is needs-based and dependent on marketing of interventions by psychologists, referrals or by own request from offenders.

5.5 PRE-RELEASE RESETTLEMENT:

The table below indicates the number of victims who participated in Correctional Supervision and Parole Board (CSPB) proceedings during the indicated periods:

Number of victims who pa placement and further pro	irticipated in CSPB proceeding files were approved:	ngs where conditional
2015/16 Financial Year	2016/17 Financial Year	2017/18 Financial Year
2200	1943	1856

This reflects that there has been a slight decrease in number of victims who participated in CSPBs proceedings in 2017/18 financial year.

Please note that the total number of victims who participated in CSPB proceedings does not only reflect victims of sexual offences, but also includes other types of crimes including aggressive, economical and drug related crimes.

5.6 TRAFFICKING FOR SEXUAL PURPOSES

DCS already created a crime code on the Admission Release and Detention System relating to the offence of trafficking for sexual purposes.

DCS also participates in the IJS processes to establish a uniform crime code for trafficking for sexual purposes.

6. PREVENTION AND AWARENESS

DCS community is the inmates in correctional facilities as opposed to the other departments. Prevention and awareness programmes therefore focus on the inmates. The services below are offered as part of prevention and awareness programmes.

6.1 CORRECTIONAL PROGRAMMES

Preparatory Programme on Sexual Offences Correctional Programme was developed to address offenders' sexual offending behaviour. The programme is aimed at empowering offenders with information pertaining to sexual and related matters, which includes awareness raising information on sexual offences and related matters legislation. The Preparatory Programme on Sexual Offence is available in correctional centres and offenders attend this programme based on the needs identified in the Correctional Sentence Plan (CSP).

The Sexual Offences Correctional Programme has also been customised for the needs of the youth offenders. The programme is non-therapeutic in nature. Should a need for specialized intervention be identified; the offender is transferred to

professionals, e.g. social workers, psychologist and spiritual care for therapeutic interventions.

The orientation of correctional officials to implement the correctional programme for sexual offenders continues. These officials are also trained on report writing.

The table below reflects the number of offenders who completed the Non-Therapeutic Correctional Programmes for Sexual Offenders during the 2015/16, 2016/17 and 2017/18 financial years:

Number of offenders who atter offenders	nded the non-therapeutic Correc	tional Programmes for sexual
2015/16	2016/17	2017/18
5580	4003	3664

The above figures include the programmes provided by both DCS officials and external service providers.

7. NATIONAL REGISTER FOR SEX OFFENDERS (NRSO)

In compliance with the Act, DCS capture the available information pertaining to the historical and current convictions and paroles of all offenders who have committed sexual offences.

A separate data base for Sex Offenders in terms of Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 linked with the DOJ&CD; SAPS, DCS and Department of Social Development (DSD) still need to be developed.

7.1 Challenges in submitting historical information of sexual offenders in terms of Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

The following challenges are experienced;

- General lack of SAPS 62 forms (Report from SAPS to DCS)
- Only the age (and not the mental status) of the victim reflected on the SAPS 62 form.

- The DCS Admission Detention and Release System does not provide for the capturing of the details of the victims yet;
- Records of inmates were destroyed five years after release; and
- Challenges to purify the name list of offenders who have served sentences for sexual offences with assistance from SAPS Criminal Record Centre.

7.2 Actions taken to address aforementioned challenges

The matter of age and mental status of the victim was addressed by SAPS in consultation with DCS and finalised in order to enhance information on offenders that will be admitted in the Correctional Centres.

The previous form SAPS 62 lacked vital information necessary during the decision making processes ranging from admission to release. Consequently a joint SAPS and DCS working group reviewed the format and content of the form that resulted in a number of amendments.

SAPS issued instructions that the amended SAPS 62 should be implemented as from 01 September 2017 through SAPS Circular 20/8/8/1(2) dated 3 September 2017.

Numerous meetings between SAPS, DCS and DoJ representatives were held since December 2014 to discuss issues with regards to NRSO information that DCS has to submit to DoJ& CD as per requirement of Criminal Law (Sexual Offences and Related Matters) Amendment Act 32/2007.

A decision was taken for DCS to rework the name list according to template provided by SAPS and submit it to SAPS (Criminal Record Centre) for intervention. The submission was initially done on the 09 January 2015.

07 September 2017 SAPS Criminal Record & Crime Scene Management indicated that information was purified and submitted to their Technical Administrator in June 2017.

This matter is still work in progress and is anticipated to be finalized during the 2018/19 financial year.

7.3 General challenges

Overcrowding is an international phenomenon that has a long history of insufficient accommodation, inappropriate and ageing infrastructure, as well as growing or high levels of incarceration and South Africa is no exception.

The topic of overcrowding is still as relevant today as it was more than 50 years ago, when correctional centres were 40% overcrowded (during the 1965/1966 financial year). During 2017/18 correctional facilities were on average 35% overcrowded (160583 inmates against 118723 beds).

The problem of overcrowding within the South African correctional system has been identified as a key challenge, which negatively affects the ability of the South African correctional system to rehabilitate and secure offenders.

The department, amongst other interventions, is implementing a multipronged strategy towards the management of overcrowding. This strategy focusses mainly on managing levels of remand detainees, consideration of sentenced offenders for parole or correctional supervision, evenly spreading of offenders, provisioning of additional accommodation, propagating for non-custodial sanctions/alternatives to imprisonment and optimal use of correctional supervision. It is also being discussed within the Criminal Justice Cluster as it is of concern to the Cluster.

8. MONITORING AND EVALUATION FRAMEWORK

8.1 Information Management

DCS is in the process to develop an Integrated Inmate Management System (IIMS) which is aimed at replacing the current Admission and Release system in order to manage the admission and release of offenders in an integrated manner.

8.2 Monitoring and Evaluation

The implementation of SOAA has also been included in monitoring and evaluation visits to DCS regions during the 2017/18 financial year.

During the Technical Indicator Descriptions Training conducted during September 2017 and March 2018, management in the correctional centres were sensitized to keep sexual offenders registers as per Criminal Law Amendment Act to have record of all offenders who have been convicted and sentenced under this Act. The Technical Indicator Descriptions Training was conducted as follows in regions:

	PERIOD	REGION
07 September 2017	08 March 2018	Limpopo / Mpumalanga / North West
12 September 2017	13 March 2018	Western Cape
19 September 2017	14 March 2018	Eastern Cape
08 September 2017	15 March 2018	KwaZulu Natal
05 September 2017	22 March 2018	Gauteng
06 September 2017	27 March 2018	Free State / Northern Cape

9. CONCLUSION

The Department of Correctional Services has as its core mandate, the rehabilitation of offenders and thus takes the rehabilitation of sexual offenders as one of its primary focus. Whilst the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 does not specifically identify the Department as a critical role-player, the Department of Correctional Services has worked closely and in collaboration with other Justice Crime Prevention and Security Cluster Departments to ensure its effective implementation.

Despite some challenges as highlighted above, DCS is committed to continuously implement the Sexual Offences Act effectively. To this effect, the programmes will be evaluated to identify gaps with the aim of ensuring increased confidence in the services and programmes provided. Furthermore, DCS has prioritised the problems related to sexual assaults within the correctional facilities through conducting an investigation into the feasibility and legality of establishing an integrated surveillance system which may also include surveillance of cells.

Relevant policy procedures will also be reviewed to confirm that it is still relevant and to ensure that any identified gaps are addressed.

OFFICIAL SIGN-OFF

It is hereby certified that this Departmental Annual Report was developed by the Department of Correctional Services for submission to the Department of Justice and Constitutional Development for tabling to Parliament by the Minister of Justice and Correctional Services in terms of section 65(3) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) (the Act).

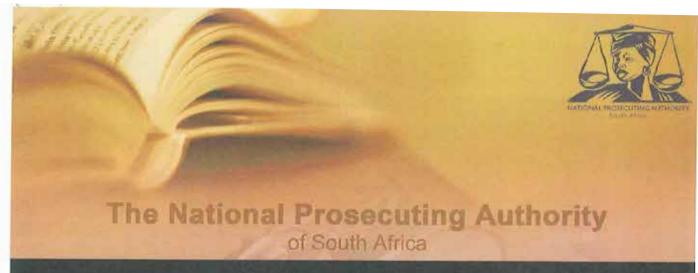
It highlights the achievements and limitations experienced in realizing the goals of the Act. The reporting period for this report is from 01 April 2017 to 31 March 2018.

A FRASER

NATIONAL COMMISSIONER CORRECTIONAL SERVICES

DATE 0.7 AUG 2018

National Prosecutions Authority (NPA)





NPA PROGRESS REPORT ON THE IMPLEMENTATION OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 FOR 2017/18 FINANCIAL YEAR

Address: VGM Building, 123 Westlake Avenue, Weavind Park, Silverton, Pretona, 0184 Our website, www.npa.gov.za, Tel: 012.845.6000

OFFICIAL SIGN OFF

NPA PROGRESS REPORT ON THE IMPLEMENTATION OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 FOR THE 2017/18 FINANCIAL YEAR

In preparation for the development of the Criminal Law (Sexual offences and Related Matters) Amendment Act (the Act) Annual Report to Parliament (section 65(3)(a) and (b) of the Act refers), herewith the approved 12-months report from the NPA as requested by the Department of Justice and Constitutional Development (DOJCD). These reports are also submitted from different relevant departments. This report deals with progress, achievements and challenges on the implementation of the Act for the 2017/18 Financial Year.

ADV. S.MZINYATHI

ACTING DEPUTY, NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS: NPS AND NSPS

Date:

ADV. S K ABRAHAMS

NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

NATIONAL PROSECUTING AUTHORITY

Date: 30 /07/2018

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INDEX

- 1. BACKGROUND
- 2. TRAINING AND DEVELOPMENT (REGARDING SEXUAL OFFENCES TRAINING FOR PROSECUTORS, INTEGRATED STAKEHOLDER TRAINING AND COURT PREPARATION COMPONENT)
- PHYSICAL AND HUMAN RESOURCES (REGARDING THE THUTHUZELA CARE CENTRES, EMPLOYEE HEALTH AND WELLNESS PROGRAMME AND KE BONA LESEDI COURT PREPARATION)
- MONITORING AND EVALUATION (TCC STATISTICS AND NATIONAL SEXUAL OFFENCES ANALYSIS, COURT PREPARATION STATISTICS AND HIGH-PROFILE CASES)
- 5. PUBLIC EDUCATION AND AWARENESS
- 6. GOVERNANCE
- 7. LEGAL FRAMEWORK
 - 8. CHALLENGES & INTERVENTIONS

1. BACKGROUND

- 1.1 The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (hereafter referred to as the Act) came into operation on the 16th December 2007.
- 1.2 With reference to section 63 of the Act, the NPA participates in the Inter-sectoral Committee, which by said law is chaired by the Director-General of the Department Justice and Constitutional Development. In line with section 65(3) of the Act it is expected of the said Department to submit reports as prescribed to Parliament. In respect of said report, Departments as members of the Committee are required to submit departmental reports based on progress and initiatives implemented in keeping with the provisions of the Act. Herewith follows the approved 12-months report from the NPA as required.
- 1.3 For this reporting period, the NPA report will focus on the following topics:
 - <u>Training and Development</u> (regarding sexual offences training for prosecutors, integrated stakeholder training and the court preparation component)
 - <u>Physical and Human Resources</u> (regarding the Thuthuzela Care centres, Employee Health and Wellness Programme and Ke Bona Lesedi Court Preparation)
 - Monitoring and Evaluation (TCC statistics and national sexual offences analysis, court preparation statistics and high-profile cases)
 - Public Education and Awareness
 - Governance
 - Legal Framework
 - Challenges & Interventions

2. TRAINING AND DEVELOPMENT

2.1 Section 66(2)(a) & (b) of the Act respectively places a responsibility on the National Director of Public Prosecutions to develop directives for prosecutors and also related training courses. These training courses, as prescribed, must include training on the developed directives, also include social context training in respect of sexual offences and provide for and promote the use of standardised procedures. This is ultimately with

a view to ensure that: "... as many prosecutors as possible are able to deal with sexual offence cases in an appropriate, efficient and sensitive manner". Section 66 (5)(a) of the Act also requires that the training courses contemplated in this section must be tabled in Parliament.

- 2.2 The training material and curriculum for sexual offences (specifically focusing on prosecutors) is reviewed annually, to keep up with the latest relevant case law and developments in related legislation to ensure that prosecutors are up to date and trained accordingly to deliver their best in the prosecution of sexual offences.
- 2.3 The training curriculum covers the following topics:
 - · Social context in relation to gender based violence
 - · Process maps for sexual offences
 - Sexual Offences Act 23 / 1957 & common law offences v Criminal Law (Sexual Offences and Related Matters) Amendment Act 32/2007
 - Mind maps Act 32 / 2007
 - Child witnesses
 - Directives related to Act 32 / 2007
 - Time line prosecutions and relevant case law
 - Relevant sections in Criminal Procedure Act protective measures
 - Obligation to report section 54
 - Chapter 5 HIV provisions
 - Chapter 6 National Register for Sex Offenders
 - · Human Trafficking for sexual exploitation
 - Child Pornography
 - Expert evidence
 - · Minimum sentences for sexual offences
 - Related case law
 - Comparison and relevance between the Act and Child Justice Act, Children's Act,
 Older Persons Act and the Harassment Act, inter alia.
- 2.4 The curriculum, supra, is currently covered in a 4-day decentralized intensive training program. The SOCA Unit in the NPA facilitates the training sessions. During the reporting period, 7 sessions were delivered and attended by 93 prosecutors.

- 2.5 In addition the SOCA Unit also developed an integrated training manual on sexual offences for stakeholders involved at our Thuthuzela Care Centre sites (TCC-sites). This manual is also reviewed annually. For the reporting period, we have delivered 17 of these integrated sessions attended by 469 stakeholders (including prosecutors).
- 2.6 In relation to Trafficking in Persons, with the predominant number of these victims being trafficked for sexual purposes, NPA (as facilitated by the SOCA Unit) has previously developed a comprehensive training manual. This was done in line with section 44(10) of the Prevention and Combating of Trafficking in Persons Act (7 of 2013). The aforementioned manual was reviewed and amended (where required), based on developments in law, and the training team delivered 5 sessions in the reporting period attended by 81 delegates (mainly prosecutors).







- 2.7 The training syllabus for Court Preparation Component for this reporting period consists of the following: "Understanding the witness with disabilities" which includes witnesses with mental disabilities; "VIS training for Prosecutors and CPO's"; "Understanding the Sexually Abused witness for Prosecutors and CPO", Management training for prosecutors and CPO on the Court Preparation Programme in line with sexual offences courts. Training interventions were implemented for SMS members as well as prosecutors and CPO's.
- 2.8 The training provided to CPO's is aligned to unit standards, accredited and according to an empirically tested model. Course contents for foundational and advanced training include:
 - Understanding the CJS
 - Applicable legislation, policies and guidelines
 - Norms and Standards for Court Preparation services

- Model of court preparation
- Court processes and procedures
- Court environment and role players
- Crisis, stress, trauma and types of abuse
- Developmental stages of witnesses
- Communicating with the child witness
- Implementing child and youth witness preparation programme
- · Implementing adult witness preparation programme
- Implementation of Victim Impact Statements
- · Witnesses with disabilities (including mental disabilities)
- · The sexually abused witness
- Implementing Public Education and Awareness programmes
- Victims Charter and Victim Empowerment Programme





2.9 The curriculum, supra, is currently covered in a 3-5 day decentralized intensive training program. The Court Preparation Component in the NPS facilitates the training sessions. During the reporting period, 22 sessions were delivered and attended by 465 learners consisting of prosecutors and court preparation officers. The table below provides an overview of all the training conducted for this reporting period.

