



NOVEMBER 2022

**PREPARATORY NOTES FOR ENGAGEMENT WITH SAPS: REPORT BACK ON
PROGRESS WITH REGARDS TO GENDER BASED VIOLENCE AND FEMICIDE
MATTERS. MULTI-PARTY WOMEN'S CAUCUS**

1. Introduction

The SAPS was requested to brief the Multi-Party Women's Caucus on progress made with implementation of various and relevant measures with regards to gender based violence and femicide cases.

2. Focus areas

SAPS is expected to provide progress on the following focus areas:

2.1 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, by SAPS to ensure sensitivity to survivors at their most vulnerable, is introduction of victim friendly facilities. Victim friendly facilities are dedicated rooms within police stations, aimed at providing victim centric support services to survivors while reporting incidents, towards prevention of secondary victimization while protecting dignity and rights of survivors. Victim-friendly rooms(VFR) allow victims especially of gender based violence and sexual offences to make their statements in a private and safe environment.

VFRs are to be adequately equipped and resourced to provide privacy, safe and comfortable environment for all survivors. SAPS is assisted by various stakeholders, including government departments and Non-Governmental organisations(NGO) in rendering support services at VFRs.

2.1.1 Suggested points of clarity

- Whether currently 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, and access by those living with physical disabilities.
- Whether there are any vetting processes in place for staff members provided by NGOs to ensure that they are fit and proper to assist in VFRs.
- Whether staff members provided by NGOs are offered any training and/or able to access any relevant training provided by SAPS, including debriefing sessions. (Due to lack of funding many local level NGOs may not be able to provide their staff members with relevant and updated training).
- Whether there are any current challenges experienced by SAPS in rendering victim friendly services in police stations:
 - such as availability of appropriate waiting rooms if there is more than one person at a police station reporting an incident,
 - availability of appropriate transport (unmarked vehicles) for survivors when being referred to another service provider.
- Whether there is adequate cooperation with other stakeholders, especially government departments who are also expected to provide victim empowerment programs.
- Whether staff members from other departments and NGO's are able to be available to offer support services after hours in VFRs, if not what arrangements are in place to ensure that victims attended after hours are able to access appropriate support services.

2.2 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.

2.2.1 Suggested points of clarity

- The presentation refers to Demand, Requisition Received and Issued per Province(slide15). Why is it, that the figures for Demand are not the same with Requisition Received, and in some Provinces Requisition Received is not the same as Issued.
- Whether suppliers of these kits are able to meet the demand.
- Whether are there any women owned businesses who are registered suppliers of the kits, and if not, what measures are in place within SAPS to ensure that women owned businesses are capacitated to be able to be suppliers of these kits.

2.3 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.

2.3.1 Suggested points 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 cases.
- Whether there are any means in place to determine the impact of the training provided in addressing insensitivity and competence of police officials in dealing with survivors of GBVF (whether training provided is theoretical or practical).
- Plans in place to train SAPS officials in sign language.
- Whether there are any plans in place to train SAPS officials in GBVF legislative frameworks (including recently assented GBVF laws).

2.4 Progress 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 of 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.

2.4.1 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.
- Whether the SAPS will be able to meet its deadline in addressing DNA backlogs.

2.4 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:

- 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).

2.4.1 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.