** SEPTEMBER 2022**

**PREPARATORY NOTES FOR ENGAGEMENT WITH SAPS: REPORT BACK ON PROGRESS WITH REGARDS TO GENDER BASED VIOLENCE AND FEMICIDE MATTERS.**

1. **Introduction**

Briefing notes in preparation for Steering Committee ‘s engagement with South African Police Service (SAPS). The SAPS will give a report-back on progress made with implementing measures with regards to GBVF cases, as well as on interventions to conduct investigations that would lead to successful prosecutions and justice to survivors of crime.

1. **Notes on areas of engagements**

The engagement is expected to also focus on the following:

* 1. **Progress made with establishing victim-friendly rooms at all police stations**

SAPS is a first point of contact for survivors after an incident, and as such very crucial for SAPS to ensure that services provided are victim centric. One of the initiatives within SAPS established to ensure sensitivity to survivors at their most vulnerable, is introduction of victim friendly facilities. Victim friendly facilities within police stations are aimed at preventing secondary victimization of survivors while protecting their dignity and rights. Victim-friendly rooms(VFR) allow victims especially of gender based violence and sexual offences to make their statements in private and safe environment. VFRs are to be adequately equipped to provide privacy, safe and comfortable environment for all survivors, including adequate human resources not only for VFR but also for the Family Violence, Child Protection and Sexual Offences (FCS) Units.

* + 1. **Suggested point of clarity**
* Whether SAPS officials in Victim Friendly Rooms are able to cater for all survivors especially for those living with disabilities, for example, use of sign language for those survivors with hearing challenges.
  1. **Progress made with ensuring adequate supply of rape-kits to all police station**.

When the Emergency Response Action Plan (ERAP) of Gender Based Violence and Femicide was introduced to be implemented from October 2019 –March 2020, various key interventions were put forward. One of the key interventions put forward was that of ensuring availability of evidence-collection kits, including rape and buccal sampling kits to speedily advance GBVF cases to courts.

* + 1. **Suggested point of clarity**
* On the presentation, there is a mention of outstanding kits not yet delivered. Whether the SAPS has managed to identify causes of such delays of delivery of outstanding rape kits, the impact thereof, and measures in place to address this.
  1. **Progress made with the training of personnel, particularly in terms of their capacity to adequately deal with GBVF cases**

The National Strategic Plan on GBVF has cited the training of personnel within the criminal justice system as a crucial key activity that will assist in improving access to justice, and contribute towards ensuring provision of victim friendly services.

* + 1. **Suggested point of clarity**
* In addition to access to training, whether SAPS has plan in place to ensure access to continuous debriefing sessions for all officials dealing with GBVF.
  1. P**rogress made with eliminating DNA backlogs, and to interventions to ensure that forensic science laboratories can keep pace with testing demands**

The capacity of the criminal justice system to be able to effectively facilitate justice for victims and survivors also depends on clearing and expediting DNA backlogs. Clearing backlog of all GBVF and sexual offenses DNA samples, and setting up of forensic science laboratories for DNA testing in other rural provinces, was another key intervention stated in ERAP.

* + 1. **Suggested points of clarity**
* Whether current progress attained in addressing DNA backlogs has led to a significant decrease in cases that were waiting for DNA results.
* Current progress in establishing forensic science laboratories in other provinces.
  1. **Update on the SAPS interventions to ensure the successful implementation of the Criminal Law (Forensic Procedures) Amendment Act 37 of 2013.**

The Criminal Law (Forensic Procedures) Amendment Act 37 of 2013, herein referred after as, Forensic Act, was promulgated on 27 January 2014, and, came into operation in 31 January 2015. This Act conferred certain responsibilities for the SAPS which include the following:

* Establishment, administration and maintenance of National Forensic DNA Database of South Africa(NFDD) to keep DNA profiles of certain groups of people for purposes of Forensic DNA Analysis.
* Compulsory buccal and bodily sampling of people accused of committing schedule 08 offences.

Forensic DNA Analysis is aimed at reinforcing efforts to curb crime by providing crime fighting agencies with an ability to prove the innocence or guilty of accused persons, as well as track, trace and link reoffenders to future crimes, and/or past unsolved cases.

Section 2 of Forensic Act also mandates the SAPS with the responsibility of compulsory taking of buccal and bodily samples from certain persons accused of committing serious offences (Schedule 8). Schedule 08 offences include murder, culpable homicide, rape, sexual assault, sexual offences against children, assault when a dangerous wound is inflicted etc. The compulsory taking of buccal and bodily samples of persons accused of committing schedule 08 offences, is as follows:

* After arrest before first appearance in court.
* Those released on bail if sampling was not done upon arrest.
* Those summoned to appear in court in relation to a schedule 8 offence.
* Those whose names appear on the National register for Sex Offenders.

Section 2 of Forensic Procedures Act of 2013 was amending section 36 of the Criminal Procedure of 1977 by inserting section 36D (1). When the Forensic Act came into operation in January 2015, not all sections of the amendments came into operation. Section 36D (1) only came into operation on 31 January 2022. This therefore means that as from February 2022, SAPS is compelled to fully implement provisions of section 36D (1) of the Criminal Procedure Act,1977(compulsory taking of buccal and bodily samples of all persons accused of committing schedule 08 offenses, as mentioned above).

* + 1. **Suggested points of clarity**
* Whether SAPS has managed to fully resource and equip all police stations through provision of training (on legislation and taking of DNA samples), as well as through availability of sampling kits to ensure compulsory DNA sampling for all those accused and or suspected of committing schedule 8 offenses.
* Processes in place within SAPS to deal with non- compliance to the provisions of Forensic Act.
* The capacity of the Forensic Science Laboratories to speedily process DNA sampling.
* Progress in operation and population of the NFDD.