Number of sessions	TRAINING	VENUE	NO OF LEARNERS / ATTENDERS
1	DPP FSD CPO Management Meeting and Information Management Guideline training (Prosecutors and CPO's)	DPP FSD	29
2	DPP WCD CPO Management Meeting and Information Management Guideline training (Prosecutors and CPO's)	DPP WCD	41
3	Victim Impact Statement training for prosecutors and CPO's	DPP KZN Empangeni Cluster:	28
4	Understanding the witness with disabilities (Prosecutors and CPO's)	VGM	25
5	DPP NWP CPO Management Meeting and Information Management Guideline training (Prosecutors and CPO's)	Britz Ga-Rankuwa	16
6	DPP ECD: Grahamstown CPO Management Meeting and Information Management Guideline training (Prosecutors and CPO's)	DPP ECD Grah Grahamstown (PE)	20
6			159
7	DPP ECD: Mthatha CPO Management Meeting and Information Management Guideline training (Prosecutors and CPO's)	DPP ECD: Mthatha	27
8	Victim Impact training for prosecutors and CPO's in SOC	VGM	28
9	Understanding the Sexually Abused witness for PP and CPO Training postponed	DPP WCD	33
10	Foundational and Victim Impact Statement Training in SOC	VGM	1
11	Victim Impact Training for prosecutors in SOC and other.	VGM	18
5			107
12	Multi Sectoral Training: SOCA on Communicating with the child witness	Port Shepstone	25
13	Multi Sectoral Training: SOCA on Communicating with the child witness	Stanger	35
14	Multi Sectoral Training: SOCA on Communicating with the child witness	Ngwelezane KZN	Number of attendees unreported
15	Lifeline: Understanding the role of the CPO and VIS	Pletermaritzburg	Number of attendees unreported
16	Online training: VIS target audience VIS	KZN	22
17	Writing of affidavits for VIS and practical facilitation of VIS with adults and children	Durban	22
18	Multi Sectoral Training: SOCA on Communicating with the child witness	Madadeni	25
19	Understanding The Sexually Abused Witness for prosecutors and CPO's	VGM	.33
8			162
20	Multi-Sectoral Training: Communicating with the Child Witness and Court Preparation in the NPA	Edendale Hospital: Pietermaritzburg	19

21	Lifeline: Court Preparation 9 Social workers (Stanger, Port Shepstone and Phoenix	Stanger	9
22	VIS to the prosecutors in the Mthatha Regional courts to Senior Prosecutor, Control Prosecutor and Regional Court Prosecutors.	Mthatha	9
3			37
Total number of sessions delivered	22		465 delegates

3. PHYSICAL AND HUMAN RESOURCES

- 3.1 As the position was in the 2016/17 FY by end March 2017, we have the same number of TCC-sites that can be regarded as operational, which is 55 TCC's by end March 2018.
- 3.2 As previously stated, due to budget limitations in the NPA we could not establish additional sites, because no personnel can be appointed. The status quo on the aforementioned still exists, as the current budget only allows for the maintenance (including continued service provision) of the existing 55 sites and related service delivery. Irrespective hereof, we are constantly striving with our stakeholders to focus on improving collective services at these current sites. All TCC-sites are quarterly verified as being operational in line with the verification criteria for operational TCC-sites. It must be noted that Parliament has allocated CARA funding for the TCC-model to be implemented over a period of three years which is to commence in the 2018/19 FY. This will include inter alia the establishment of five additional sites.
- 3.3 The information regarding the performance of TCC-sites with reference to cases reported at sites and those prosecuted is reflected under the heading Monitor and Evaluation (par 4, infra).
- 3.4. With reference to the Ke Bona Lesedi Court Preparation Component, we operate in 92 courts which are focused on Sexual Offences Courts however they assist in other serious and violent matters. All these sites are providing services regarding victim impact statements as well.

- 3.5 The Court Preparation Component within the NPS has 160 Court Preparation Officer (CPO) posts of which there are 130 filled. The 30 vacant posts are currently not being filled due to budget constraints. There are 5 Court Preparation Managers posts stationed at the following offices, Head Office, DPP:SGD, DPP:KZN and DPP:ECD Mthatha, whilst the DPP: NGD post is vacant. The remainder of the regions have DPP appointed prosecutorial coordinators. CPO's are stationed at courts to assist with all victims regarding court preparation and specifically focusing on witnesses in relation to sexual offence cases.
- 3.6 The Employee Health and Wellness Programme in the NPA is underpinned by Part 3 of the Public Service Regulations, 2016 (regulations 53, 54 and 55) which provides for a head of department to establish and maintain a safe and healthy work environment for employees of the department and a safe and healthy service delivery environment for members of the public.
- 3.6.1 The NPA is committed to implement supportive psychological services appropriate to the NPA work environment and that aimed at improving the wellbeing and performance of its employees. The services include but are not limited to:
 - Access to 24/7 confidential telephonic counselling service and arranged face to face counselling sessions;
 - Managerial support services, and
 - Stress Trauma Management interventions
- 3.6.2 The Stress Trauma Management Programme is a flagship initiative that is designed primarily for sexual offences frontline officers including prosecutors, TCC-staff and Court Preparation Officers who are often exposed to secondary trauma in line of their daily duties. Employees in the above-mentioned occupational groups are significantly exposed to the narrative of people who have been traumatised.
- 3.6.3 The NPA Employee Health and Wellness Programme provides Stress and Trauma Management Group Intervention to the officials who are often exposed to ongoing secondary trauma due to the nature of work and their interaction with victims and perpetrators of crime. This intervention offers the necessary debriefing and supportive counselling and equip officials with effective coping and self-care strategies to enable them to manage their challenges and stressors more effectively.

Table: Stress Trauma Management sessions

DIVISION	NO, OF SESSIONS	NUMBER OF PARTICIPANTS	OCCUPATIONAL GROUP
	April 2017 -	March 2018	
Eastern Cape	1	4	CPOs
KZN	14	96	Prosecutors, CPOs, TCC Staff
Limpopo	1	7	Prosecutors
Mpumalanga	9	116	Prosecutors, Admin/support Staff
North Gauteng	8	193	Prosecutors
North West	3	16	Prosecutors
Northern Cape	2	25	CPOs, TCC Staff, Prosecutors
South Gauteng	1	15	Prosecutors and CPO's
Western Cape	2	22	Prosecutors, CPOs
Total	41	494	

- 3.6.4 The table above depicts the number of sessions that were provided during the 2017/18 FY. It should be noted that the sessions which were conducted in KZN includes four (4) quarterly Emotional Impact group sessions provided to the Court Preparation Officers in each of the three clusters across the region. The quarterly sessions were aimed at providing ongoing support to the officials.
- 3.6.5 Over and above the stress trauma management group sessions, all NPA employees have access to a dedicated 24/7 professional counselling and support call centre that are available to assist them in dealing with psychosocial, health and wellness issues. Three-hundred and seventy-three (373) cases were referred during the April 2017 to March 2018 period.

4. MONITORING and EVALUATION

- 4.1 In relation to TCC-reported cases, which were prosecuted, we achieved an average conviction rate of 74.5% with 1899 actual convictions (this is 6.5% above our NPA APP target of 68%). This is also an improvement from our performance in the previous 2016/17 FY, where our average conviction rate was 71.1% (hence an increase of 3.4% and with 240 more actual convictions). For the past three financial years we managed a conviction rate of above 70% for TCC-reported cases. This is, as previously reflected a considerable improvement from the year 2000 where we stood at a 48% conviction rate for sexual offences (Monitor Group Research).
- 4.2 In addition, the overall conviction rate for all sexual offences for the reporting financial year is 72.7%, however as explained the conviction rate for TCC-reported cases is 74.5%, which highlights the continued success of the TCC-model. It is therefore evident that the TCC convictions outperforms that of other sexual offence cases.







4.3 Herewith the number of matters reported at TCC-sites for the reporting period, which reflects the breakdown per quarter:

	Q1	Q2	Q3	Q4	Totals
Matters reported at TCC's	7538 SO = 6836 C = 3753 (54.9%) A = 3083 (45.1%) DV = 565 C = 80 A = 485 TIP = 3 CA = 134	8538 SO = 7654 C = 4359 (57%) A = 3295 (43%) DV = 700 C = 93 A = 607 TIP = 29 CA = 155	9666 SO = 8657 C = 4911 (56.7%) A = 3746 (43.3%) DV = 797 C = 71 A = 726 TIP = 3 CA = 209	8231 SO = 7434 C = 4302 (57.9%) A = 3132 (42.1%) DV = 619 C = 51 A = 568 TIP = 4 CA = 174	33 973 SO = 30 581 C = 17 325 (56.7%) A = 13 256 (43.3%) DV = 2681 C = 295 A = 2386 TIP = 39 CA = 672

- 4.4 It must be noted that not all matters that are reported at TCC-sites will end up in a docket being registered and investigated, because in some instances adult complainants will report the matter but hereafter opted not to register a police docket and merely required the additional TCC-services. In this reporting year, this percentage was 35.3% where complainants opted not to register a police docket. In relation to police dockets being registered and investigated, for this reporting FY a total of 8090 cases (an increase of 1170 of 16.9% in comparison with the previous FY) reported at TCCs (where case managers are appointed) were referred to court for prosecution. We have however, noticed an increase in the number of non-arrest dockets and "stranger rapes" reported at a number of TCC-sites, which evidently resulted in fewer cases being referred for prosecution due to these cases not being trial and court ready.
- 4.5 Court statistics for TCC cases are herewith provided for the reporting period per quarter. It must be noted that these statistics are reflected for those sites that have case managers appointed, which by end March 2018 was 38. These case managers are appointed as part of the TCC-model, with specific expertise in sexual offences litigation and inter alia responsible for prosecutor-guided investigations and stakeholder cooperation to ultimately ensure that these cases are court and trail ready. In some instances, these case managers are prosecuting the TCC-cases themselves in court.

	Q1	Q2	Q3	Q4	Totals for 12 months
TCC-cases referred to the CM for case management (with CAS number)	3088	3533	3623	3394	13 638
TCC-cases referred to court for prosecution	1866	2037	2228	1959	8090
Cases finalized with a verdict	739	689	580	541	2549
Finalization rate	39.6%	33.8%	26%	27.6%	31.5%
Average conviction rate per quarter	77.1% (570/739)	72.9% (502/689)	72.8% (422 / 580)	74.9% (405 / 541)	74.5% (1899/2549)
National conviction rate for all sexual offences (12 months period)	72.7% The following is to be noted: All sexual offences are 5004 actual convictions. The total number of TCC cases convictions, which is equals 37.9% of all sexual offences (5004) nationally final with a conviction.				

4.6 Herewith included an analysis over the past seven years regarding TCC-cases finalized with a verdict (acquittals and convictions) and conviction rate with the quarterly breakdown.

FY	Q1	Q2	Q3	Q4	Total number of cases finalised & average conviction %
2011/12	563 / 60%	638 / 64.6%	464 / 58%	515 / 60.2%	2180 / 60.7%
2012/13	577 / 61.7%	614 / 60.6%	542 / 56.8%	515 / 65.2%	2248 / 61.03%
2013/14	580 / 63.3%	702 / 65.8%	513 / 66.3%	562 / 68%	2357 / 65.9%
2014/15	521 / 69.1%	605 / 68.4%	600 / 68.8%	559 / 67.3%	2285 / 68.4%

2015/16	610 / 69.8%	711 / 72.2%	540 / 71.5%	480 / 74%	2340 / 71.8%
2016/17	615 / 69.8%	596 / 74.2%	583 / 70.5%	540 / 69.8%	2334 / 71.1%
2017/18	739 / 77.1%	689 / 72.9%	580 / 72.8%	541 / 74.9%	2549 / 74.5%

4.7 Furthermore, included is a breakdown of all sexual offence cases nationally, finalized in court with a verdict over the past 6 years.

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Conviction %	65.8%	67.1%	69%	70.1%	71.7%	72.7%
Actual convictions	4670	5484	5084	4978	4780	5004
Finalized with a verdict	7093	8174	7372	7098	6669	6879

4.8 Regarding the impact and value of the TCC-model in relation to reported cases, herewith a table that illustrates the sentences imposed on offenders that were convicted of serious sexual offences during this FY and including a comparison with the previous FY.

Sentencing Term:	Number of sentences (per offender and pe charge)			
	2017/18	2016/17		
Life Imprisonment	348 (+93 = 36.5%)	255		
20 – 25 years' imprisonment	180 (+20 = 12.5%)	160		
10 – 19 years' imprisonment	770 (+ 65 = 9.2%)	705		
Number of victims:				
Under 18 years of age	1102	1011		
Above 18 years of age	1047	849		

Gang rape cases	36	37	
Serial rapist cases	41	18	

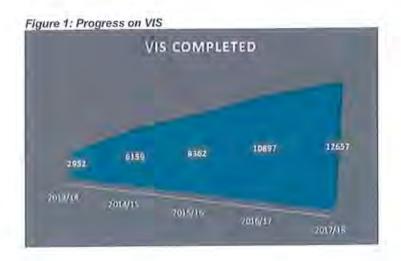
4.9 The Court Preparation Component implements processes for the monitoring and evaluation of performance against set targets whilst inspecting quality of services. This is achieved through peer review, cluster coordination and management systems and reports.

4.9.1 Number of VIS completed

Victim Impact Statements (VIS) are written voluntary statements by victims and/or their family member or someone authorised by the victim with regard to the emotional, physical and financial impact a crime has had on the victim's life. The VIS is submitted by the prosecution as evidence and utilised at sentencing stage. Victim impact statements are often the victims' only opportunity to participate in the criminal justice process and to articulate their experiences and consequences as a result of the offences committed against them. Hence, VIS aims to improve service delivery to all victims and indirectly assists the victim to deal with the trauma related to crime.

During this FY reporting period, all court preparation officers (CPOs) facilitated the completion of 12 657 victim impact statements which are 1 760 (16.2%) more compared to the 10 897 facilitated during the 2016/17 FY.

This continued improvement in the service delivered to victims of crimes is evident from the graph below:



4.9.2 Number of witnesses assisted by CPOs

All court preparation officers deliver a valuable service to the criminal justice process. They empower victims, complainants, witnesses and the vulnerable by treating them with dignity and respect. Through their assistance they enhance the experience of the CJS, promote service standards for victims of crime whilst ensuring that secondary victimisation is eliminated. Overall results have indicated that improved customer satisfaction is achieved. The officers provide an important specialised service to sexual offences courts as well as in other courts such as the High Court.

The success of the Ke Bona Lesedi court preparation programme yielded positive results through the commitment of dedicated court preparation officers.

A total of 119 314 witnesses were assisted during this reporting period. The focus of the organization to address serious crime is also advanced by the CPO's as 78.7% (93 848) of witnesses were facilitated in the regional courts, 20.4% (24 299) in the district courts and 1% (1 167) in the high courts. Since FY 2013/14, the number of witnesses facilitated by CPO's increased by 23.7%. However, a slight decline is noted compared to the previous year which is mainly ascribed to serious resource constraints coupled with a reduction in court utilization.

This continued improvement is illustrated in the graph below.

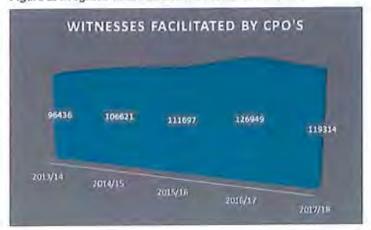


Figure 2: Progress of the number of witnesses assisted







al O

4.9.3 An overview of statistical performance for the court preparation programme for the reporting 2017/18 FY, is herewith reflected as provided per quarter:

INDICATOR:					
	Q1	Q2	Q3	Q4	Totals for 12 month 2017/18
Number of witnesses assisted	30377	33512	27449	27976	119314
Number of witnesses under the age of 18 years	5317	6099	4760	4872	21048
Number of witnesses over the age of 18 years	25060	27422	22698	23065	98236
Number of sexual offences dealt with	14020	15833	12527	13256	55636
Number of District Court sessions conducted	6501	6297	5599	5902	24299
Number of Regional Court sessions conducted	23499	26922	21600	21827	93848
Number of High Court sessions conducted	377	293	250	257	1167
Number of VIS compiled by witnesses	3075	3520	2833	3229	12657
Number of VIS utilized during court proceedings	886	1044	979	901	3810
Number of Education and Outreach Programmes Conducted	122	106	90	56	374

- 4.10 Herewith, a selection of contentious or high profile cases reported at TCCs, case managed by SOCA case managers (prosecutor guided investigations) or assistance provided by SOCA legal officials or prosecuted by SOCA case managers / SPPs (provinces listed in alphabetical order):
 - Gauteng, Tembisa TCC; S v TD Mollo, several charges including rape over a period
 of time, the accused a pastor is the biological father of the victim, he was convicted
 and sentenced to life imprisonment. The case manager provided specific assistance
 to the prosecutor in the matter.

