



“If we are here in solidarity, with this beauty of unity, in our pain, we have to pledge to do something to make this country of ours a country which is safe”

GRAÇA MACHEL

INTER-DEPARTMENTAL

ANNUAL REPORT 2022-2023

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



Department of Justice and Constitutional Development
Department of Correctional Services
National Prosecuting Authority
Department of Social Development
South African Police Services
Department of Health
Department of Basic Education
Department of Higher Education and Training
Legal Aid South Africa
Department of Traditional Affairs



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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

Official Sign-Off

It is hereby certified that this Annual Report has been developed by the Department of Justice and Constitutional Development for submission to Parliament 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 realising the goals of the Act within the mandate of the Department of Justice and Constitutional Development during the 2022/2023 financial year.

Adv. Praise Kambula

Signature:



Chief Director: Promotion of the Rights of Vulnerable Groups

Mr Rodney Isaac

Acting Deputy Director General: Court Services

Signature:



Approved by:

Adv. Doctor Mashabane

Director-General Department of Justice and Constitutional Development

Signature:



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LIST OF ACRONYMS

CCTV	Closed-Circuit Television
DCS	Department of Correctional Services
DG	Director- General
DG-ISC SO	Directors-General Intersectoral Committee for the Management of Sexual Offences Matters
DHET	Department of Higher Education, Science and Technology
DoH	Department of Health
DSD	Department of Social Development
DWYPD	Department of Women, Youth and Persons with Disabilities
GBVF	Gender-based Violence and Femicide
ICMS	Integrated Case Management System
Legal Aid SA	Legal Aid South Africa
LGBTQIA+	Lesbians, Gays, Bisexual, Transgender, Queer, Intersex, Asexual Plus
NT ISC-SO	National Technical Intersectoral Committee on the Management of Sexual Offences Matters
NPA	National Prosecuting Authority
NTT	National Task Team
NSP	National Strategic Plan
NRSO	National Register for Sex Offenders
PEC	Public Education and Communications
PRVG	Promotion of the Rights of Vulnerable Groups
RCP	Regional Court President
RRT	Rapid Response Team
SAPS	South African Police Service
SOC	Sexual Offences Court

EXECUTIVE SUMMARY

The ramifications of the COVID-19 pandemic left South Africa with deep socio-economic erosions and other social ailments, which made many communities more vulnerable to crime. Amid this devastating period, the Department of Justice and Constitutional Development continued to make strides towards realising the aspirations of the Presidential Summit Declaration against Gender-based Violence and Femicide and its National Strategic Plan (NSP). As one of the NSP achievements is the operationalisation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act No 13 of 2021) since 31 July 2022. This Act seeks to respond to the demands made by the #TheTotalShutDown Movement regarding the limited scope of protection afforded to survivors of sexual offences by the National Register for Sex Offenders (NRSO). With effect from 31 July 2022, the NRSO affords protection to a larger spectrum of survivors who are classified by the Act as the vulnerable persons.

Likewise, the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021) became operational with effect from 5 August 2022. This Act introduces stricter measures on bail provisions and tougher sentences in cases of gang rape, serial rape, date rape, marital rape and any sexual offences perpetrated within domestic relationships. With the current surge in rape and statutory rape cases, this Act is expected to accede to the public call for harsher sentences against convicted sex offenders, particularly in cases involving child victims.

Compared to the previous financial year, our courts registered a 50.04% increase of new sexual offences. It is assumed that the increased social ailments might have contributed in this surge to a certain extent. As in the previous financial years, rape charges were the highest at 71% of all reported new sex crimes followed by statutory sexual assault at 12.1% and then statutory rape at 3.2%.

From the Annual Action Plan of the GBVF National Strategic Plan, the Department achieved all planned activities, except for one activity which required the roll out of the Phase 1 of the online solution for applications for domestic violence protection orders. This activity was partially achieved mainly because the solution could not be rolled out as the Domestic Violence Amendment Act, 2021 was not yet operational.

Pursuant to the end of COVID-19 lockdown restrictions, the Department further increased its visibility in communities as it implemented the 365 Days Campaign against GBVF. Exhibitions, service fairs, schools campaign and community imbizos were held in all provinces, particularly in townships and rural communities with high figures of sexual violence. Different formations and communities were sensitised of the latest 3 GBV Amendment Acts and other relevant legal developments. The various social media platforms, media houses and webinars continued to add value to the Department's interventions of reaching out to the general public.

