

# Monitoring the 2007 Sexual Offences Act



Findings from the Shukumisa Campaign conducted during the 16 Days of Activism, 2010.

# History of the Campaign

- In 2004 some 26 organisations around South Africa formed the National Working Group on Sexual Offences to advocate around the Sexual Offences Bill being discussed in parliament.
- After the Bill became an Act in 2007, the Working Group started the Shukumisa Campaign to monitor the implementation of the new Criminal Law (Sexual Offences) Amendment Act 32 of 2007 (SOA)

# Purpose of the Campaign

- To track the translation of this policy and law into practice;
- develop a network nationally of organisations able to evaluate services at local level; and
- take action to address barriers to service.

# What was monitored and where?

- Convenience sample of 70 police stations, 31 courts, 11 hospitals
- Four provinces: Gauteng, Western Cape, Limpopo and KwaZulu-Natal
- Combination of observation and short structured interviews used to assess facilities against provisions in the SOA and related policies.

# SAPS Documentation

- 70 stations: Gauteng (21), Western Cape (27), Limpopo (16) and KwaZulu-Natal (6)
  - Only 32% of stations could produce all of the documentation stipulated by the National Instructions.
  - 51% had copies of the regulations and forms related to the SOA;
  - 54% had a list of organisations providing services to rape survivors;
  - 61% had a list of hospitals providing PEP to rape survivors.

# SAPS Specialised Services

- 63% of stations had access to specialist detectives;
- 60% of stations had a separate building operating as a VSC but others contained VECs housed within the main station building;
- 90% of stations had NGOs/CBOs/ volunteers available to support victims.
- Ability to deal with marginalised victims (Deaf, cognitively impaired, LGBTI) very limited.

# Courts

- 31 courts monitored across the four provinces: Gauteng (8), Western Cape (8), Limpopo (13) and KwaZulu-Natal (2).
  - 61% of courts had witness waiting rooms;
  - 78% of courts had CCTV facilities;
  - 48% of courts had a room/office for NGO use;
  - 59% courts had court preparation officers.

# Court Specialisation

- Only 11 of the 27 courts monitored were specialist Sexual Offences Courts.
- On average only two specialist sexual offences prosecutors were based at these courts.
- Only 19 courts had access to Intermediary services.

# Health Facilities

- 11 health facilities: Gauteng (5) and the Western Cape (6).
  - 10 provided PEP to survivors (the other referred survivors on to another facility).
  - All had access to psychosocial support and referral networks.
  - 3 Western Cape facilities conducted compulsory testing of the perpetrator on the same premises.

# Conclusions

- The incomplete and inconsistent implementation of law and policy creates barriers to services.
- Organisations can be equipped to monitor implementation of services at local level and take remedial action to address inadequate service provision.
- Monitoring can build relationships with criminal justice and health officials who were largely appreciative of the monitoring exercise.