- Gauteng, Mamelodi TCC; S v S Ndou, multiple charges of rape, the accused referred
 to as the "Facebook serial rapist" who befriended his victims on Facebook, followed by
 a meeting with victims, after which he robbed and raped his victims. The accused was
 also linked by DNA-evidence, he was convicted accordingly and the case is postponed
 for sentencing.
- KZN, Phoenix TCC; S v Ngobeni, 40 charges in total, multiple of rape (section 3), currently in custody. The case remanded to June 2018 for trial in the High Court. The ages of the victims varied between 7 years to 46 years. The accused was linked by DNA.
- KZN, Phoenix TCC; S v November, 9 charges of rape, 6 of robbery with aggravating circumstances, 1 of murder and 3 of assault GBH, currently in custody. The case remanded to May 2018 for further investigation. Modus operandi of the accused almost identical, grab and strangle the victim until unconscious and would then proceed to rape them. Victims ages varies between 20 to 47 years. The accused was linked by DNA.
- KZN, Stanger TCC; S v Sithole, 6 charges of rape, also linked by DNA profile, currently in custody. Approached victims either with a firearm of knife, threatens and then rapes them. The case is set down for trial during August 2018.
- NW, Rustenburg TCC; S v Bredenham, multiple charges of sexual offences, including 6 of rape, 6 of compelled rape, 6 of sexual assault, 6 of sexual grooming of children. The biological mother was convicted and sentenced to several life imprisonments, case against the biological father currently part heard. TCC Case manager of Klerksdorp TCC assigned to do the prosecution.
- NW, Klerksdorp TCC; S v Manyiki, 3 charges of rape, 1 of murder and 2 of kidnapping.
 The murdered victim was 15 years old, kidnapping and rape of a 17-year-old victim and rape of a 57-year old victim. Inter alia linked by DNA. Accused has a number of previous convictions, currently part heard.
- NW, Mahikeng TCC; S v Cook and 4 others, case assigned to Klerksdorp case manager. The victims were respectively 2, 4 and 6 years old at the time of the removal of the children by DSD. All 3 children were severely malnourished, and during the assessment of the 2 eldest children it transpired that they were sexually abused by

their mother, father, uncle, grandmother and cousin. The charges are varying between, rape (x8), sexual assault (x9), incest, compelling children to witness sexual offences, etc. Currently they are in custody, and case is currently part heard.

- WC, George TCC, S v William Beale (37 yrs old) Plettenberg Bay case 193/01/2015. The accused is out on R10 000 bail. Knysna case number KSOC 36/15. There are a number of charges nl. Possession and Distribution of Child Pornography (thousands of hard core child and baby pornography images). The Antwerp Police, Criminal Investigation Department traced the accused because of his involvement in Child Pornography network where 239 people are involved in internationally. The accused was convicted and the TCC case manager will lead the psychologists evidence in aggravation of sentence, postponed until October for sentencing.
- WC, George TCC; S v Ivan Johannes, charges are Rape and Compelled Rape. There
 are 14 victims between the ages of 8 and 13 years old. The accused is a serial rapist
 and Thembalethu SAPS obtained all relevant DNA samples. DNA match came back
 positive and the accused was arrested in January 2017. Three more dockets were
 added to the current matter. The matter is postponed to 11-06-2018 for High Court
 proceedings.
- WC, George TCC, S v Tyrone James, several charges of Possession of Child Pornography. The TCC case manager compiled the charge sheet containing 56 822 images of child pornography and 3 charges pertaining to possession and dealing in drugs. The accused person pleaded guilty and the matter is postponed for sentencing purposes. The Case Manager also assisted the prosecutor in court.
- 4.11 Herewith a selection of cases where the offenders were prosecuted on schedule 1 sexual offences (Criminal Procedure Act), and the victim impact statements (as facilitated by the Court Preparation Officers) were accordingly utilized in court for aggravation of sentences. Therefore, this process contributed towards severe sentences for the offenders:
 - S v Molelejane, Welkom, Free State, life imprisonment for rape and 15 years for robbery.
 - S v Fakudze, Durban, KZN, life imprisonment (x2).
 - S v Mnqayi, Richards Bay, Durban, KZN, life imprisonment and 18 years imprisonment.
 - S v X, Esikhawini RC, KZN, rape of 11-year old girl, 25 years imprisonment.

- S v Sikhangile Mki, WC, serial rapist, life imprisonment and 12 years and 10 years, each that will run concurrently.
- S v Mbhele, KZN, serial rapist with several other charges, 5 terms of life and 30 years' imprisonment for the rape charges, 90 years' imprisonment for robberies and 20 years' imprisonment for murder.

5. PUBLIC EDUCATION and AWARENESS

- 5.1 NPA SOCA Unit, facilitated or participated in several public awareness and community projects / campaigns on gender based violence, human trafficking and relevant legislation by the TCC-personnel and SOCA provincial officials nationally in line with the "365 National Action Plan of no violence against women and children". The TCCs participated in several events in line with the National Child Protection Week.
- 5.2 The TCCs facilitated or participated in several events during this FY at public awareness campaigns but also radio interviews / discussions, focussing inter alia on the following topics: the essence of gender based violence, TCC-services, the influence of drugs and alcohol at schools (substance abuse), child pornography, reporting of GBV-matters, LGBTI-cases, sexual violence / abuse at schools and tertiary institutions, the importance of forensic medical examinations and post-trauma consequences of GBV, ukuthwala-practises, the existence of sexual harassment and what it entails, human trafficking specifically for sexual exploitation.
- 5.3 The NPS Court Preparation Component participated in and arranged 374 Community Education and Awareness programmes for this reporting period. The focus was on the different role players within the Criminal Justice System, child protection, robbery, drugs, sexual offences, the role of the Court Preparation Officer at court and their service offering, victim impact statements, human trafficking, rights of elderly and those who are disabled when going to court amongst others and encourage reporting of crimes by the communities.

GOVERNANCE

NPA-officials either facilitate or participate at several Governance structures on national, provincial and local level. This is ultimately to address improved performance, challenges and solutions, but also to ensure stakeholder cooperation and coordination. The following provides an *inter alia* list of these structures or discussion fora:

- Inter-sectorial Committee meeting on sexual offences regarding sections 63 & 64 of Act 32 of 2007;
- Divisional Committee meetings & Victim Empowerment Forums;
- · Child Justice and Maintenance Forum;
- Provincial Integrated Justice Forum;
- Provincial Human Trafficking task teams;
- Human trafficking, Harmful Traditional Practices, Pornography & Brothels Task team in KZN;
- · Child Pornography Task Team;
- LGBTI task team meeting at national level;
- Integrated meetings with TCC stakeholders at local and provincial level;
- Gender Justice Forum;
- Provincial / cluster managers and TCC case managers' meetings.

7. LEGAL FRAMEWORK

Various pieces of Legislation are applicable in relation to sexual offences that will apply depending on the circumstances and merits of the cases and offences committed. Herewith, an inter alia breakdown of the aforementioned:

- Criminal Law (Sexual Offences and related matters) Amendment Act 32/2007.
- Sexual Offences Act 23 / 1957, (only limited sections applicable)
- Films and Publications Act 65 / 1996,
- Child Justice Act 75 / 2008.
- Children's Act 38 / 2005.
- Domestic Violence Act 116 / 1998,
- Maintenance Act 99 / 1998,
- Criminal Law (Sentencing) Amendment Act 38 / 2007, (Minimum sentences Act 105 /1997)
- Older Persons Act 13 / 2006,
- Protection from Harassment Act 17 / 2011,
- Prevention and Combating of Torture of Persons Act 13 / 2013,
- Prevention and Combating of Trafficking in Persons Act 7 / 2013,
- Griminal Procedure Act 51 / 1977, and
- Common Law offences.

8. CHALLENGES & INTERVENTIONS

- 8.1 Due to the current financial constraints and budget limitations within the NPA it not only hampers the establishment of additional TCC-sites and the implementation of related initiatives / projects, but it also prevents us from filling vacancies or creating new positions, which collectively can have a negative impact on service delivery and performance.
- 8.2 However, irrespective of the aforementioned challenges the NPA with its relevant stakeholders collectively continuously strives to ensure improved service delivery in relation to sexual offences at current TCC-sites and in the courts nationally or other related projects for instance ad-hoc training sessions and public awareness campaigns that requires zero to minimum budget. The initiatives / interventions implemented and results achieved in relation to the management of sexual offence prosecutions as highlighted in the report is testimony of our commitment towards improved service delivery.







Department of Social Development (DSD)

April 2017-March 2018

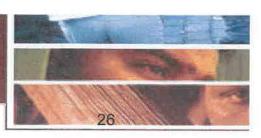




Correctional Services Health Justice and Constitutional Development Social Development

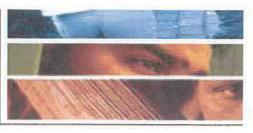






6.8. Child Protection Week 2017 (CPW)

7. Services	29
7.1. Provincial Services	29
Free State Province Western Cape Province Northern Cape Province Mpumalanga Province 7.2. Financial support to anti substance abuse national bodies	30 31 34 37 41
8. Monitoring and Evaluation	41
8.1 Monitoring of Accredited Diversion Service providers by Quality Panels8.2 Foster Care Monitoring Tool	Assurance 41 42
 Law and Policy development Victim Support Services Bill National Policy for Victim Support Services 	42 42 45
10. Challenges and Conclusion	46



There are number of legislations in which the Department is utilising in relation to the implementation of the Sexual Offences Act include amongst others the following:

The Childrens' Act

The Child Justice Act

The National Victim Empowerment Policy Guidelines

The Service Charter for Victims of Crime, 2004 – hereafter referred to as the Victims Charter

Minimum norms and standards for diversion

Criminal Law (Sexual Offences and Amendment Act 32) 2007

The Older Persons Act

Domestic Violence Act

The Minimum Services Standards for Victims of Crime

Prevention of and Treatment for Substance Abuse Act

Prevention and Combating of Trafficking in Persons Act

GOVERNANCE STRUCTURES

The Department of Social Development consist of different structures where the issues of sexual offences are discussed. Some of the structures are led by the Department of which some the Department serve as member in those structures. These structures amongst other, include the following:

Victim Empowerment Programme Forum
Chief Directorate Forum
DDG Forum
Welfare Service Forum



The NCCPF is and intersectoral committee initially established tementify progress and challenges in the implementation of the Children's Act

- NCCPF meeting was held from 12-15 June 2017 at Aviator hotel, this
 meeting was held to present draft Child Protection Policy and for
 discussions and comments from intersectoral committee
- NCCPF meeting was held from 20-22 September 2017 at Aviator Hotel.
 Day 1 was identified as intersectoral meeting to consult and finalize inputs to the Child Protection Policy.
- Day 2 was on focus areas on Child Protection Services, Adoptions and International Social Services, Orphans and Vulnerable Children and Early Childhood Development
- 4. Day 3 was on feedback to plenary on provinces and stakeholders progress and challenges in terms of the focus areas.
- NCCPF meeting was held from 21-24 November 2017 at Aviator Hotel in Kempton Park
 - Day 1: 21 November 2017, The National Childrens' Rights Intersectoral Coordinating Committee to outline the National Plan of Action for Children review and also to review the Nelson Mandela Children's Parliament and engage in the process to develop the child participation framework.
 - Day 2: 22 November 2017, consultation on the draft Child Care and Protection Policy
 - Day 3: 23 November 2018, Focus groups meetings with provincial and national reporting on:
 - a. early childhood development and partial care
 - b. Adoption and International Social Services



process of establishing nine (9) White Doors (Safe paces) as process of the Plan of

Action in the prevention of Gender Based Violence especially in areas where there are no shelters.

The table below indicates the areas where the centres are situated:

KHUSELEKA ONE STOP		
CENTRES		
PROVINCE	NAME OF THE SHELTER	BED CAPACITY
1. Eastern Cape		
1. Chris Hani District, Lukhanji / Nkwanca Ezibeleni	Ezibeleni One Stop Centre	20
 Joe Gqabi, Maletswai, Aliwal North 	Malitswai One Stop Centre	6
3. Nelson Mandela, NMM, Port Elizabeth	Kwa-Nobuhle One Stop Centre	22
2. Gauteng		
1.Johannesburg	Ikhaya Lethemba One Stop Centre	120
3. North West		
1.Vryburg	Dr Ruth Segomotsi Mompati Khuseleka One Stop Centre	24
4. Northern Cape		
1.Upington	Bopanang One Stop Centre	5
5. Limpopo		
1.Polokwane	Polokwane Khuseleka One Stop Centre	10
6. Western Cape		
1.Athlone Metro South	Saartjie Baartman One Stop Centre	60
Total Khuseleka One Stop Centres in 6 Provinces Centres=8		



The National Strategy for Sheltering Services is being implement

Attached is the updated database for shelters

1. MPUMALANGA PROVINCE

Name of shelter						
Badplaas shelter	Badplaas in Gert Sibande district	2				
Tirisano shelter	Mammethiake in Nkangala district	5				
Grace shelter	Thekwane north in Ehlanzeni district	6				
Middelburg shelter	Middelburg in Nkangala district	5				
Grip shelter	Nelspruit town in Ehlanzeni district	New				
Leseding shelter	Kwaggafontein in Nkangala district	10				
Louisville shelter	Louisville in Ehlanzeni district	10				

2. KWA-ZULU NATAL PROVINCE

Name of shelter	Location	Intake/ Capacit					
Abrina Esther House	Ashburton	35					
The Haven	Pietermaritzburg	20					
KERR House	Durban	15					
SAHARA	Phoenix	12					
Open Door	Pinetown	14					
Sinethemba	Ifafa Beach	25					
Kwandengezi	Ethembeni Crisis Centre	06					
Hillcrest	Ekuzameni Crisis Centre	07					
Dundee	Dundee Crisis Centre	25					
Newcastle	Newcastle Crisis Centre	12					
Ladysmith	Ladysmith Crisis Centre	25					
Chatsworth	VJ Kara Family Center	19					
Izingolweni	Izingolweni Crisis Centre	25					
Mandeni	House of Hope	06					

3 .EASTERN CAPE PROVINCE:

Name of shelter	Location	Intake/
		- hi

Child Welfare shelter for	Polokwane	10
Women and Children Far North Network on Family	Thohoyandou	10
Violence		1.5
Leka Gape Organization Savf-vep Modimolle	Lulekani Modimolle	10
South Africa Vroue Federasie	Phalaborwa	10
Thohoyandou Victim Empowerment	Thohoyandou	10
Tifuxeni Community Counseling Centre	Elim (waterval)	10

6. GAUTENG PROVINCE:

Name of shelter	Location	Intake/ Capacity		
Amcare	Alberton	10		
Theodorah Ndaba Shield of Love	Daveyton	6		
Bethesda	Benoni	10		
Leratong Place of Love	Springs	21		
People opposing Women Abuse	Ekurhuleni	10		
Usindiso Ministries	Johannesburg	60		
NISAA Institute	Lenasia	22		
Eldorado Park Women Forum	Eldorado Park	12		
Beth Shan Salvation Army	Pretoria	21		
Potters House	Pretoria	16		
Mali Martin	Bronkhorstspruit	14		
Mercy House	Capital Park, Pretoria	18		
Bella Maria	Vanderbylpark	11		
Are Ageng	Bekkersdal	16		
Polokego shelter	Krugersdorp	70		
Riet Family Guidance Institute	Randfontein	70		

Mafikeng Crisis Centre	Mafikeng town in Ngaka Modiri Mo	15
Botshabelo Crisis Centre	Mogwase in Bojanala District	10
Stella crisis Centre	Stella in Dr Ruth Segomotsi Mompati District	

8. WESTERN CAPE PROVINCE:

Name of shelter	Location	Intake/Capacit		
Athlone House	Paarl – Wineland Overberg	30		
L'Abri De Dieu Safe House	Paarl	10		
Care Haven Centre	Athlone Metro South	50		
Malitswai One Stop Centre	Joe Gqabi	06		
Place of Hope Lansdowne	Athlone Metro South	25		
Creative Effective Families shelter for Victims of Violence	George	33		
Rose Moore Refuge for Battered Women Phambili	George	25		
Nonceba Shelter	Khayelitsha	10		
Sisters Incorporated	Wynberg	28		
St Anne's Homes	Cape Town	20		
United Sanctuary	Vredenberg	20		

4.3. WHITE DOORS (safe spaces)

Three department White Doors (Safe spaces) were established in the 2015/16 Financial Year. These Safe spaces were established as part of the response by the Minister in the prevention of Gender Based Violence. The table below indicates some of the existing white Doors and the Capacity:

WHITE DOORS		
Province/ District		
1.Eastern Cape	Name of the Shelter	Bed Capacity



Kwa-Zulu Natal

A total of 18 White Door sites are available in the Districts as follows: _

- Ethekwini South 09 sites
- Umkhanyakude 1 site
- Harry Gwala-05 sites
- Amajuba- 02 sites
- Zululand-01 site

4.4. GBV COMMAND CENTRE TOLL FREE LINE-24hr/7days Gender Based Violence Command Centre Emergency Line – 24hr/7days

The *GBV Command Centre* statistics for the period 1 April 2017 to 31 March 2018 are listed in the table below:

Incident Type	Number of Calls Received												
	April	Мау	June	July	August	September	October	November	December	January	February	March	Total
Abandoned Children	2	3	11	3	4	1	0	1	5	1	0	1	32
Indecent Assault	0	0	2	1	2	1	0	1	1	2	2	0	12
Physical Violence	37	47	98	85	140	157	60	72	161	76	51	19	1003



on 19 December 2017, which is a requirement prior to presenting the draft policy framework to Cabinet.

A government Gazette that published results on accredited diversion services was published on 21 April 2017 (Gazette No. 40793) and on 01 December 2017 (Gazette No. 41287) respectively. Both Gazettes contain information on Sexual Offenders programmes that were accredited.