The Department further responded to the call made by the civil society organisations to increase tariffs payable to *ad hoc* intermediaries. With effect from 15 February 2022, new marketable tariffs were introduced. The Criminal and Related Matters Amendment Act, 2021 further increased the scope of intermediary services to cover civil proceedings and older persons. Further salient progressive achievements and challenges are discussed in this report.

The Intersectoral Committee on the Management of Sexual Offences Matters adopted this Report 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 Department of Justice and Constitutional Development
dedicates this Annual Report to the late*



Marietjie Bothma

The Justice Women's Conqueror against Gender-based Violence and Femicide

A voice for the voiceless,
Multi-lingual, multi-talented, brave, artistic, and self-taught,
A voice of hope to the broken, because she survived and conquered the brutality of abuse;
Her voice still lingers to free the entangled,
A trumpet warring against gendered violence and killings,
She will always be remembered by Justice Women,
Our GBV Conqueror,
Now Gone,
Gone too soon...

CHAPTER 1: LEGAL FRAMEWORK ON SEXUAL OFFENCES



1.1. INTRODUCTION

His Excellency President Matamela Cyril Ramaphosa, the President of the Republic of South Africa, and the Minister of Justice and Correctional Services, the Honourable Ronald Lamola (MP), co-signed into operation the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act of 2021 (Act No 13 of 2021) with effect from 31 July 2022. This Act primarily amends Chapter 6 dealing with the management of the National Register for Sex Offenders (NRSO). Among the 24 Demands of #TheTotalShutDown Movement was the extension of the scope of protection afforded by the NRSO. As a result, this Act requires, inter alia, that all convicted sex offenders be registered, irrespective of the age and the mental status of the survivor. It further increases the spectrum of survivors to whom the registered sex offenders are restricted direct access at their workplaces. These include women below the age of 25 years who receive tuition at tertiary institutions, older persons who receive community-based care and support services other than from a family member, and persons with certain disabilities, who are also cared for in the similar manner. Previously, this protection was afforded to survivors of sex crimes who are children and persons with mental disabilities. Chapter 6 of this Report expounds more on this subject. The Constitution Decried by Gender Activists

1.1.1. The Constitution Decried by Gender Activists

All persons living in South Africa, including the direct and indirect victims of gender-based violence and femicide, have the constitutional rights to human dignity, equality, life, freedom and security of the person, privacy, and the right to be free from slavery, servitude and forced labour, etc. It is therefore the responsibility of government and the criminal justice system, in particular, to safeguard these rights and ensure that they are known, exercised and lived by the victims of crime.

The gender activists and the general public continue to blame courts for leaning in favour of the perpetrators of GBVF when considering bail applications. At the GBVF Presidential Summit 2 of 2022, the civil society decried the country's legal framework and the criminal justice system for not effectively correcting this issue. The fact that Parliament has recently introduced the



Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021), which made certain changes in the bail provisions of the Criminal Procedure Act, 1977 in favour of a crime victim who is in a domestic relationship with the applicant for bail has not diffused the public deprecation against the imbalanced legal treatment of accused persons and crime victims at the courtroom. Section 35 of the Constitution entrenches a set of rights exclusively for the enjoyment of the arrested, detained and accused persons¹ but is mum on the rights dedicated to the victims of crime. The gender activists consider this matter as a glaring lacuna in the Bill of Rights, which continues to expose the victim of crime to potential injustice and unfairness when participating in the criminal justice system. It is perceived as unconstitutional in the sense that it clashes with the spirit of equality underpinned by section 9 of the Constitution, which states that:

- (1) *'Everyone is equal before the law and has the right to equal protection and benefit of the law.'*
- (2) *'Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.'*

Some of the civil society organisations therefore urge Parliament to consider correcting this imbalance by amending section 35 of the Constitution to include rights dedicated to crime victims so as to safeguard the right of all persons to equal protection and benefit of the law².

1 Section 35 of the Constitution

2 Section 9 of the Constitution

1.2. INTERNATIONAL AND DOMESTIC LEGAL FRAMEWORK

Towards ending sexual violence, South Africa has ratified the following protocols and passed the following relevant domestic legislation: 1.3.1. UN and AU Obligations and Domestic Legislation