5.2. Integrated Social Crime Prevention Strategy (ISCP)

Progress On The Establishment Of The Provincial Multi-Disciplinary Committee On The ISCP. The provincial Multi-disciplinary social crime prevention committee established in:

- Kwa Zulu-Natal on the 02nd June 2017 (chaired by DSD)
- Western Cape on the 07th August 2017 (chaired by SAPS and Basic Education)
- Northern West on the 27 to 28 September 2017 (chaired by DSD and Basic Education)
- > The established provincial committees have:
- developed draft terms of reference and the integrated social crime prevention action plan
- identified crime hot spot districts and have started with data collection through the ward based approach of the extent, contributing factors and the types of crime committed from the statistic SA, municipal and DSD crime statistics and the SAPS statistics so as to provide or deliver social crime prevention intervention that are responsive to the challenges
- community dialogues have commenced so as to get an understanding from the community of the problems that the community is facing in relation to crime and violence
- · Identified hot spot schools
- DSD to deploy dedicated Social Workers to the identified schools and deliver programmes on anti-gangsterism, anti-bullying and other programmes that are crime prevention related
- After School Game Changer programme run by SAPS and Department of Basic Education is in progress
- Progress on the functionality and implementation of the integrated social crime prevention action plan is reported on a quarterly basis.



children in the digital world. Different pieces of legislation relevant to child exploitation were presented and the cross referencing thereof.

Training on Prevention and Combating of Trafficking in Persons Act No 7 of 2013 (TIP Act) on the provisions of the TIP Act relevant to children and cross referencing with the Children's Act.:

- Undertaken with 30 DSD social workers in KZN 12-14 September 2017
- Undertaken with 45 DSD Social workers, SAPS, DHA, DOL and NGO officials in Northern Cape 10-12 October 2017
- Undertaken with DSD child protection social workers, VEP officials, probation official and a representative from the Films and Publications Board in Limpopo 6-8 December 2017.

Induction for Child Protection Social Workers:

TRAINING ON THE INDUCTION MANUAL FOR SOCIAL WORKERS IN CHILD PROTECTION: 2017/18				
Province	Dates of training	No of Social workers trained		
Gauteng: Tswane Child Welfare	18 – 21 April 2017	24 Supervisors attended		
Northern Cape	26-30 June 2017	25		
North West	25 – 28 July 2017	23 Supervisors attended		
TOTAL		72		

5.4. Human Trafficking Guidelines



Gauteng Province, Riverlea, on 20 to 24 November 2017

Western Cape Province, Atlantis on 07 to 09 November 2017.

6.3. Dialogues with the LGBTI Community

On 24 May 2017 the Minister for Social Development conducted Dialogues with the LGBTI community in the Western Cape Province in preparation for the Budget Vote that took place on 25 May 2017.

DSD conducted dialogues in 2017 as a need analysis to develop the GBV Prevention Programme for the LGBTI people. A Draft GBV Prevention Programme for the LGBTI people was developed and consulted to relevant DSD key programmes in January 2018.

6.4. 16 Days of Activism

The Department of Social Development Victim Empowerment Programme successfully conducted the 16 Days of Activism Service Excellence Awards Ceremony during the 2016/17 financial year as part of the 365 Days Action Plan. A Gala Dinner was organized for qualifying Service Providers to receive Service Excellence Awards Certificates. The purpose of the awards ceremony was to motivate and encourage service providers especially shelters for abused women and children to improve their services and go an extra mile to continue providing quality services to our most vulnerable groups.

The Department continued with the Service Excellence Awards in financial year, 2017/18. However the focus for this year is on other Victim Empowerment related service providers that renders services to victims of violence and crime within the JCPS Cluster such as the SAPS Victims Friendly facilities, White Doors/Safe Spaces and the NPA Thuthuzela Care Centres. To ensure implementation of this

programme seeks to maximize the key population's access psychosocial support and reproductive health and rights services. To ensure that sex workers access stigma free services, orientation and capacitation was done with 125 implementers inclusive of DSD and NPO officials to sensitize them to provide a sex worker sensitive service. The Department is working closely with organisations working sex workers to maximize access to psycho social support services.

6.7. Anti-Substance Abuse Activities

Department commemorated the International Day against Drug Abuse and Illicit Trafficking in partnership with North West Province. The event was held at Promosa, Tlokwe Municipality on the 26th of June 2017.

Prior the commemoration, the department together with other relevant stakeholders in the field of substance abuse embarked on an Anti-Drug Awareness week which focused on community dialogues, Foetal Alcohol Syndrome workshops, service delivery blitz, and education and awareness campaigns at institutions of higher learning and door to door campaigns

The purpose of these activities was to highlight the effects of substance abuse and other related ills such as gender based violence, HIV/AIDS, road accidents etc. The programme also disseminated anti-substance abuse messages through the media.

The Deputy Minister of Social Development also led a youth dialogue on antisubstance abuse a day after the commemoration of the International Day against Drug Abuse and Illicit Trafficking.

The Deputy Minister also launched the Action Plan for the Prevention of Substance Abuse amongst children and youth and Siyalulama Outreach Programme in Potchefstroom, North West Province

support and strengthening. The official closing ceremony was all on 04 June

on prevention of early child marriages.

2017 at Lusikisiki, Eastern Cape Province. The focus of the closing ceremony was

Children's Dialogues

Fifty one (51) Change agents were trained on the Community Capacity Enhancement methodology (CCE) to facilitate these dialogues. Some of the youth were from Love Life while others had previously attended youth camps.

18 Social Workers and 09 Community development practitioners were also trained on the methodology. Six hundred and sixteen learners participated in the dialogues. The children's dialogues were conducted between 09-21 May 2015 The sessions were held either for two (2) hours over two days or for a day The age group of the targeted children ranged between 08 and 21 years with both male and female children of all races represented including children with disabilities.

There were three dialogues that were conducted:

1. Children's dialogues

School dialogues

In the Western Cape, dialogues were conducted with five (5) schools from the Cape Metro

In the Eastern Cape dialogues were facilitated in 12 schools from the five local municipalities within the OR Tambo District Municipality

Foster children

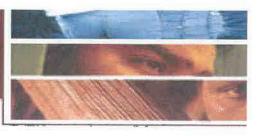
Dialogues were also conducted with 85 foster children

2. Parents' dialogues

Dialogues were held with parents of the children who participated in the school's and foster children's dialogues. Five hundred and fifty five parents including 131 foster parents participated in the dialogues.

An intergenerational dialogue of both foster parents and foster children was also conducted.

3. Ukuthwala dialogues



In the community

The community also presents its own plethora of challenges that impact negatively on the wellbeing of children. Most children are exposed to some form of violence at community level:

- Rape of young girls and boys as well as the elderly (Thembani)
- Kidnapping, fighting, stabbing, shootings, dead bodies
- Armed robberies, Muggings, House break-ins and Hijacked cars, Gangsterism
- Transactional sex by children as young as 14 (Blesser Syndrome), Prostitution by the River (eMfuleni).

Most children reported that they have seen forced child marriages and children being trafficked due to poverty and children are also stolen to make muti.

Vampires or mavondo - gangs that target people especially young girls to suck their blood.

BURNING ISSUES - CHILDREN WITH DISABILITIES

Stigmatisation of children with albinism

The superstitious beliefs: they have 'black blood', they are not buried like humans as they just disappear.

The illicit market of body parts for people with albinism

Lack of psychosocial support at the school and untrained teachers rendering this service;

Parents, educators, and professional service providers cannot communicate in sign language.

No Braille text books and other assistive devices and resources such as white canes, Braille systems for reading and writing, screen reader for computers, talking calculators and other resources.

Abandonment by parents who treat school as a Child and Youth Care Centre and not an educational facility.

7. SERVICES

A reporting tool for provinces to utilize when reporting their implementation of the Act was developed and consulted with them. Some provinces are reporting using the tool whereas others are still failing to report. Here under is the report from those province who reported their implementation of the Act.

Public Education and Communication	4 Human trafficking information session held in	Informed communities
	churches	(manned continuines
	3 Gender Based Violence Prevention Awareness	
	campaigns held -Dialogues	
	Stop and Engage campaign was held on the in Smithfield.	
	Dialogue on Men as Positive role model and the	
	men's forum were both held and established in Smithfield.	
	The Men's forum Committee was established in	
	Kroonstad	
	1 Information Session for LGBTI Community held	
	Prayer Session held for the LGBTI Community	
Human Trafficking		Prevent Human Trafficking
Human Trafficking	Prayer Session held for the LGBTI Community Number of Human Trafficking victims assessed	Prevent Human Trafficking
Human Trafficking	Prayer Session held for the LGBTI Community Number of Human Trafficking victims assessed and certified =289 77 -Female 212 -Males	Prevent Human Trafficking
Human Trafficking	Prayer Session held for the LGBTI Community Number of Human Trafficking victims assessed and certified =289 77 -Female 212 -Males 9 -Lesotho Nationals	Prevent Human Trafficking
Human Trafficking	Prayer Session held for the LGBTI Community Number of Human Trafficking victims assessed and certified =289 77 -Female 212 -Males	Prevent Human Trafficking
	Number of Human Trafficking victims assessed and certified =289 77 -Female 212 -Males 9 -Lesotho Nationals Type of exploitation-Labour and Sexual	
Human Trafficking Monitoring and Evaluation	Prayer Session held for the LGBTI Community Number of Human Trafficking victims assessed and certified =289 77 -Female 212 -Males 9 -Lesotho Nationals	Prevent Human Trafficking Implementation of Services based on minimum norms and standard

ANY ADDITIONAL INFORMATION

PROVINCE: Western Cape MONTH: April – September 2017

REPORTING PERIOD/

STRATEGIC OBJECTIVES	ACTIVITY	INDICATOR
Governance: Development of Policy and Legislation	Domestic Violence Act TIP Act Sexual offences Act	Legislative frameworks that were used for implementation
Inter and intra departmental governance and co-ordination	Name and number of Forums attended e.g. 3 Social Workers attended forum meetings	
	Provincial forum meeting: 1 June 2017, 31 persons attended Regional Forums held: Metro South: Guguletu Local Forum Meeting: 8 May 2017; 50 persons attended,	

	Uses an Traffich L. Tradition	THE PERSON NAMED IN COLUMN TO SERVICE OF THE PERSON NAMED IN COLUMN TO SERVICE
	Human Trafficking Training:	
	Training: Sexual Offences and Older	
	Persons Act: 8 June 2017 target group DSD	
	social workers and NPO's. Service provider:	
	NPA	
	Training for Health officials: THEME:	
	Introduction to Human Trafficking -	and the second second second second
	PACOTIP:20 persons attended	
Human & Physical Resources	16 Shelters accommodating abuse women,	
	children and LGBTI	الكاميات ببالعائي يكنان
	1 shelter accommodating LGBTI persons	
	16 shelters accommodating women and	
	children	
	17 social service organizations rendering	
	VEP services	
	Marie Carlo St. 18 St. Marie St. 19 S	عاني مساعدات المانية المانية المانية
f lic Education and Communication	Community Outreach on Gender Based	
no Education and Communication	Violence and various legislations in	
	communities where shelters are based:	
	St Anne's Homes: 77	
	United Sanctuary Against abuse: 20	
	Sisters Incorporated: 12	
	Sizakuenza: 67	
	The Safe House: 41	Total Committee of the
	Athlone House of Strength: 60	
	L' Abri De Dieu Safe House: 79	
	Worcester House of Hope: 20	
	Siyabonga Huis van Danksegging: 19	
	BPW Outeniqua Refuge for Battered	
	Women and their Children (Phambili	
	Refuge): 0	
		Will be available
Research	Research being conducted at the TCC	
	centres:	
	TCC Evaluation. Western Cape Directorate	
	Research, Population and Knowledge	
	Management are conducting the research.	
	Meetings are being held with NPA,	
	Department of Health (Khayelitsha hospital).	
	Data collection will commence in September	
The second secon	and completion in November.	
	Findings of the research (evaluation) will be	The live of the second state of the live o
	available March 2018.	
	Challenges experience: delay in data	
	collection due to obtainment of external	
THE RESERVE AND ADDRESS OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS	ethics approval in terms of the national	
	Health Act, finding a committee to accept an	
	application from a state department.	
	application nom a state department.	



		epartmental
governar	ice and	co-ordination

- The Provincial VEP Forum Meeting was held on the 28 September 2017 and was chaired by DSD. Ms Tsholo Moloi and Mr Buti Kulwane from National VEP GBV attended the meeting. Mr. Kulwane made a presentation of the planned programme for the TIP Week in Kuruman. The programme will take place from the 30 October 3 November 2017.
- A meeting was attended with National, Province, District stakeholders and Political leadership to discuss the Augrabies Programme (Dialogues). All stakeholders attended the meeting
- The Provincial Task Team Meeting was attended on the 31 July 2017.
 The meeting is chaired by Department of Justice.
- The VEP, DSD coordinators and the Forum for Families and Social Crime Prevention was attended on the 19-21 July 2017. The Northern Cape first quarter progress report was presented.
- A session to plan for the 16 Days was attended. A criteria was developed that will include NGOs placed at Justice, NPA and SAPS.

§ vices

- Implemented the 5 days programme (dialogues) in Augrabies from the 21-25 August 2017. Mikondzo, the Provincial VEP Forum and district stakeholders took part in the activities.
- A visit was paid to the house in Colesberg with infrastructure unit. A report on specifications of the renovation needed was submitted by infrastructure and attached to the business plan. The business plan for the establishment of the shelter is pending the approval of the HOD.
- Assessment of files was conducted in Carnarvon, Victoria West, Britstown, De Aar, Griquastad,



 447 Awareness campaigns on no violence against Women and children were implemented. 	
 Training on the Identification of Victims of Trafficking provided by A 21. The training targeted social workers in Frances Baard District, John Taolo Galetsiwe and Z. F. Mgcawu Districts 	
	Training on the Identification of Victims of Trafficking provided by A 21. The training targeted social workers in Frances Baard District, John Taolo Galetsiwe and Z. F.

PROVINCE: MPUMALANGA PROVINCE
PERIOD/ MONTH: April 2017- March 2018

REPORTING

STRATEGIC OBJECTIVES	ACTIVITY	INDICATOR
Governance: Development of Policy and Legislation	Trafficking in Persons Act, Domestic Violence Act, Victim Empowerment Bill, Minimum Standards for Service Delivery in Victim Empowerment, National Strategy for Sheltering Services for Victims of Crime and Violence	
Inter and intra departmental governance and co-ordination	.2 District Forums and 1 Provincial Forum meeting were conducted comprising of all the JCPS Role-players in terms of the Victim Empowerment Bill. The Fora serve the	

April 2017- March 2018 victim's rights, self-care, sexual and reproductive health care and HIV/AIDS. Victims were also referred to other Departments such as Department of Health, the SAPS and the Department of Justice. 316 victims were provided with court preparation and court support services. 29 competency reports were compiled in respect of victims of Rape and 12 Victim Impact Reports were compiled for courts. 19 survivors of sexual offences received skills development training and engaged in vocational projects to ensure that they become self-reliant. 25 victims of sexual assault were referred to the Department of Health and 24 cases of sexual assault was referred to the Department of Social Development. 15 Victim Offender Mediation Dialogues were conducted by the Foundation for Victims of Crime and Violence. The Province has 5 Thuthuzela Care Centers which is coordinated by the NPA. They are rendering services to victims of sexual offences and this includes adults and children. For the reporting period April 2017 to February 2018 a total of 1132 sexual offences cases were reported. **GBV Command Centre** Cases received at National GBV Centre In the first quarter of financial year 2017/2018 one referral case was received from the GBV Command Center. The victim was received by the Calcutta Shelter and received sheltering and psychosocial services from the Shelter. From July to March 2018 no cases were referred by GBV Command Center to the Province. Capacity building: Training and The following workshops were conducted. Development Capacity building was conducted on Statutory Rape and Child Maltreatment reaching 102 Home based care Workers.

DEPARTMENT OF SOCIAL DEVELOPMENT: REPORT ON THE

IMPLEMENTATION OFCRIMINAL LAW (SEXUAL OFFENCES AND RELATEDMATTERS) AMENDMENT ACT 32 OF 2007

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A STATE OF THE PARTY OF THE PAR	
Who is a victim of sexual assault? Help and services available for victims. Everyday Heroes which includes the episode on sexual assault. Targets groups were:- Schools Primary and Secondary Farming communities Clinics Home based care Youth centers Drop in centers And communities at large.	
No Research was conducted for the reporting period.	
215 cases of sexual assault have been reported in child protection register from April 2017 Dec 2017.	
Services were rendered to 13 suspected victims of human trafficking in the shelters.	
Monitoring sessions was conducted in all the shelters and centers that are rendering services to victims of crime and violence to ensure quality assurance and compliance with the norms and minimum standards for victim empowerment services.	
	Who is a victim of sexual assault? Help and services available for victims. Everyday Heroes which includes the episode on sexual assault. Targets groups were:- Schools Primary and Secondary Farming communities Clinics Home based care Youth centers Drop in centers And communities at large. No Research was conducted for the reporting period. 215 cases of sexual assault have been reported in child protection register from April 2017 Dec 2017. Services were rendered to 13 suspected victims of human trafficking in the shelters. Monitoring sessions was conducted in all the shelters and centers that are rendering services to victims of crime and violence to ensure quality assurance and compliance with the norms and minimum standards for

7.2. Financial support to anti substance abuse national bodies

DEPARTMENT OF SOCIAL DEVELOPMENT: REPORT ON THE

IMPLEMENTATION OF CRIMINAL LAW (SEXUAL OFF

The National Department of Social Development is continuously providing financial support to anti substance abuse national bodies such as South African National Council on Alcohol and Drug Dependence (SANCA) and South African Depression and Anxiety Group (SADAG). This is to ensure that they complement the services that are currently being rendered by expanding services to the areas which were previously disadvantaged.

8. MONITORING AND EVALUATION

Monitoring and evaluation includes Research. Here under can be reported:

y ebommends the

and other interest groups. The outcome of the Feasibility study amount of the development of the comprehensive VEP Legislation.

The National Department of Social Development, Directorate: Victim Empowerment Programme facilitated National Consultative workshops with all the DSD internal stakeholders and JCPS departments and the Chapter Nine Institutions and other relevant stakeholders to review the National Policy Guidelines for Victim Empowerment as a framework to develop the draft Victim Empowerment Support Services Legislation. The National Department of Social Development, Directorate: Victim Empowerment Programme facilitated National Consultative workshops with the government departments and the Chapter Nine Institutions and other relevant stakeholders to review the National Policy Guidelines for Victim Empowerment as a framework to develop the draft Victim Support Services Legislation.

The draft Victim Empowerment Support Services Bill has been developed. The Victim Empowerment Programme unit facilitated the workshop with the internal stakeholders, and the JCPS and Social Cluster Departments to refine the draft Bill in preparation to consult with the provinces and other relevant stakeholders. The national consultative workshop was conducted with government departments and other interests groups.

Between 29 June and 23 October 2015, from Tlakgameng, Ganyesa in the North West through Manyeding, Kuruman (Northern Cape and ultimately covering all 9 provinces of the Republic, **more than 6 672 kilometers** of were covered during the consultations. Approximately 720 delegates attended the workshops, which were conducted at selected urban, peri-urban and rural parts of each province.

The Directorate Victim Empowerment Programme conducted the bilateral consultative meeting with the State Law Advisor Advocate Lawrence Basset, facilitated the bilateral consultative meeting with the following JCPS and Social



9.2. National Policy for Victim Support Services

The Department of Social Development facilitated a national consultative workshop to review the National Policy Guidelines for Victim Empowerment into a National Policy for Victim Support Services in 2012. In the 2016 a follow up 2 days national consultative workshop was conducted with the JCPS, Social Cluster and Civil Society Organizations. This workshop enabled stakeholders to discuss the draft National Policy for Victim Support Services and align it to the Draft Victim Support Services Bill. The workshop assisted with gathering of inputs and strengthen the Draft National Policy for Victim Support Services to prepare it for the submission to Cabinet.

The National Policy for Victim Empowerment was presented at the DDG Forum. Approval and permission granted for the Policy to be presented at other relevant structures in the sector. Policy was presented twice at the Development Committee and it has been preliminary approved awaiting DSD, DOJ and the ICJS team meeting. The meeting between DSD and DOJ did took place on the 08 September 2017. The meeting agreed that members of the Development Committee have to submit their inputs in writing and the due date is 31 August 2017. Once all the inputs have been incorporated, the policy will be tabled in the September meeting. The Policy was presented at Technical Working Group (TWG) Social Protection Community and Human Development (SPCHD). Inputs were made and incorporated, approval and permission granted for the policy to be presented at Social Cluster meeting in September 2017. The draft Socio-economic Impact Assessment System (SEIAS) report has been submitted to Department of Planning Monitoring and Evaluation (DPME). Consultation took place between the DSD and DPME on the development of the SEIAS report for the policy. DPME indicated that development of the SEIAS report for the policy has to undertake two phases (Initial and final).



OFFICIAL SIGN OFF OF THE DSD MID-TERM REPORT ON THE IMPLEMENTATION OF THE SEXUAL OFFENCES ACT.

Chief Director: Families and Social Crime Prevention

Date: 19)06 (2018

Deputy Director-General: Welfare Services

Date: 21 06 15

Acting Director General: Department of Social Development:

Date: 22/06/2018

South African Police Service (SAPS)

SOUTH AFRICAN POLICE SERVICE REPORT ON THE IMPLEMENTATION OF CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007: 01 APRIL 2017 TO MARCH 2018

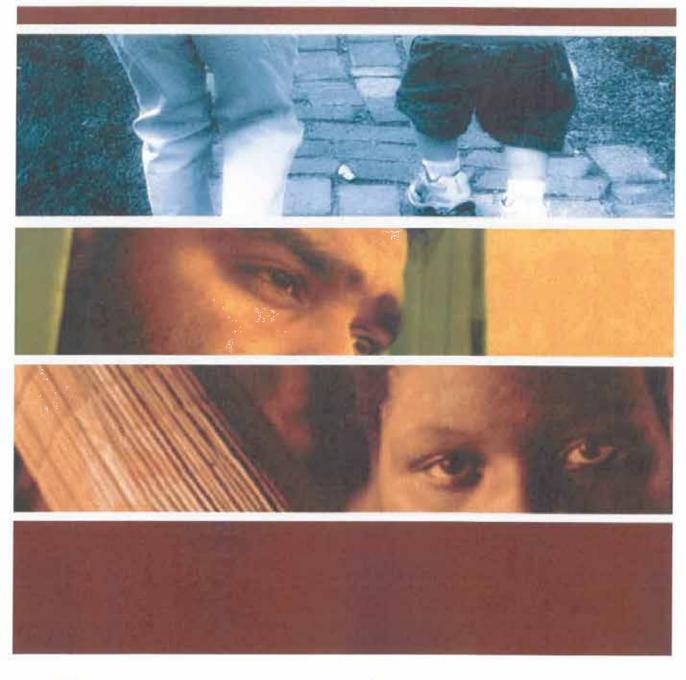








TABLE OF CONTENTS

Official Sign-off

Abbreviations

Introduction

Chapter 1: Legal Framework

2.1. Introduction

Chapter 2: Governance Structure

Administrative Governance

Chapter 3: Physical and Human Resources

4.1. Human Resources

4.2. Physical/Infrastructural Resources

Chapter 4: Training and Development

Chapter 5: Public Education

Chapter 6: Monitoring and Evaluation

Chapter 7: Research interventions

Chapter 8: Conclusion

OFFICIAL SIGN-OFF

It is hereby certified that this bi-annual progress report was developed by the South African Police Service (SAPS). It outlines the performance of the SAPS on the key priority areas outlined by the National Policy Framework (NPF) on the Management of Sexual Offences Matters, and also highlights the achievements and limitations experienced to realise the goals of the Criminal Law (Sexual Offences and Related Matters) Amendment Act No 32, (Act No 32 of 2007). The reporting period applicable to this progress report is from 01 April 2017 to 31 March 2018.

Compiled by

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248.08.07.

ABBREVIATIONS

ANHRI - African National Human Rights Institutions

CJS - Criminal Justice System

CVRW - Crime Victims' Rights Week

DG-ISC - Directors-General Inter-Sectoral Committee

DoJ&CD - Department of Justice and Constitutional Development

DNA - Deoxyribo Nucleic Acid

FCS - Family Violence, Child Protection and Sexual Offences Investigations

FSL – Forensic Science Laboratory

FSW - Forensic Social Workers

IPS – Investigative Psychology Services

LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex

NIS - National Intervention Strategy

NOISC - National Operational Inter-Sectoral Committee

NPF - National Policy Framework

NTT - National Task Team

OSISA - Open Society Institute for Southern Africa

SAHRC - South African Human Rights Commission

SALC - Southern Africa Litigation Centre

SAPS - South African Police Service

TTT - Train The Trainer

VFFs - Victim Friendly Facilities

VFRs - Victim Friendly Rooms

INTRODUCTION

Section 65(3) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), hereinafter referred to as the Act, requires the SAPS to submit a progress report to the Minister of Justice and Constitutional Development on the implementation of the Act for submission to Parliament. The attached report reflects the implementation by the South African Police Service, for consolidation and submission to the Department of Justice and Constitutional Development (DoJ&CD). The reporting period is from 01 April 2017 to 31 March 2018.

Chapter 1: Legal Framework

Legislation and Policies

The National Instruction on Sexual Offences was, in accordance with Section 66(4)(a) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2008 (Act No. 32 of 2007), was tabled in Parliament on 31 July 2008 and published in Gazette (No 31330) of 15 August 2008.

A National Instruction (National Instruction 3 of 2010) has also been developed and issued concerning the care and protection of children in accordance with the Children's Act, 2008.

National Development Plan

The training manuals relating to sexual offences were, as required by Section 66(5)(a) of the Act, tabled in Parliament in August 2011.

The SAPS has, therefore, complied with the legislative requirements relating to internal directives and the development of training material.

The SAPS continues to take steps to communicate developments concerning the Act to its members.

During October 2013, the SAPS Legal Services drafted and distributed a circular to all SAPS email users on the judgment of the Constitutional Court in the matter of the Teddy Bear Clinic for Abused Children and Rapcan v The Minister of Justice and Constitutional Development. The circular explained the implications of the judgment to the members and also instructed members on how to deal with existing dockets affected by the judgment.

The SAPS engaged with the Department of Justice and Constitutional Development on the draft Regulations on Sexual Offences Courts by preparing comments and inputs on the proposals. As a result, amendments were effected to the draft Regulations in line with the proposals. In addition, representatives of SAPS also attended work sessions hosted by the Department of Justice and Constitutional Development on the proposed Regulations. These included engagements with other state departments and non-governmental organisations on the practical implications of the proposed Regulations.

The National Policy Framework (NPF) on the Management of Sexual Offences Matters recognizes the LGBTI persons as one of the societal groups that are generally considered as vulnerable. This is mainly due to the discriminatory societal perceptions that this group practises unacceptable sexual behaviour.

This organisation approved the development of the SOP to guide SAPS members on how to render inclusive services and to protect the rights of the LGBTI community and to prevent secondary victimisation. The draft SOP was distributed to provinces for broader consultation to source inputs and comments. The SOP is currently receiving attention from Division: Legal and Policy Services for the legal opinion.

Chapter 2: Governance Structure

The SAPS participate in the following governance structures that are led by the DoJ&CD:

2.1 The National Operational Inter-Sectoral Committee (NOISC)

- The NOISC is responsible for the coordination of monitoring and evaluation functions at the National level and the submission of the bi-annual progress reports to the Directors-General Inter-Sectoral Committee (DG-ISC) on the implementation of the Act.
- During the reporting period, a two-day national forum was organised by the DoJ&CD on the implementation of the Act ten (10) years since it came into operation. The purpose of the National Forum was to do a critical evaluation on the implementation of the Act, with the special focus on reporting/investigation, medico-legal/services to the victims and the court processes regarding sexual offences.

2.2 National Task Team (NTT) on Gender and Sexual Orientation-Based Violence

- The purpose of this NTT is to implement, monitor and evaluate the National Intervention Strategy (NIS), to reflect the nature and scope of work to be undertaken by the DoJ&CD at national, provincial and local levels and is focussed on the multi-sectoral response to address gender and sexual violence targeting LGBTI people.
- The SAPS participated in the LGBTI Working Group meeting in Pretoria led by DoJ&CD. The matters discussed included the presentations on the study done by the Commission for Gender Equality regarding the work done by Civil Society Organisations; the content of the draft Standard Operating

- Procedure on the Protection of the Rights of LGBTI; and the National Instruction 1 of 2015 on the Crime Scene Management.
- This organisation also participated in the LGBTI National Task Team meeting that took place on led by DoJ&CD. The matters discussed included the South African HIV and AIDS Information Dissemination Service (SAfAIDS); University of Cape Town Consultative workshop; LGBTI Rapid Response Team Protocol; and the Funding for the National Intervention Strategy.
- We participated in the panel discussion on sexual orientation and gender identity in Southern Africa that took place at Holiday Inn Sandton on 09 October 2017 organised by the Southern Africa Litigation Centre (SALC) and the Open Society Institute for Southern Africa (OSISA).
- SAPS participated in the in-country meeting on Sexual Orientation, Gender Identity and Expression (SOGIE) that took place at Hyatt Hotel in Rosebank, organised by the South African Human Rights Commission (SAHRC) in partnership with the African National Human Rights Institutions (NANHRI).
- The organisation also participated in the National Task Team (NTT) meeting that took place at Burgerspark Hotel in Pretoria, led by the Department of Justice and Constitutional Development (DoJ&CD).

Challenges regarding governance structures

 There is no proper coordination of the NOISC and the meetings are not convened on quarterly basis as they should and these have negative impact on the monitoring and evaluation role with regard to implementation of the Act.

Chapter 3: Human and Physical Resources

3.1 HUMAN RESOURCES

The SAPS strives at all times to provide maximum capacity to deal with gender based violence and vulnerable groups. The Family Violence, Child Protection and Sexual Offences (FCS) is a specialist environment established to deal with gender based violent crimes including sexual offences.

For the period under review there are **2165** members in the **185** FCS Units that are placed in a cluster model nationwide plus **105** Forensic Social Workers (FSW) who are dynamic and specialize within the FCS field. Forensic Social Workers assist the SAPS (FCS) in the investigation of child sexual abuse by means of assessments, court reports and expert testimony in court. The table below demonstrates the actual number of members at each province:

PROVINCE	ACTUAL PERSONNEL STRENGTH
EASTERN CAPE	FCS - 334
	FSW - 12
FREE STATE	FCS - 174
	FSW ~ 7
GAUTENG	FCS - 435
	FSW - 20
KWA-ZULU NATAL	FCS - 342
	FSW - 14
LIMPOPO	FCS - 164
	FSW - 5
MPUMALANGA	FCS - 207
	FSW - 9
NORTH WEST	FCS - 125
	FSW - 6
NORTHERN CAPE	FCS - 106
	FSW - 5
WESTERN CAPE	FCS - 258
	FSW - 21
HEAD OFFICE	FCS - 27
	FSW - 6

3.2 PHYSICAL RESOURCES

The SAPS has endeavoured to improve victim friendly services rendered to victims of sexual offences, by ensuring that police stations render Victim Friendly Services and that Victim Friendly Rooms (VFRs) at police stations and at FCS Units are established. These VFRs provide a private place where victims can be interviewed and statements can be taken assuring that the victims' rights are protected. A VFR is a dedicated refurbished room within the premises of a police station, which intends to ensure that victims can report all forms of sexual offences in an environment that assures confidentiality and respect and also upholds their dignity. All these services work towards reducing secondary victimisation and enabling victims to provide details that not only assist them as part of a cathartic experience, but also assist in investigations.

The number of Victim Friendly Rooms in the SAPS by 31 March 2018 was 1049:

Provinces	Police Stations	Satellite Police Stations	Contact Points	Airports	Railway & Coaches	FCS Units (VFFs)	Total per Province
Eastern Cape	154	0	0	0	0	2	156
Free Sate	80	11	0	0	0	0	91
Gauteng	132	3	0	0	0	2	137
Kwa-Zulu Natal	152	1	0	1	0	10	164
Limpopo	81	1	0	0	0	5	87
Mpumalanga	81	1	0	0	0	1	83
Northern Cape	70	1	0	0	0	1	72
North West	68	0	0	0	0	8	76
Western Cape	150	21	1	1	4	6	183
Total per Category	968	39	1	2	4	35	1049

The figure of **1049** includes park homes delivered to police stations for use as victim support rooms. This is part of the SAPS of continuous effort in improving victim friendly service to victims of sexual-related crimes.

Chapter 4: Training and Development

The provision of training to police members remains a crucial element for ensuring that SAPS improves on the services rendered to victims of Gender Based Violence.

During the period under review, the SAPS managed to train and develop its members on the following courses that are addressing issues related to the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007:

First Responder to Sexual Offences Course

3225 members in the SAPS were trained in the abovementioned course. The target group for the course is members in Visible Policing and Client Service Centre. The objectives of the course are as follows:

- To equip members with the knowledge and skills to deal with victims in sexual abuse cases.
- To equip members with the knowledge and skills to obtain proper statements, testify in court and contribute to successful prosecution of sexual abuse cases, and
- To lessen complaints against the police relating to the sexual offences.