1.3. UN AND AU OBLIGATIONS AND DOMESTIC LEGISLATION



UNITED NATIONS



AFRICAN UNION

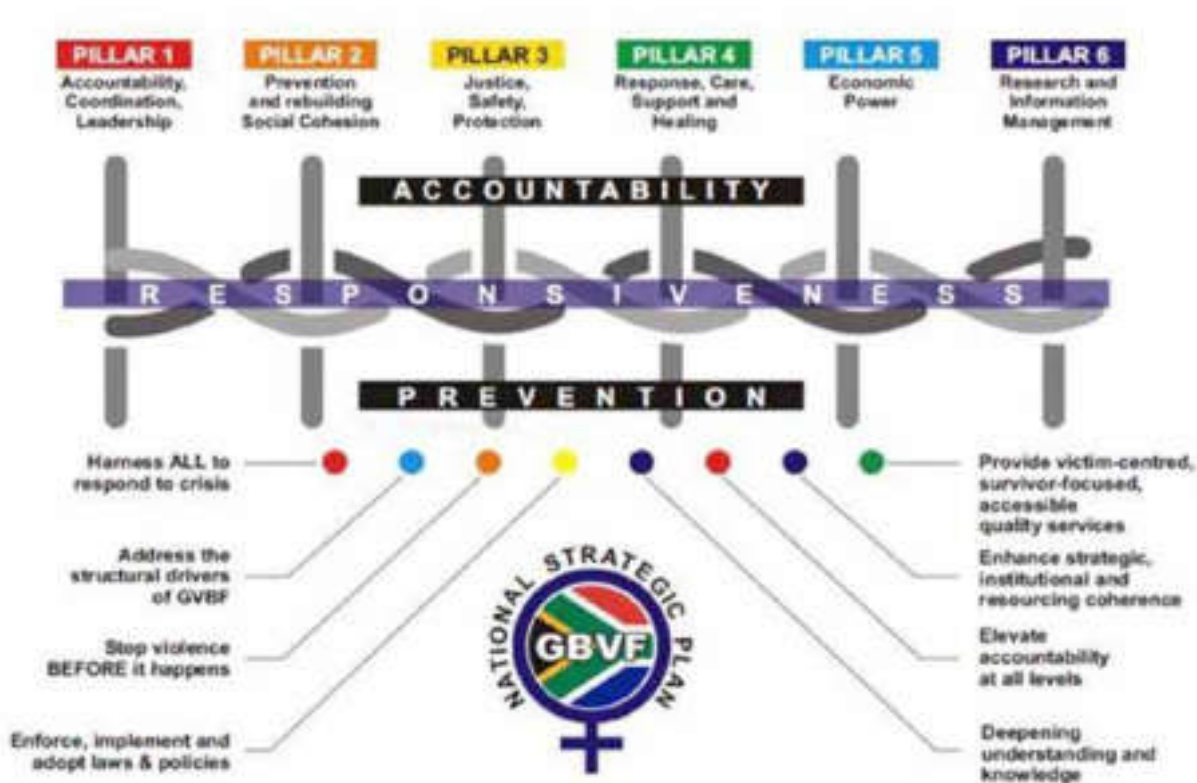


DOMESTIC LEGISLATION

<ul style="list-style-type: none"> • Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 • Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 • Beijing Declaration and Platform for Action, 1995 • Convention on the Rights of Persons with Disabilities, 2007 • Principles for Older Persons adopted by the United Nations, adopted by General Assembly (Resolution 46/91) on 16 December 1991 	<ul style="list-style-type: none"> • Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003 • Solemn Declaration on Gender Equality in Africa (AU Assembly), 2004 • The African Union Gender Policy, 2009 • The African Union Fund for African Women, 2010 • The African Union, Agenda 2063 	<ul style="list-style-type: none"> • The Constitution • Criminal Procedure Act, 1977 (Act 51 of 1977) • South African Schools Act, 1996 (Act 84 of 1996) • South African Council for Educators, 2000 (Act 31 of 2000) • Domestic Violence Act, 1998 (Act 116 of 1998) • Children's Act, 2005 (Act 38 of 2005) • Older Persons Act, 2006 (Act 13 of 2006) • Protection from Harassment Act, 2011 (Act 17 of 2011) • Prevention and Combating of Trafficking in Persons, 2013 (Act 7 of 2013)
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1.4. THE PRESIDENTIAL SUMMIT DECLARATION AGAINST GENDER-BASED VIOLENCE AND FEMICIDE (GBVF) OF 2019 AND ITS NATIONAL STRATEGIC PLAN TO END GBVF (2020-2030)

The Department leads the national implementation of Pillar 3 of the GBVF National Strategic Plan (NSP): *Justice, Safety and Protection* founded on the Presidential Summit Declaration against Gender-based Violence and Femicide of 2019. During this reporting period, the NSP Pillar 3 Collaborative took the responsibility to ensure the readiness of government and the country in the implementation of the 3 GBV Amendment Acts. Pillar 3 is chaired by the Department and co-convened by the Legal Aid SA, National Prosecuting Authority and Rape Crisis, Cape Town. In Chapter 2 of this Report, the work done by this Pillar will be discussed.