Sexual Offences Course for Investigating Officer

1494 members in the SAPS were trained in the abovementioned course. The target group for the course is members in General Detectives and FCS. The objectives of the course are as follows:

- To develop newly appointed members in the Detectives and FCS to have knowledge and skills to handle victims or complainants in sexual-related cases.
- To improve the performance of members with regard to investigations conducted.
- To contribute to a decline in the withdrawal of dockets.

Family Violence, Sexual Offences and Child Protection Learning Programme

88 members in the SAPS were trained in the abovementioned course. The target group for the course is members in FCS. The objectives of the course are as follows:

- To equip members with the knowledge and skills to investigate sexual-related cases
- To contribute to an improvement in the performance and conviction rate and
- To address the challenges related to poor investigations in sexual-related cases.

Sexual Offences

The SAPS convened a National Capacity Building Work Session at Manhattan Hotel in Pretoria from 27 March 2018 to 29 March 2018 with key SAPS National and Provincial role-players. The focus hinged on the responsibilities of the SAPS regarding the Implementation of the Child Justice Act, 2008, Children's Act, 2005, Older Persons Act, 2006, Domestic Violence Act, 1998, Sexual Offences Act, 2007 and the Victim Empowerment Programme. The aim of the work sessions was to also capacitate members on the proper implementation of legal framework to render an effective service delivery.

The SAPS has established another leg within the Component of FCS, Serial and Electronic Crimes Investigation, with the mandate to:

- The development of internal cybercrime policies and strategies to enhance trust and confidence within the RSA:
- Provide for specialized cyber combatting and investigative capacity;
- Interact with national and international stakeholders to improve and develop specialist capabilities and specialisation towards curbing cybercrime (child sexual exploitation on line);
- Develop and maintain established capabilities, thereby ensuring effective investigation, combatting, preventing and prosecution of the crime, and improving the overall understanding of cybercrime (sexual exploitation on line);
- Effective law enforcement and criminal justice responses;

- Activities categorising the response includes inter alia;
- Prevention of child sexual exploitation on line;
- Detection of child sexual exploitation on line;
- Intelligence-led investigation; and
- Prosecution of child sexual exploitation
- The fight against children and the vulnerable in relation to sexual/physical abuse material on the internet.
- The development of cross-border law enforcement co-operation;
- Public-private co-operation to combat cybercrime (in particular between law enforcement authorities and private companies); and
- Promote enhanced international co-operation to adequately combat cybercrime by taking part in various international initiatives
- Detecting cybercrime (child sexual exploitation on line)
- Preventing cybercrime (child sexual exploitation on line)
- Investigating cybercrime (child sexual exploitation on line)
- Combatting cybercrime
- Establishing specialised investigative capacities.
- Interacting with National Stakeholders and International stakeholders.

Since the establishment of the section the following child pornography cases were resolved:

PROV	CHARGE	BRIEF FACTS OF CASE (Is it a court docket/ Is it still under investigation)	SENTENCE /POSTPONEMENT
FS	Possession of Child Pornography	The Accused Jan Andries Henning found to have been creating, producing /contributes on film, game/publication with depictions, description/scenes of child pornography or which advertises or promotes it or sexual exploitation of children.	5 Years Imprisonment suspended for 5 years
FS	Possession of Child Pornography	The accused, Mr Jan Johannes Diedericks, expose/display/cause exposure/display of child pornography/ pornography/visual presentation/description of sexual material which is disturbing/harmful/age-inappropriate to a child	3 Years Imprisonment suspended for 5 years

GP	Sexual Assault and Possession of child pornography	The victim was sexually assaulted by the stepfather between 2015 and 2016. The suspect would ask the victim to lick her hands then placed her hands on his private parts and masturbate him. On one of the occasions he took a cellphone video of the incident. He never raped or touched her.	sentenced as follows
			b) Possession of Child Pornography – 5 Years imprisonment Sentenced on 2017-04-
GP	Possession of Child Pornography	The complainant alleged that he heard from one of his workers that the suspect showed him images of child pornography. The information was followed up and the suspect was arrested.	The suspect was convicted and sentenced on 3 counts. a) Possession of Child Pornography – 6 Years imprisonment Sentenced on 2017-09-22
GP	Possession of child pornography	The suspect used the very disturbing handle of #pervertdaddy and #dominantdaddy. Pornographic photos of under aged children were found on the suspects phone, and he was placed under arrest, taken to his house where another search was conducted. 54 victims worldwide were identified.	Sentenced in January 2018 to 10 years direct imprisonment.
GP	Possession of child pornography	The suspect Willem Christo Van der Merwe, was advertising himself as an online nudist, raising his 7-year-old daughter as a nudist. He advertised online that he wanted to make incest movies and was recruiting people for such. Child pornography was found on several devices. The suspect was arrested.	Sentenced in August 2017 to 6 year's direct imprisonment.
GP	Possession of child pornography	On Parow case Van der Merwe (the suspect) had cellphone numbers of whatsapp contacts, one of which was Cameron Borches. From this information the member tracked him down using the same means as the above examples and based on the exemplary evidence provided by the member.	The suspect entered a plea bargain receiving a five-year suspended sentence and sexual sensitivity classes twice a month for 3 years.
GP	Possession of child pornography	The suspect Thea van Loggerenberg was found in possession of child pornography. She is the girlfriend of a previous convicted suspect Jade Sheldon Bailey and in March 2018 she entered into a plea bargain with the state and was found guilty of possession of child pornography.	Entered a plea bargain and received 5 years wholly suspended sentence.
GP	Possession of child pornography	Suspects connected with victims through a chat site and he requested sexual assault images from them and also distributed these images through various people in the country. Found guilty on 4340 charges.	Suspect Miss M Mancoe was sentenced to 15 years direct imprisonment

GP	Possession of child pornography	Suspects requested sexual assault images from victims under the age of 18. 12 victims were identified and rescued. Out of the 12 victims 2 victims were raped and 2 were sexually assaulted	Suspect R Botes was sentenced to 140 years whereby he should serve 40 years directly.
WC	Possession of Child Pornography	An international lead was received from Belgium of an online Gigatribe user who has been sharing Child Pornography images and videos between 2012-03-27 and 2015-01-13. Investigation led to the identification and arrest of the suspect.	Possession and distribution -15 Years
WC	Charge 1-4: Sexual Assault Charge 5-7: Rape Charge 8-19: Manufacturing of child pornography Charge 20-154: Manufacturing of child pornography Charge 155-166: Possession of child pornography Charge 167-301: Possession of child pornography Charge 302-313: Possession of child pornography Charge 314-448: Manufacturing of child pornography	During 2015, information was received that the accused is in possession of child pornographic material. The accused's business premises was searched and child pornographic images found and seized. One of the children in the images was identified but her personal details and where she was from was unknown at that stage. While searching the premises, the investigating officer came across images of the accused's girlfriend. The investigating officer managed to trace her address. Enquiries were made in the area. It was discovered that the children on the images are from the same area as the girlfriend. She identified them and pointed out where they lived. When the accused heard about the search an seizure, he fled and was subsequently on the run. His vehicle was flagged and he was traced, arrested, detained and brought before the court. Bail was successfully opposed as he proved to be a flight risk.	imprisonment. Charge 1-4: Sexual Assault: 5 years imprisonment Cahrge 5: Rape: Life imprisonment Charge 6: Rape: Life imprisonment Charge 7: Rape: Life imprisonment Charge 7: Rape: Life imprisonment Charge 8-19: Manufacturing of child pornography: 10 years Charge 20-154: Manufacturing of child pornography: 10 years Charge 155-166: Possession of child pornography: 6 years Charge 167-301: Possesion of child pornography: 6 years Charge 302-313: Possession of child pornography: 10 years Charge 314-448: Manufacturing of child pornography: 10 years Charge 314-448: Manufacturing of child pornography: 10 years Details to be recorded in National Sexual Offenders register.
wc	Count 1: Rape Count 2: Sexual assault Count 3: Compelled self sexual assault Count 4: Using children for child pornography Count 5: Benefitting from child	(Accused 1) Emela Margareth Lowery who is the biological mother of the complainant sexually penetrated the complainant by inserting her finger into the vagina of the complainant. She sexually violated the complainant by undressing her and touching or licking her private part. The accused instructed the complainant to penetrate her own private genital organ by putting her finger into her vagina. She then used the complainant to produce child	Count 1: 18 years imprisonment Count 2: 10 years imprisonment Count 3: 10 years imprisonment Count 4: 10 years imprisonment Count 5: 10 years imprisonment

	pornography Count 6: Failure to immediately report a sexual offence against a child	pornography. She used a cellphone to take pictures, depicting the complainant naked revealing her vagina and with the complainants finger in her vagina. She created a facebook account in the name of the complainant and a third party Joshua Keener befriended her and requested naked pictures which the accused sent and then received a payment of approximately R17 000 into the bank account. (Accused 2) Shane Van Staden who is the biological father of the complainant was told by the complainant that accused 1 took pictures of her private part, he was aware of the existence of naked pictures of the complainant taken by accused1 but failed to immediately report it to a police official.	
WC	Distribution of Child Pornography	on 2017/02/17 complainant and wife were at home viewing messages from Wife's whatsapp cellphone when they saw a whatsapp video clip sent by a woman who used to work for them showing a white male trying to have sex with a child.	3 years imprisonment suspended for 5 years

Forensic Social Work Training conducted during the period under review:

COURSE	NUMBER OF ATTENDEES	DATE	SERVICE PROVIDER
Introduction Child Witness	20	04 December 2017 to 08 December 2017	Institute for Child Witnesses Research and Training
Preparing Children for Court	20	11 December 2017 to 15 December 2017	Institute for Child Witnesses Research and Training

Chapter 5: Public Education

The SAPS conducted awareness campaigns at provincial and station level, particularly supporting calendar events which includes amongst others the 16 Days of Activism for No Violence against Women and Children, which takes place from 25 November to 10 December of every year and was also supported throughout the country by participation of members at various provinces.

Communication material and events

The SAPS reprinted the Sexual Offences communication material in Braille during April 2017 for distribution in all nine provinces according to the approved distribution plan.

The department participated in the Youth Seminar hosted by the National School of Government on 15 June 2017 to discuss the challenges facing young people in our country. The focus was on the recent spate of attacks on women and children, how these affect young people as well as what they can do to protect themselves and people around them.

We participated in the breakthrough dialogue on women, men, children rape, domestic abuse, murder and kidnapping that took place on 24 June 2017 at SANDA (South African National Deaf Association) House in Pretoria).

On 2017-11-15 the SAPS procured two hundred thousand (200 000) Ministerial Six Point Plan pamphlets for usage at information and public education engagements with members of the community. The SAPS also procured and distributed Ministerial Six Point Plan banners for display during public education engagements with members of the community and other events. The content seeks to promote and protect the rights of women, children and vulnerable groups.

On 2017-12-12 SAPS acquired ten thousand (10 000) Children's Rights leaflets for use during the public engagements with children and awareness campaigns at schools.

During the period under review the SAPS organised awareness campaigns at Mason Lincoln Special School for the blind in KwaZulu-Natal and Johannesburg Park station in Gauteng on 20 November 2017 and 08 December 2017 respectively. The events included distribution of Braille promotional material on breaking the silence to sexual offences and children's rights.

Awareness campaigns nationally, were conducted in regard to Crimes against Women and Children and Gender Based Violence, in the form of door to door campaigns, dialogues, distribution of communication material, round table discussions and outreach programmes. Among the awareness campaigns conducted, the following are highlighted:

Provinces	No. of Awareness Campaigns Conducted	No. of Tracing Operations	No. of arrests
Eastern Cape	149	344	713
Free State	123	238	324
Gauteng	184	412	603
Kwazulu Natal	291	441	1193
Limpopo	84	202	288
Mpumalanga	135	820	875
North West	137	541	922
Northern Cape	99	114	500
Western Cape	385	2210	4135
Total	1587	5322	9553

Chapter 6: Monitoring and Evaluation

As part of its monitoring and evaluation mandate, the SAPS undertakes visits to police stations to monitor compliance to the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007).

During station visits, faults on non-compliance were identified in relation to the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007).

Minor errors were rectified and remedial steps were discussed with the management in order to improve compliance. FCS Units and Police Stations were identified based on the level of their performance in terms of compliance to the Acts.

During the FCS compliance inspections, Forensic Social Workers (FSW) were also visited and assessed on their performance. The FSW case files are also perused to check the quality of the reports, record keeping on the number of cases received for 2017/2018 financial year and general administration. The focus is also to determine the frequency of expert testimony in court.

As part of its monitoring and evaluation mandate, the SAPS undertakes visits to police stations to monitor the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No.32 of 2007) and National Instruction 03 of 2008: Sexual Offences.

During the station visits non-compliance were identified in relation to the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007) and National Instruction 3 of 2008; Sexual Offences. In-service training was conducted during the visit to bring the status to acceptable level of compliance. The following stations were visited:

Province	Police station	Date of visit
Eastern Cape	SAPS Coffee Bay	1. 2017-04-11
		2017-06-06
	2. SAPS Kwaaiman	2. 2017-04-12
		2017-06-07
	3. SAPS Mqandule	3. 2017-04-12
		2017-06-08
Free State	SAPS Botshabelo	1. 2017-08-22
	2. SAPS Selosesha	2. 2017-08-23
	3. SAPS ThabaNchu	3. 2017-08-24
Gauteng	SAPS Kempton Park	1. 2017-04-20
	2. SAPS Sebenza	2. 2017-04-21
	3. SAPS Norkem Park	3. 2017-04-25
	4. SAPS Airport	4. 2017-04-26
Kwazulu- Natal	SAPS Durban North	1. 2017-08-28
	2. SAPS Greenwood Park	2. 2017-08-29
	3. SAPS Plessislaer	3. 2017-08-30
Mpumalanga	SAPS Nelspruit	1. 2017-09-26
	2. SAPS Hendrina	2. 2017-09-27
	3. SAPS Piet Retief	3. 2017-09-29
North West	SAPS Sannieshof	1. 2017-05-08
	2. SAPS Lehurutshe	2. 2017-05-09
	3. SAPS Motswedi	3. 2017-05-11
Northern Cape	SAPS Colesberg	1. 2017-05-22
	2. SAPS Kuyasa	2. 2017-05-23
	3. SAPS Novalspont	3. 2017-05-24
	4. SAPS Nouport	4. 2017-05-25

	5. SAPS Hanover	5. 2017-05-25
Western Cape	SAPS Beaufort West	1. 2017-04-03
		2017-06-19
	2. SAPS LeeuGamka	2. 2017-04-05
		2017-06-21
	SAPS Merweville	3. 2017-04-06
		2017-06-22
	4. SAPS Kraaifontein	4. 2017 - 09-11
	5. SAPS Cape Town Central	5. 2017-09-12
	6. SAPS Nyanga	6. 2017-09-13
	7. SAPS Gugulethu	7. 2017-09-14
	4. New Brighton	4. 2017-10-09
Eastern Cape	5. SAPS King Williams Town	5. 2017-10-10
	6. SAPS London	6. 2017-10-11
	7. SAPS Beacon Bay	7. 2017-10-12
	4. SAPS Kimberly	4. 2017-11-14
Northern Cape	5. SAPS Beaufort West	5. 2017-11-15
	6. SAPS Colesberg	6. 2017-11- 16
	8. SAPS Silverton	8. 2018-01-16
Gauteng	9. SAPS Lyttelton	9. 2018-01-17
	10.SAPS Garsfontein	10.2018-01-18
	7. SAPS Rustenburg	7. 2018-02-06
North West	8. SAPS Hartebeesport	8. 2018-02-07
	SAPS Lephalale	1. 2018-03-05
Limpopo	2. SAPS Tom Burke	2. 2018-03-06
	3. SAPS Modimolle	3. 2018-03-07
	4. SAPS Tabazimbi	4. 2018-03-08

The following FCS Units were also visited during the period under review:

Province	Unit Visited	Date Visited
Limpopo	Polokwane	28 May -02 June 2017
Gauteng	Kwa-Mhlanga	12-15 June 2017
Northern Cape	Vryburg	26-27 June 2017
Northern Cape	Pudimoe	28-29 June 2017
Kwazulu- Natal	Newcastle	10-14 July 2017
Gauteng	Temba	24-28 July 2017
Gauteng	Brakpan	21-25 August 2017
Gauteng	Benoni	28 August to 01 September 2017
Gauteng	Moroka	18-22 September 2017
Gauteng	Germiston	16-20 October 2017
Gauteng	Ekangala	24-27 October 2017
Gauteng	Springs	6-10 November 2017
Gauteng	Ga-rankuwa	21-24 November 2017
Gauteng	PTA Moot	27 November to 01 December 2017
Eastern Cape	Mthatha	19-28 February 2018

Chapter 7: Research Interventions

During 2017/2018 research was conducted on the strengthening of Crime Detection. The findings and recommendations will only be available after being presented to the Senior Executive Forum and National Management Forum of the SAPS.