CHAPTER 2: GOVERNANCE IN THE INTEGRATED IMPLEMENTATION OF THE ACT

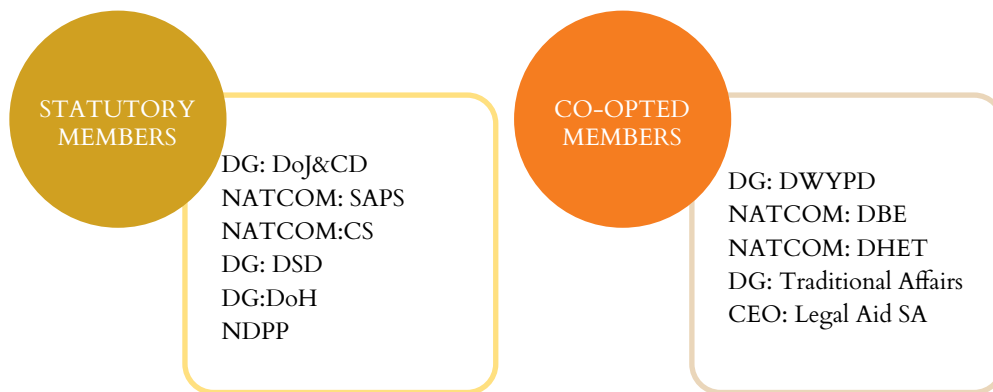


2.1. INTRODUCTION

In terms of section 63 of the Act, the Department is required to lead the multisectoral implementation of the Act so as to ensure the collective realisation of the ethos and values of the Constitution founded on human

dignity, equality and the advancement of human rights and freedoms. As a result of this responsibility, the Department has established the following governance structures at national and provincial levels:

2.2. THE DIRECTORS-GENERAL INTERSECTORAL COMMITTEE FOR THE MANAGEMENT OF SEXUAL OFFENCES MATTERS (THE DG ISC-SO)



Section 63 of the Act expressly lists government stakeholders who must be members of the Directors-General Intersectoral Committee on the Management of Sexual Offences Matters (DG ISC SO) as follows:

The Act expressly requires the accounting officers and heads of institutions to be members of the DG- ISC SO, mainly to make executive decisions relating to the integration of government programmatic interventions and resourcing. With the current economic decline, joint planning and resourcing have become extremely important, and it is the responsibility of the accounting officers and the institution heads to ensure that government pulls together towards the eradication of sexual violence and gender-based violence and femicide from this country.

Section 63 establishes the Director-General for Justice and Constitutional Development as the only chairperson of the DG ISC SO, and this places the responsibility on the Department to provide secretariat services. Section 63(3) of the Act further permits a member of this Committee to designate a senior official to attend meetings as an alternate. This provision has, over the years, been the preferred option by all members of the DG ISC SO; hence the 100% attendance to these meetings has been by proxies. The downside about this practice is that the chairperson is unable to take critical decisions with his peers.



Adv Doctor Mashabane, as the new chairperson of the DG ISC SO, considered the use of proxies as a disadvantage that must be addressed either by the amendment of section 63 to exclude the use of proxies or a resolution made by the DGs and heads to attend regularly. Since section 64 of the Act requires this Committee to meet at least *twice* a year, it is therefore anticipated it may be feasible for the committee members to select at least 2 meeting dates from their annual diaries. The chairperson is determined to resolve this matter. This structure is extremely critical in giving oversight to government's interventions against scourging sexual violence. It is further expected to oversee the implementation of relevant articles of the Presidential Summit Declaration against GBVF and the SONA commitments relating to its mandate.

The DG ISC SO receives technical support from the National Technical Committee on the Management of Sexual Offences Matters (NT ISC SO), and reports to the Minister. During this reporting period, the

Committee met virtually two (2) times in a joint sitting with the Directors- General Intersectoral Committee on Child Justice (DG ISCCJ), and made the following resolutions:

Table 1: Deliverables by the DG ISC SO: 2022/23

Date	Deliverables and Resolutions
6 July 2022	<p>It was resolved THAT:</p> <ul style="list-style-type: none"> • Proxies must NOT be used as the mandate of this Committee forms part of GBVF, which has reached the epidemic level, as declared by the President. Furthermore, this Committee has indicators in the GBVF National Strategic Plan (NSP) which overlap with its mandate. • The secretariat must invite to meetings a technical person for each Committee member to execute resolutions taken by the Committee; • The Committee adopted a presentation on the statutory mandate of the Committee for the induction of new members; • Adopted a presentation made by the DG: DWYPD on the concept of the GBVF Presidential Summit 2. The presentation included estimated costing, and members were encouraged to contribute.
13 February 2022	<ul style="list-style-type: none"> • Members of the Committee must regularly attend meetings, as previously agreed. It is either Parliament is approached with a request to remove from the Act section 62 that establishes this committee or the Committee members commit to personally attend these meetings. • Adopted presentation done by the Registrar (DoJ&CD) on the readiness to implement the changes on the management of the National Register for Sex Offenders (NRSO) recently introduced by the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act No 13 of 2021), and resolved that progress on the NRSO vetting of government officials who work at environments that give them direct access to vulnerable persons must be the standing agenda item for monitoring purposes; • Adopted a presentation on the Resolutions taken at the GBVF Presidential Summit 2, and resolved that the NT ISC SO must develop a 3 year plan for the implementation of these resolutions, which the Committee will use to monitor government compliance in matters relating to its mandate; • Adopted the SAPS update on the progress on its DNA Reports Backlog Project with the NPA. The presentation showed that SAPS has finalised all outstanding reports. The Committee considered this report as a positive achievement in view of the concerns that raised by women of SA at the GBVF Presidential Summit 2 concerning the delays in the finalisation of the DNA reports by SAPS Forensic Science Laboratory. • A resolution was further taken that SAPS must upgrade the KZN laboratory to deal with the complete scope of DNA testing, particularly of sexual offences cases. KZN is one of the provinces with high sex offending rate. • NPA must provide progress report on cases for which DNA reports were received from SAPS Forensic Science Laboratory (FSL). <p>The Committee noted the following:</p> <ul style="list-style-type: none"> • The tabling of the 2021/2022 Sexual Offences Annual Reports in Parliament in compliance with s65 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007; • The issue of the <i>Government Notice No. 2419 dated August 2022: Determination of Persons, Category or Class of Persons Competent to be appointed as Intermediaries in Criminal Proceedings</i>; • The issue of the <i>Government Notice No. 2420 dated 26 August 2022 Determination of Persons, Category or Class of Persons Competent to be appointed as Intermediaries in Proceedings other than Criminal Proceedings</i>; • The submission to Parliament of the amended <i>Regulations for NRSO</i> in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) (as amended), and the publication thereof in <i>Government Gazette</i>.

Source: PRVG

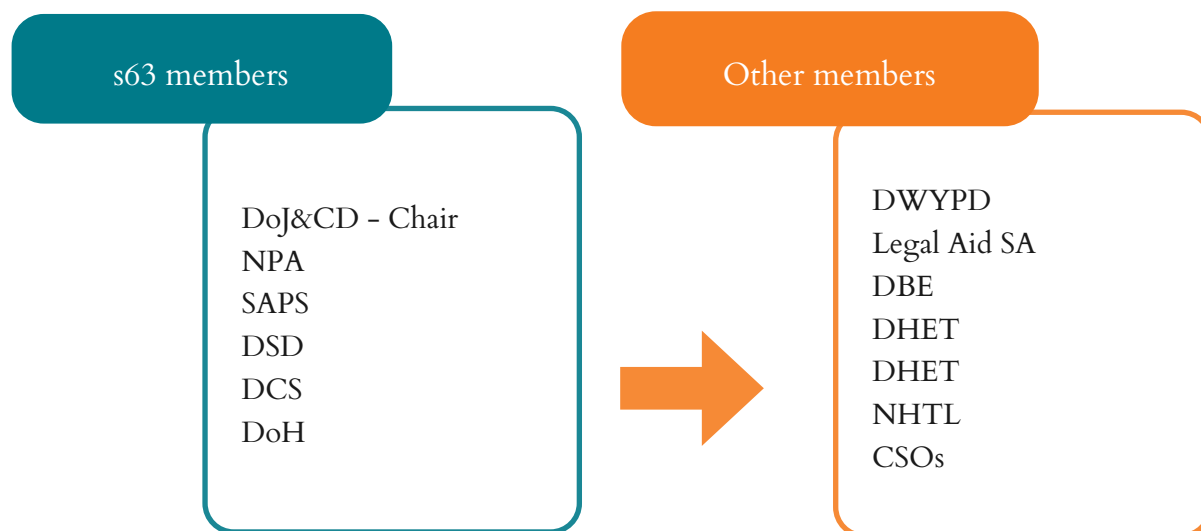
2.3. NATIONAL TECHNICAL INTERSECTORAL COMMITTEE FOR THE MANAGEMENT OF SEXUAL OFFENCES MATTERS (NT ISC-SO)