The SAPS did not conduct a specific research to the implementation of the Criminal Law (Sexual Offences and related matters) Amendment Act, 2007 during the 2017/2018 financial year.

Chapter 8: Conclusion

The South African Police Service as one of implementing departments of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), continues with its commitment to implement and report on its implementation.

Any type of crime is a priority of the South African Police Service, however, this Department prioritises and intensified the fight on crimes against women and children and vulnerable groups. This implies that crimes against women and children and vulnerable groups such as the elderly, people with disabilities, people with the albinism condition and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) people will are treated as priority crimes. The scourge of violence against these groups cannot and will not be tolerated and Civil Society and the SAPS engages with communities to stand as one together with the Police, to root out these crimes.

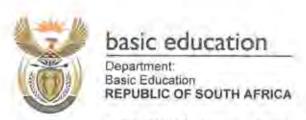
Department of Basic Education (DBE)

Department of Basic Education Annual Report on the Implementation of the Sexual Offences Amendment Act 32 of 2007 (and Related Matters): 01 April 2017 – 31 March 2018



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA



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Mr V Madonsela Director-General Department of Justice and Constitutional Development Private Bag X81 PRETORIA 0001

Dear Mr Madonsela

REPORTING ON THE IMPLEMENTATION OF CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 (SORMAA): HALF YEARLY REPORT FOR THE PERIOD 01 APRIL 2017-31 MARCH 2018

By fax: (012) 315 1851

The Department of Basic Education is fully committed to the implementation of Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (SORMAA) and will continually assist the process as far as possible. I have pleasure to inform you that our annual report for the period indicated above is enclosed for your consideration.

Yours sincerely

MR/HM MWELI

DIRECTOR-GENERAL DATE: 20/06/2016

Introduction

The National Inter-Sectoral Committee on the Sexual Offences Amendment Act has been established according to a special provision from the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. Among its functions, the Committee is responsible for collating and consolidating annual reports on the implementation of the Act from various government departments and other state agencies. As the Department of Basic Education is the custodian of school going age children, it becomes mandatory for DBE to give its half yearly update, but also offer an annual report as requested. The report will cover 6 thematic areas; namely, Legal Framework, Governance Structure, Physical and Human Resources, Training and Development, Public Education and Law and Policy Development. Each department responds according to what is relevant as prescribed by its mandate.

1. Legal Framework

The South African Schools Act, section 8 1996	Requires public school governing bodies adopt a code of conduct for learners aimed at establishing a disciplined and purposeful environment for learners.			
Domestic Violence Act 1998	Places a legal obligation on educators to report any form maltreatment, neglect, abuse or degradation of children to the department of Social Development or South African Police Service.			
The Employment of Educators Amendment Act 2000 (section 17)	Provides for educators who have committed sexual offences or had sexual relationship with a learner can be dismissed.			
South African Council of Educators 2000	When an educator is dismissed on the basis of sexually abusing a learner, he/she is also deregistered as an educator and cannot be appointed again by any education provider.			
The Code of Conduct for Educators (SACE) 2007	refrains from improper physical contact with learners refrains from any form of sexual harassment (physical or otherwise) of learners.			

 refrains from any form of sexual relationship with learners at any school

The National
Development Plan 2030,
Chapter 9: Improving
Education, Training and
Innovation

The psychosocial wellbeing of learners from early childhood to higher education is also central to the success of a good quality education system. Other government policies, such as the provision of housing, basic services and social security, are therefore critical for building an education system that benefits all learners.

2. Governance Structures

Participation at IMC
Inter-Ministerial
Committee on violence
against women &
children

The department forms part of the IMC in responding to its work on violence prevention to women and children. The committee is led by Minister of Social Development, which is directed by the Programme of Action on Violence against Women and children (POA- VAWC 2013-2018). Various programmes are undertaken in support of this activity and those that fall within the scope of this report are indicated as such. Reports are compiled and submitted as necessary. The department attended the Committee's meeting which was held from 26 September to 27 September 2017 focusing on plannery sessions on work streams for children and work streams for women.

Operational Committee and Director General Committee on Sexual Offences and Related Matters Act The Department is part of the team that monitors the implementation of sexual offences. Quarterly meetings are held where reports are shared on how each department responds to sexual offences. The Department of Justice and Constitutional Development is the secretariat of these committees. On 13 March 2018, the DBE participated Operational Committee's meeting which mostly focused on the working session on development of

	minimum standards.			
	The department attended meetings on the following:			
	• 17 March 2017			
	• 18 July 2017			
	• 24 October 2018			
	• 05 February 2018			
GBV Task Group in	The Department participates on this task team established and led			
Young Women & Girls	by SANAC particularly on the work around girls' empowerment.			
Campaign	DREAMSis a partnership to reduce new HIV infections among			
	adolescent girls and young women. Its goal is to help girls develop			
	into			
	Determine			
	Resilient			
	Empowered			
	AIDS free			
	Mentored			
	Safe women			
	The inputs were about			
	✓ Empowering girls and young women			
	✓ Mobilise community			
	✓ Strengthen families and			
	✓ Decrease risk in sex partners			
Participation in Southern	SADC initiative which is a comprehensive, coordinated, multi-			
African Development	sectoral response to addressing barriers to learning and			
Community (SADC) CSTL	development that are preventing children from realising their right			
Forums	to education			
	It aims at strengthening systems, partnering, integrated package of			
	care and support and legal and policy mandate.			
	The DBE participated at the Joint SADC Ministers meeting			

responsible for education, training, innovation, science and technology which took place in Swaziland on 19-23 June 2017. The meeting was attended by the Minister of Basic Education, Mrs AM Motshekga, MP and the former Minister of Science and Technology, Mrs N Pandor, MP. SADC CSTL Steering Committee and sharing meetings were also attended between 29-31 May 2017, and 27-30 November 2017. In the week of 31 October–1 November 2017, the Department hosted an exchange visit of the Member States of Zimbabwe, Malawi and Democratic Republic of Congo to observe CSTL Programme implementation in the country in three Primary schools in Mpumalanga Province. During the meetings, the DBE presented progress made in implementing the CSTL programme highlighting successes, challenges and lessons learnt. South Africa also took over as chair of SADC during the last meeting.

School Based HIV and Violence Prevention

The acronym "DREAMS" stands for Determined, Resilient, Empowered, AIDS -free, Mentored and Safe Girls. The goal of the project is to reduce HIV infections in adolescent girls and young women.

It is a multinational project, taking place in 10 SADC Countries. In South Africa the project is active in KZN (3 districts) and GP (2 districts). The project has a layer of implementing partner work in cooperation with the municipalities and schools within those districts. With different partners involved, various programmes that target different age groups within schools are the beneficiaries of the programme.

- √ 27 29 September 2017
- √ 19 October 2017
- √ 29 30 November 2017

3. Physical and Human Resources

The department has participated in a meeting on the trauma debriefing framework for officials providing services in line with SORMAA at the Department of Justice and Constitutional Development. Currently, there is no national debriefing support programme targeting educators. However, provinces have their own debriefing programmes that cater for educators. At schools, there are School Safety Teams, School Based Support Teams that assists learners.

4. Training and Development

Strengthening
Comprehensive
Sexuality Education
(CSE) in Schools

Development of Scripted Lesson Plans (SLPs) for Intermediate Phase (IP) and Further Education and Training (FET): The Grades 7 – 9 Scripted Lesson Plans (SLPs) to support the implementation of Sexuality Education in Life Orientation CAPS were finalised and approved by the Minister in the first quarter of the 2017/2018 financial year. A total of 216 623 learner workbooks and 3585 teacher guides were printed and distributed to 1186 schools in the 8 activity districts in Gauteng, Mpumalanga, Free State, Western Cape and KwaZulu-Natal. In September 2017, a total of 54 draft SLPs for Grades 4 – 6 and 10 – 12 were reviewed by the DBE Curriculum Working Group to assess the alignment to the International Technical Guidance on Sexuality Education, LO textbooks writing process and LO CAPS. The SLPs will be revised for pilot testing during 2018, for implementation in schools from January 2019 when SLPs for all Grades will be in the system.

CSE Training of Educators: The provinces of Eastern Cape, Northern Cape and Mpumalanga provinces were supported to conduct the UNESCO regional on-line CSE training course. A total of 144 participants were trained on the online course during this reporting period. In addition, a total of 19 738 educators

	across all provinces were trained on sexual and reproductive health for learners, through the HIV and AIDS Life Skills Education Programme.		
Prevent Violence in Schools Manuals	The department together with Unicef, Save the Children South Africa and MiET Africa, have developed the programme materials. These manuals focus on enabling and supporting learners to take action to prevent violence in their own schools. Content development was informed by a workshop with learners held in the Free State during 2014, and reviewed by the review team drawn from partner organizations. Following the workshop in the Free State in 2014, provincial workshops targeting district officials was done during 2015/2016. Such were some few observations during the workshops: The training was female dominated The learner-friendly activities in the Learner book were appreciated by participants		
	 ✓ Training was an eye opener ✓ There were varied levels of understanding of GBV ✓ Strong cultural & religious beliefs still dominate in approaching issues such as GBV During 2016/17 provinces had their own trainings in cascading the work to educators and officials at district levels. For 2017/18, no training undertaken except for the continuation of the distribution of the manuals. 		
National School Safety Framework (NSSF)	The DBE National has conducted 5 NSSF school based training Workshops in the following provinces: Western Cape, North West, Limpopo, Gauteng and Eastern Cape between the period of April and September 2017. In provinces, school Safety teams are trained through the National School Safety Framework on how to monitor its implementation in managing bullying and other		

violent incidents in schools; DBE undertakes constant monitoring and evaluation of the said. The number of educators trained is 89. Western Cape, Free State, North West, Eastern Cape and Kwa Zulu-Natal have signed the Safety in Education partnership protocol between the DBE and the South African Police Service. In June 2015, the Department of Basic Education in collaboration Psychosocial (trauma with the University of Chicago School of Professional Psychology debriefing) hosted training targeting officials at Provincial and some from District level responsible for Psychosocial Support. The training continues to be cascaded by some provinces to the level of educators. A total number of 1754 educators received the training in the current reporting period. Fundamental topics during the training included recognising trauma symptoms in children; the negative impact of trauma on normal children development; increasing knowledge and skills in dealing with children with child trauma symptoms; helping children cope with trauma; and increasing knowledge about ways to promote resiliency in children and care givers. The Psychosocial Support Directorate undertook monitoring visits to a total number of 20 schools in three provinces which is North West (12 Primary schools and 3 High schools), Pietermaritzburg (4 High schools) and Mpumalanga (3 Primary schools and 1 Combined School). The purpose of these school visits was to find out from the schools that were trained on trauma support the different cases that the children present with in their schools, how they address them and other difficulties they face when dealing with trauma cases at their schools. There are a number of independent entities which support the **Bullying Prevention** Department in rolling out bullying prevention awareness activities taking place in

campaigns in schools across the provinces. Thus far, the bullying prevention campaigns are focused on curbing the high levels of bullying in schools by creating awareness amongst learners on the extent, causes and preventative measures of bullying. According to the reports from the schools where the campaigns have already taken place, a fewer number of cases of bullying are reported. This bodes well for strengthening future work in this

In the provinces, School Safety teams are trained through the National School Safety Framework (NSSF) on how to monitor its implementation in managing bullying and other violent incidents in schools; DBE undertakes constant monitoring and evaluation of the said.

area. DBE is working towards a campaign to launch a bullying

prevention month for schools, this will be a nation -wide activity

and will be launched by the Minister in June 2018.

The Department of Basic Education has since developed E-Safety Guidelines to educate learners about different types of bullying, particularly online bullying and encourage them to remain vigilant when using e-learning programs or Information Communication and Technology (ICT).

5. Public Education

Advocacy through	The department distributed constitutions and prevent violence			
Prevent Violence	material at the women day celebration held on 23 August 2017 at			
materials	the Constitution Hill to leaners, educators, provincial officials, district officials and NGO representatives. Furthermore, dialogues on career choices and the history of South Africa were held.			
Distribution of slim line	The department in collaboration with DOJ & C have partnered to			

Constitutions to schools	ensure distribution of slim line constitutions to all the provinces, as it was adopted in an interprovincial task team meeting on 18 May 2017.		
National Development plan (NDP) schools debate	The department in collaboration with the presidency and GCIS hosted the NDP debate for learners on 24 September to 26 September 2017. The debate focused on the vision of the NDP, how young people can benefit from its vision and what role they can play in realising NDP's vision.		

6. Law and Policy Development

Ministerial Committee	The Department has established the committee to evaluate
to evaluate a broad	textbooks from exit grade of each schooling phase to evaluate a
sample of existing	sample of existing textbooks against stereotypes and
textbooks and Learning	discrimination towards the promotion of diversity in education.
and Teaching Support	Race, Sex, Gender, Religion, Family Status, Age, Disability and
Material (LTSM) to	Sexuality are the social components evaluated in this process.
develop a textbook	The committee has broadly consulted on the matter and thus
policy towards the	resulting in qualitative and quantitative findings with
promotion of diversity	recommendations. The report is currently in the process of
	design, layout and printing.
Protocol for the	The purpose of the Protocol for the management and reporting of
Management and	Sexual Abuse and Harassment is to provide schools, districts and
Reporting of Sexual	provinces with standard operating procedures/guidelines when
Abuse and Harassment	addressing allegations of sexual abuse and harassment, and to
in Schools	specifically detail how schools must respond to reports of sexual
	abuse and harassment perpetrated against learners. Schools are
	mandated to assist victims of sexual abuse and harassment by
	following standard reporting procedures and through the

therefore serve to ensure a safe, caring and enabling environment for learning and teaching, both inside and outside of the classroom. The protocol prescribes an approach that enables educators and employees of the Department of Basic Education (DBE) to identify, intervene, report and provide support to all learners who are sexually abused or harassed in school, whilst providing an appropriate response to perpetrators of all forms of sexual abuse and harassment. Thus, apart from the step-by-step mechanisms for the reporting of incidents of sexual abuse and harassment, it also establishes a four-pronged process for sanctioning perpetrators of sexual abuse and harassment. This protocol applies to all schools within the Republic of South Africa. The protocol is currently in the process of receiving comments from different departments and stakeholders.

Protocol to deal with incidences of corporal punishment in schools

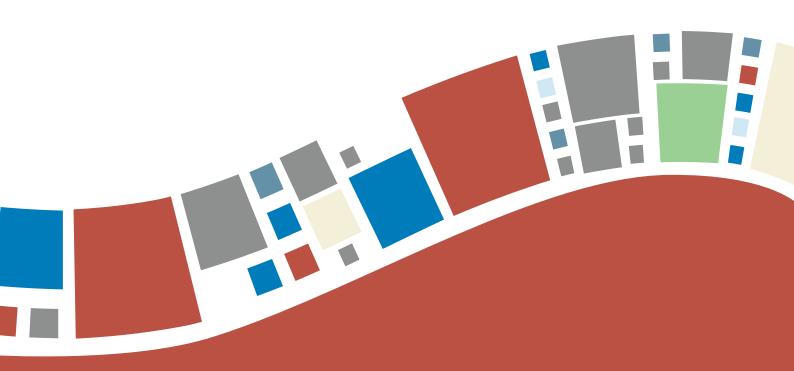
Protocol to deal with Incidents of Corporal Punishment in Schools is essentially to highlight the abolishment of corporal punishment in schools and provide clear guidance to provinces, districts and schools on how to deal with issues of corporal punishment. The protocol aims to create an education sector's response to corporal punishment. It facilitates implementation of the prohibition of corporal punishment throughout the education system and embeds the Positive Behaviour Intervention Systems programmes. Thus empower all stakeholders to respond constructively towards learner ill-discipline.

The department continues in improving on its M & E component especially dealing with sexual offences. To this end, there are fields that have been captured on some of the M & E systems like SASAMS.

Legal Aid South Africa



Independent and within reach.



ANNUAL REPORT ON THE IMPLEMENTATION OF THE SEXUAL OFFENCES AND RELATED MATTERS ACT, 32 OF 2017

1 April 2017 - 30 March 2018



Independent and within reach.

TABLE OF CONTENTS

<u>Topic</u>		<u>Page</u>
1.	Introduction	2
2.	Governance Structures	2
3.	Physical and Human Resources	3
4.	Training and Capacity Building	7
5.	Public Education, Awareness and Communication	7
6.	Research Interventions	8
7	Conclusion	9

1. INTRODUCTION

The Sexual Offences and Related Matters Amendment Act 32 of 2007 (herein after referred to as the 'Act') requires the tabling of an annual report by the Department of Justice and Correctional Services. Legal Aid South Africa is a co-opted Department that assists with monitoring and reporting on the implementation of the Act. Whilst co-opted Department's reports are essential in monitoring and developing frameworks aimed at preventing sexual offences, there is no legislative instruction to do so. This report sets out the activities of Legal Aid SA relating to the Act for the period 1 April 2017 to 30 March 2018.

The Strategic Plan of Legal Aid SA incorporated the National Development Plan in its outcome 1: Quality justice for all, focusing on the poor and vulnerable, thus contributing to building safer communities. In contributing to building safer communities, Legal Aid SA will ensure access to justice by providing quality legal advice and/or quality legal representation to qualifying clients in criminal and civil matters by adequately covering criminal courts and providing civil legal aid services through our national footprint, within our available resources for the MTEF period.

Our country's current economic challenges and reduction in revenue collection has resulted in cuts to our baseline funding which pose a challenge to our ability to adequately cover all courts as our court coverage programme has had to be reduced to accommodate the reduction in our budget.

2. GOVERNANCE STRUCTURES

The Act prescribes in terms of section 65(3) that ISC meetings must be convened twice annually. During the reporting period, Legal Aid SA attended the DG's ISC meeting on 18 July 2017.

Legal Aid SA reported and partook in discussions with regard to the following:

- 1. Legal Aid SA court coverage of Sexual Offences Courts
- 2. Sexual offences statistics
- 3. Legislative amendments
- Capacity building training programmes for front line staff on sexual offences and any other related legislation
- 5. Sexual Offences Annual Departmental and Consolidated Progress Reports

Legal Aid SA is also a participant in the following structures:

- Local Case Flow Management meetings
- Provincial Development Committee meetings
- Provincial Efficiency Enhancement Committees
- National Development Committee
- Inter-Sectoral Committee on Sexual Offences

Programme 10, Strategy 4 of the Business Plan of Legal Aid SA determines the forging of stakeholder partnerships to jointly increase access to justice and enhancing the efficiencies of the justice system by increasing co-operation with and accountability to stakeholders. Actions

implemented included keeping stakeholders aware of developments at Legal Aid SA by hosting roundtable discussions, attending National and Provincial Stakeholder Forums, arranging outreach events and distributing our quarterly stakeholder newsletters.

Table 1 - Roundtable discussion, stakeholder forums and outreach events

Province	Number of roundtable discussions, stakeholder forums and outreach events				
	Q1	Q2	Q3	Q4	Total
National Office	5	1	13	11	30
Eastern Cape	32	26	19	20	97
Free State/North West	14	46	12	14	86
Gauteng	43	35	50	25	153
KwaZulu-Natal	13	12	19	8	52
Limpopo/Mpumalanga	15	51	41	52	159
Northern Cape/Western Cape	43	57	63	32	195
Total	165	228	217	162	772

Table 2 – Umlungisi newsletter

	Umlungisi newsletters published					
	Q1	Q2	Q3	Q4	Total	
Newsletters published	1	1	1	1	4	

3. PHYSICAL AND HUMAN RESOURCES

3.1 PHYSICAL RESOURCES

Legal Aid SA has a National Footprint of 64 Legal Aid SA Local Offices and 64 Satellite Offices managed by 6 Legal Aid SA Provincial Offices. The National Operations Department, headed by the National Operations Executive, is responsible for the implementation and oversight of the Act within Legal Aid SA.

3.2 HUMAN RESOURCES

Legal Aid SA renders legal representation at state expense, where substantial injustice would otherwise result, as contemplated in the Constitution.

Legal Aid SA's court coverage plan ensures that all accused persons in sexual offences matters are able to access legal aid services. Regional Courts are primarily covered by our internal practitioners using a practitioner per court model. We also instruct practitioners in private practice who accredit on our Judicare programme to render legal services to our clients.

Legal Aid SA currently covers all identified Sexual Offences Courts on a practitioner per court model.

The table below details the number of sexual offences matters for the period 1 April 2017 to 30 March 2018:

Table 3 – Sexual offences matters compared to total criminal matters

	2015	/2016	2016	/2017	2017/2018		
Provinces	Sexual Offences matters	Total Legal Aid SA Criminal Matters	Sexual Offences matters	Total Legal Aid SA Criminal Matters	Sexual Offences matters	Total Legal Aid SA Criminal Matters	
Eastern Cape	3,926	49,517	4,065	51,069	3,836	46,933	
Free State/North West	4,077	47,969	3,740	48,772	3,406	43,869	
Gauteng	2,137	65,987	2,072	64,957	2,598	67,463	
KwaZulu-Natal	4,147	63,686	3,955	63,059	3,673	61,824	
Limpopo/Mpumal anga	3,376	40,699	3,225	41,226	3,074	40,249	
Northern Cape/Western Cape	4,324	100,214	4,416	100,269	4,301	97,310	
Total	21,987	368,072	21,473	369,352	20,888	357,648	
% of total	6	%	5.8%		5.8%		

The statistics show a slight drop in the number of sexual offence matters that are handled by Legal Aid SA. A reduction in our court coverage programme due to budget cuts will result in matters taking longer to be finalised, thereby increasing the number of backlog matters at courts, including Sexual Offences Courts.

3.3 EMPLOYEE ASSISTANCE PROGRAMMES

In line with the Legal Aid SA Wellness Policy, as well as to ensure that our practitioners are better equipped to deal with vicarious trauma associated with their work, the organisation has made Employee Assistance Programme services (EAP) available through LifeLine, where Legal Aid SA employees have access to counsellors and psychologists managed by LifeLine. The EAP service offers employees access to counselling. Employees are either self-referred or referred by Managers to the EAP services provided by LifeLine; the appointed service provider.

Table 4 - Number of referrals of practitioners to the EAP programme - LifeLine

Type of	Number of referrals of practitioners to the EAP programme												
Type of Referral	2017								2018				
Referral	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Self	15	9	13	10	13	7	8	17	9	13	11	15	140
Formal	2	4	2	5	0	1	2	0	5	7	0	0	28
Informal	5	3	4	12	8	5	14	8	3	4	9	2	77
Total	22	16	19	27	21	13	24	25	17	24	20	17	245

Table 5 - Number of practitioners that consulted the in-house psychologist

Type of		N	umbei	of cl	ients (that co	onsult	ed the	in-ho	use p	sycho	ologist	
Type of Referral	2017									2018			
Referrar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Self	2	1	0	2	2	1	4	2	1	3	2	2	22
Formal	0	2	1	1	1	0	2	0	1	0	3	0	11
Informal	1	1	1	1	2	2	1	1	5	4	1	1	21
Total	3	4	2	4	5	3	7	3	7	7	6	3	54

The total number of employees assisted on the EAP programme in 2017/18 FY was 299.

The distribution of the presenting problems referred to the service provider was as follows:

- a. 42% relationship problems
- b. 7% alcohol abuse problems
- c. 24% work-related problems
- d. 8% financial management problems
- e. 11% suicidal tendencies
- f. 9% family-related problems
- g. 4% self-esteem problems
- h. 6% parenting problems

The distribution of the presenting problems referred to the in-house psychologist was as follows:

- a. 21% relationship problems
- b. 12% alcohol abuse problems
- c. 40% work-related problems
- d. 2 % financial management problems
- e. 5% suicidal tendencies
- f. 13% family-related problems
- g. 4% self-esteem problems
- h. 3% parenting problems

General Findings

The Legal Aid SA Gauteng Province (42%) used EAP services more than the other provinces while the Free State/North West Province (14%) saw the lowest in usage of EAP services.

There was an increase of 11% in the use of EAP services from the previous financial year.

Debriefing Sessions

Vicarious Trauma Debriefing Sessions were conducted during the last quarter of the 2017/18 FY nationally due to vacancies in the Human Resources Department. The target audience is attorneys working with sexual offences and violence cases. The participants were impressed with the programme and they appreciated the HR Department's efforts in rolling it out.

Table 6 - Debriefing Sessions

Provinces	Number of Participants	Completed Workshops
Eastern Cape	0	0*
Free State/North West	15	1
Gauteng	12	1
KwaZulu-Natal	14	1
Limpopo/Mpumalanga	9	2
Northern Cape/Western Cape	15	1
National Total	65	6

^{*} EC had some difficulties in arranging the debriefing sessions due to unavailability of the legal practitioners.

At these debriefing sessions, our attorneys are given space to ventilate their work-related issues. The opportunity for individual consultation is made available. The legal practitioners have suggested that they would like to have such sessions again as it gave them space to examine issues as well as to introspect about their mental health.

4. TRAINING AND CAPACITY BUILDING

The legal training section is continuously developing new training materials and also ensures that all employees have been trained on the implementation of the Sexual Offences Act. Legal Aid SA has an annual core training programme which includes sexual offences training. The core programme is targeted at all Legal Aid SA practitioners in the Regional Courts. However, due to budget cuts this training programme will have to be stretched over a two-year period. In the 2017/2018 financial year, three sessions were conducted and a total of 67 practitioners were trained.

Numbers and hours trained:

- Q3 KwaZulu-Natal Province 19 attendees at 16 hours per person (2 days) 304 hours
- Q3 Limpopo/Mpumalanga Province 24 attendees at 16 hours per person (2 days) 384 hours
- Q4 Northern Cape/Western Cape Province 24 attendees at 16 hours per person (2 days) 384 hours

Legal Aid SA developed an intra-active training webpage on which self-help modules, relevant case law and articles are uploaded. All staff have access to these self-help modules. The self-help modules are regularly reviewed and updated.

Legal Aid SA has comprehensive quality assurance tools which ensure that all sexual offencesrelated matters are monitored and evaluated to ensure that no matters are delayed unnecessarily and that the quality of the professional work by the Legal Aid SA practitioners is of the highest standard. Quality assurance remains a risk factor and constant attention is given to implementing mitigating measures.

5. PUBLIC EDUCATION, AWARENESS AND COMMUNICATION

Legal Aid SA is engaged in continuous public education and awareness campaigns within its jurisdiction.

Programme 9, strategy 3 of the Business Plan of Legal Aid SA aims to improve the awareness, educate and inform communities on constitutional rights and responsibilities by implementing community education and outreach programmes. The Communication Executive is responsible

for the development of public education content, as well as hosting outreach programmes on constitutional rights and obligations.

Table 7 – Outreach events

Province	Outreach Events								
Province	Q1	Q2	Q3	Q4	Total				
National Office	4	3	5	5	13				
Eastern Cape	66	35	26	20	81				
Free State/North West	40	92	30	31	153				
Gauteng	92	70	72	29	171				
KwaZulu-Natal	26	71	52	46	169				
Limpopo/Mpumalanga	69	101	63	79	243				
Northern Cape/Western									
Cape	115	116	89	89	294				
Total	412	488	337	299	1,536				

An important part of our communication programme is increasing awareness, through displaying relevant posters at government service delivery points, including all court buildings, prisons and clinics.

Table 8 – Increasing awareness

Province	Number of Posters Displayed							
Province	Q1	Q2	Q3	Q4	Total			
Eastern Cape	20	39	19	20	98			
Free State/North West	12	32	20	17	81			
Gauteng	17	22	29	15	83			
KwaZulu-Natal	18	17	23	27	85			
Limpopo/Mpumalanga	23	36	18	15	92			
Northern Cape/Western								
Cape	53	57	59	54	223			
Total	143	203	168	148	662			

6. RESEARCH INTERVENTIONS

Legal Aid SA continuously monitors all proposals for new/amended legislation and provides input on all proposed legislative changes as and when required.

7. CONCLUSION

Legal Aid SA is committed to eliminating the secondary traumatisation to victims by ensuring that all our practitioners are sufficiently trained in this area, particularly as it relates to the questioning of victims of such offences. We also endeavour to ensure that all Sexual Offences Courts are adequately covered by our legal practitioners as part of our court coverage programme and that high quality legal representation is afforded to all our clients.

Vidhu Vedalankar

Chief Executive Officer

Y. N. Yedalaha

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Department of Traditional Affairs (DTA)



SEXUAL OFFENCES ANNUAL REPORT KEY PRIORITY AREAS OF REPORTING 2016-2017

August 2018

KEY PRIORITY AREARS OF REPORTING: IMPLEMENTATION OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007: REPORTING PERIOD 2016/2017

BACKGROUND

The Department is a fairly new Department and does not have a functional Corporate Service structure. Corporate Services was performed by its sister Department, Department of Cooperative Governance through a MOU signed between the two Accounting Officers. The Department is in the process of establishing its own Corporate Service Structure which is still at an infant stage.

The Department is also mandated to support the operations of National House of Traditional Leaders which is an Entity of the Department.

1. Legal Framework must include:

- Legislation
- Policies
- National Development Plan applicable to your department
- Challenges
- ✓ The National House of Traditional Leaders operates in terms of the following legislations:
 - National House of Traditional Leaders Act
 - Traditional Leadership and Governance Framework Act
 - Rules and National House of Traditional Leaders
 - Other pieces of legislation supporting the work of House

The NHTL currently does not have any policy or legislation dealing with sexual offences however it implements National Policies and Strategies on Sexual Offences.

✓ The Department is utilising the DPSA Policy and Procedure on the Management of Sexual Harassment in the Public Service, Labour Relations Act, Code of Good Practice on the Handling of Sexual Harassment cases, Protection from Harassment Act and the Code of Good Practice on the Handling of Sexual Harassment cases.

2. Governance Structure:

- State the governance structures that are led by your department in Sexual Violence including the structures that you participating in.
 - ✓ Within the National House of Traditional Leaders there is a Gender Committee that deals
 with gender and other related issues. This Committee is mandated to deal with issues of
 sexual offences. The Committee comprises of members from 7 Provincial Houses,
 excluding Western Cape. Two (2) Traditional Leaders from Gauteng Province are
 represented in the National House of Traditional Leaders and are also part of the NHTL
 Sub-Committee including Gender Committee.
- State activities done by those structures to contribute in the interventions against Sexual Violence during the reporting period.

- ✓ The NHTL participates in the NPA led Ndabezitha Izimbizo Project on fighting Domestic Violence against Women and Children through signed MOU with the NPA. The broad objective of the Ndabezitha Project is to fight domestic violence in rural communities.
- Challenges
 - ✓ Indequate resources

3. Physical and Human Resources:

- State the improvements that your department did on Physical and Human Recourses.
 - The Department is in the process of reviewing its organisational structure and capacitating its corporate services that deals with employee Health and Wellness Management amongst others with the limited financial resources allocated to the Department.
- Challenges
 - Inadequate financial and human resources

4. Training and Development:

- State the training interventions done during the reporting period and state the reasons for prompting trainings, the goal of the training and the impact it has achieved.
 - No training and development programmes were implemented for the reporting period.
- Challenges
 - The department did not have dedicated unit to deal with issues of sexual offences.

5. Public Education:

- State the goal of public education
 - Public awareness and legal initiatives aimed at empowering rural communities on issues of domestic violence including sexual offences. The Chairperson of the NHTL and other members of the House have and continue to address Provincial Houses during Sittings of the Provincial Houses and the public during cultural events of traditional leaders on issues of domestic violence including sexual offences.
- State what type of interventions and the impact
 - The project seeks to bridge the gap in service provision between urban and rural communities.
- List the public interventions conducted
 - Annual Official Opening of the NHTL
 - ✓ Debate of the President's speech
 - ✓ Provincial Houses of Traditional Leaders
 - Public awareness/Imbizos on Domestic violence against women and children and dignity support awareness in collaboration with the NPA, SAPS, DoJ and Social Development were conducted in the following provinces:
 - Free State in Frede
 - Gauteng in Sokhulu
 - Mpumalanga in Ndabezitha, Kwa-Mhlanga
 - Limpopo in Mohodi-ga-Mantaha Traditional Council
 - ✓ Imbuba Ya Makhosikazi, an organisation of Traditional Leaders in the Eastern Cape has been involved in public education and awareness on issues of domestic violence and sexual offences.

- In the Free State, the Princess Gabo Foundation has also actively participated in ensuring that the public is educated about gender based violence issues.
- Challenges
 - Inadequate resources

6. NRSO - only the following departments must report:

- DOH
- SAPS
- · DCS

7. Research Interventions:

- State the research interventions undertaken by your department during the reporting period
 - ✓ No research interventions were conducted within the NHTL or the Department
- State the goals, achievements, finds and recommendations

8. Law and Policy Development:

- State any legal legislative or policy development done by your department during the reporting period
 - The Department developed a Sexual Harassment policy

9. Limitations, Possible Interventions and Conclusion:

 Provide/ give summary of the interventions and how your department seeks to resolve them.

Limitations:

- Inadequate human resources to deal with employee health and wellness management within the Department.
- Inadequate visibility of law enforcement authorities (e.g SAPS) in rural areas
- Inadequate place of safety and rehabilitation centres in rural areas

Possible Interventions

- Capacitation of the employee health and wellness management unit
- Department and NHTL to establish and form collaboration with SAPS, Social Development and other NGO's

SIGNED OFF:

DIRECTOR-GENERAL

DATE: 22/08/2018