The National Technical Intersectoral Committee for the Management of Sexual Offences Matters (NT ISC-SO) serves as the technical arm of the DG ISC SO, and is therefore accountable to the DG ISC SO. The architecture of the NT ISC SO is similar, but slightly different to its mother body in the sense that it includes representations from civil society organisations and the chairpersons of the provincial committees. This is in line with the *Presidential Summit Declaration against Gender-based Violence and Femicide of 2019*, which

promotes the multisectoral intervention against GBVF. The Committee has also aligned its interventions to the National Strategic Plan on GBVF (2020– 2030).

All committees established in terms of this Act are chaired by DoJ&CD, as the lead Department in the multisectoral implementation of the Act.

The members of the NT ISC SO are as follows:



Unlike the DG ISC SO, the NT ISC SO meets six (6) times a year to monitor the national implementation of the Act. To ensure effective stakeholder collaboration, the Committee merged with the National Strategic Plan (NSP) Pillar 3 Collaborative in efforts intended to bring the country into a state of readiness for the implementation of the 3 GBV Amendment Acts,

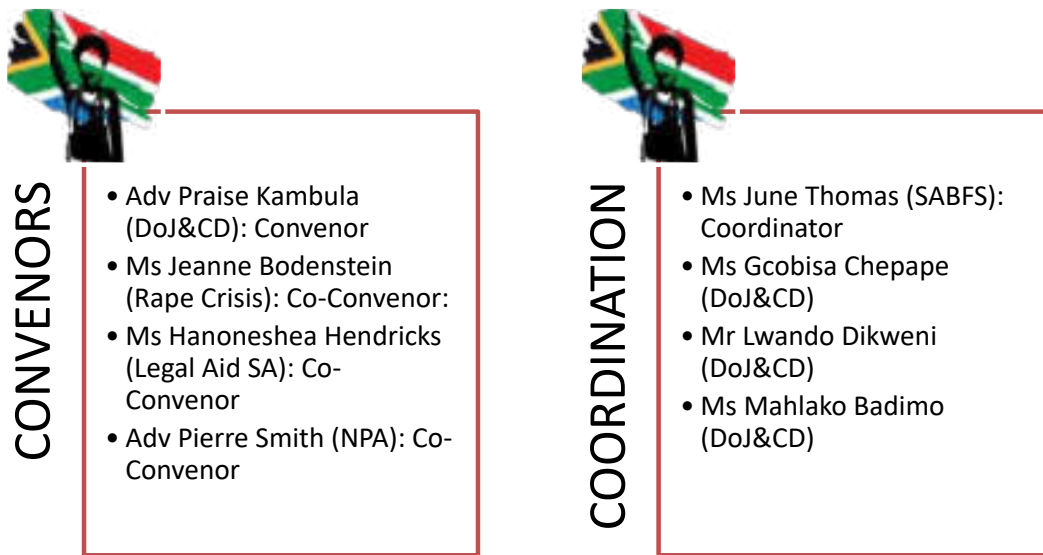
which include the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021). For this reason, certain committee meetings were jointly held with the NSP Pillar 3. During this reporting period, the Committee met alone six (6) times, and achieved the following deliverables:

Table 2: Resolutions and Deliverables by the NT ISC-SO: 2022/2023

Dates	Resolutions and Deliverables
<p>12 May 2022, 15 June 2022, 28 July 2022, 22 September 2022 7 February 2023, 30 March 2023</p>	<ul style="list-style-type: none"> • The Committee held 2 sessions with civil society organisations to consider the Draft Amended Regulations for NRSO in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) (as amended). The Regulations were adopted and a recommendation made for DoJ&CD to submit them to Parliament; • In collaboration with a Task Team established by NSP Pillar 3, the Committee endorsed the <i>Amended Determination of Persons, Category or Class of Persons Competent to be appointed as Intermediaries in Criminal Proceedings</i> for approval by the Minister of Justice and Correctional Services. On 26 August 2022, the DoJ&CD published this Determination in the <i>Gazette Notice</i> No. 2419; • The Committee further considered and adopted the new <i>Determination of Persons, Category or Class of Persons Competent to be appointed as Intermediaries in Proceedings other than Criminal Proceedings</i>, which was later published in the <i>Gazette Notice</i> No. 2420 dated 26 August 2022; • The Committee considered and adopted the new Intermediary Course developed by Justice College which has 2 modules: Basic Intermediary Training Module and Advanced Training Module. Both Modules are aligned to the changes introduced by the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021) and the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act No 13 of 2021). It was this Committee which requested Justice College to enhance the standard of its learning module for intermediaries; • The Committee adopted a list of 80 courts that DoJ&CD upgraded into Sexual Offences Courts. It was important to this Committee that there is equitable spread of these courts, particularly in areas highly infested with sexual violence; • The Committee considered and adopted periodical reports of statistics of Serial Rapists presented by SAPS Forensic Science Laboratory. The reports showed the successful implementation of the Criminal Law (Forensic Procedures) Amendment Act, 2013 (Act No 13 of 2013) in solving cold cases of sexual offences through DNA administration; • The Committee considered the quarterly reports of statistics of sexual offences registered at courts presented by DoJ&CD at every meeting. High spot communities were identified and the Provincial Chairs required to take interventions; • The Committee adopted the alignment of the NRSO Integrated Case Management System with the legal developments. The DoJ&CD has upgraded the electronic Register to make it SMARTER and more reliable; • The Committee adopted a presentation made by DoJ&CD of Table E of Annexure 2 of the Rules made by the Rules Board for Courts of Law under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985) and section 1 of the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021), which set tariffs payable to <i>ad hoc</i> intermediaries appearing at non-criminal proceedings. DoJ&CD was requested to increase tariffs payable to <i>ad hoc</i> intermediaries appearing at criminal proceedings so as to bring them at par with tariffs payable to civil <i>ad hoc</i> intermediaries. The DoJ&CD issued a national circular creating this parity with effect from 15 February 2023; • The Committee adopted the presentation of the Certificate of Competency to be Appointed as an Intermediary, which was later approved by the Minister of Justice and Correctional Services and published in the <i>Gazette</i>. • The Committee adopted a presentation by Legal Aid SA of the amended Legal Aid Regulations to align them with the Domestic Violence Amendment Act, 2021 (Act No 14 of 2021). Legal Aid services are now available to victims of domestic violence. Sexual abuse is one of the acts of domestic violence; • The Committee adopted a presentation made by the DoJ&CD to the effect that tariffs payable to intermediaries appearing at criminal proceedings have been increased from R150-00 per day to R1 200-00 per day in district court proceedings and R1 440-00 in regional and high courts. The Committee welcomed this increase with commendations. • The Committee further received a feedback from SAPS To the effect that amended National Instructions on Sexual Offences amended in line with the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021) were tabled in Parliament by the Minister of Police; • The Committee also considered and adopted the Departmental Annual Reports on Implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 submitted by the reporting government stakeholders for submission to Parliament by the Minister of Justice and Correctional Services, as required by section 56(3) of the Act.

2.4. NATIONAL STRATEGIC PLAN PILLAR 3: JUSTICE, SAFETY AND PROTECTION COLLABORATIVE

The NSP Pillar 3 Collaborative is a multisectoral committee that has representation from government and civil society stakeholders. It has a membership capacity of about 40 persons, and its structure is as follows:



The mandate of the NSP Pillar 3 Collaborative is to monitor the implementation of Pillar 3 interventions and to submit monthly reports to the Presidency via the Department of Women, Youth and Persons with Disabilities (DWYPD). It meets every six (6) weeks

to monitor progress. During this reporting period, the NSP Pillar 3 Collaborative had the responsibility to bring the country into a state of readiness for the implementation of the 3 GBV Amendment Acts, which are:



The NSP Pillar 3 Collaborative established the following eight (8) Task Teams to implement a *Project for Readiness in the Implementation of the 3 GBV Amendment Acts*.

2.5.1 WAR ROOM TASK TEAMS FOR THE READINESS OF THE 3 GBV AMENDMENT ACTS



All Task Teams were established according to skills and experience, and each had the representation of the government and civil society. The deliverables of the Task Teams are listed below:

2.5.2 THE ACHIEVEMENTS OF THE READINESS PROJECT: 2022/2023

During this reporting time, the NSP Pillar 3 Collaborative met ten (10) times, and this excludes the collateral working sessions held by the various eight (8) War Room Task Teams. The achievements made by the NSP Pillar 3 and its Task Teams are as follows:

Table 3: NSP Pillar 3 Achievements: 2022/2023 Financial Year

Dates of meetings	Task Team	Achievements
13 April 2022 10 May 2022 1 June 2022 23 June 2022 6 July 2022 24 August 2022 14 September 2022 5 October 2022 30 January 2023	Regulations, National Instructions and Directives	<ul style="list-style-type: none"> Considered and adopted the <i>Amended Regulations for the NRSO</i>. On 19 July 2022, the Minister of Justice and Correctional Services approved and submitted them to Parliament, as required by the Act. Considered and adopted the <i>Domestic Violence Regulations of 2022</i>, which were later approved and submitted to Parliament by the Minister of Justice and Correctional Services on 24 Jan 23; Adopted the <i>Directives for Clerks of the Court</i>, which were later submitted to Parliament on 24 January 23 by the Minister of Justice and Correctional Services; Adopted <i>Tariff for Communication Service Providers</i> submitted to Parliament on 24 January 23 by the Minister of Justice and Correctional Services; Adopted the <i>Amended Legal Aid Regulations</i>, which were later tabled in Parliament; Adopted the <i>Amended National Instructions for Sexual Offences</i>, which were later submitted to Parliament by the Minister of Police. <p>All stakeholders were requested to amend these documents in line with the 3 GBV Amendment Acts, and this Task Team was tasked with the monitoring of the process.</p>
	Charge Sheet Annexures Amendment	<ul style="list-style-type: none"> In June 2022, the NPA finalised the alignment of the Charge Sheet Annexures with the 3 GBV Amendment Acts and handed this work over to DoJ&CD; DoJ&CD aligned the Integrated Case Management System with the new and revised charges formulated by the NPA.

Dates of meetings	Task Team	Achievements
	Intermediary Services	<ul style="list-style-type: none"> The Task Team considered and adopted the <i>Determination of Persons or Categories or Class of Persons who are Competent to be Appointed as Intermediaries in criminal proceedings: Criminal Procedure Act of 1977</i>, which was amended by DoJ&CD. The Minister of Justice and Correctional Services approved and tabled this Determination in Parliament. It was later published in <i>Gazette</i> No R. 2418 dated 26 August 2023; Adopted the <i>Determination of Persons or Categories or Class of Persons who are Competent to be Appointed as Intermediaries in non-Criminal Proceedings: Superior Courts Act, 2013</i>, which was developed by DoJ&CD, and later tabled in Parliament. Adopted a Certificate of Competency to be Appointed as an Intermediary, which courts must issue to competent intermediaries, and this Certificate was published in <i>Gazette</i> No R. 2024 dated 26 August 2023; The Rules Board for Courts of Law developed Table E of Annexure 2 of the Rules under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985) and section 1 of the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021) to set tariffs payable to <i>ad hoc</i> intermediaries appearing at non-criminal proceedings. The Tariffs were tabled in Parliament and published in a <i>Gazette</i>; Adopted the increased tariffs of Intermediaries appearing at criminal proceedings from R150.00 per day to R1 200.00 per day in district courts and R1 440.00 per day in Regional and High Courts, done by the DoJ&CD with effect from 15 February 2023.
	Skills Development and Training	<ul style="list-style-type: none"> Justice College (DoJ&CD) amended the training material for sexual offences and domestic violence in line with the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act No 13 of 2021) and the Domestic Violence Amendment Act, 2021 (Act No 14 of 2021) and Regulations, and trained clerks of the court. The Report by Justice College was adopted by this Task Team. The South African Judicial Education Institution (SAJEI) amended the training products for the lower court magistrates and delivered training. The regional magistrates were trained by the Regional Court President Forum; The Justice College developed 2 sets of Modules for the Intermediary Course: (i) Basic Intermediary Module and (ii) Advanced Intermediary Module, and delivered training for intermediaries, including <i>ad hoc</i> intermediaries. By the end of the 2022/23 financial year, other government stakeholders were still aligning their learning products with the 3 GBV Amendment Acts. DoJ&CD conducted 33 training webinars on the NRSO amendments; 30 webinars were conducted on the 3 GBV Amendment Acts by this Task Team, working closely with DoJ&CD. The webinars were facilitated by experts drawn from the judiciary, government and civil society organisations.

Dates of meetings	Task Team	Achievements
	Systems Upgrading and Development	<ul style="list-style-type: none"> The DoJ&CD developed Phase 1 of the Online Portal for Domestic Violence Protection Orders, which permits survivors, functionaries and other 3rd party applicants to apply for protection orders remotely. Phase 1 entails the provision of both administrative and judicial functions in the processing of protection orders. The DoJ&CD aligned the Integrated Case Management System (ICMS): Criminal with the 3 GBV Amendment Acts; The DoJ&CD ICMS: NRSO was aligned with the changes introduced by the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021. Additional functions were included to make this Register smarter; The DoJ&CD introduced SMS Notification to keep applicants of the NRSO abreast of the developments with their applications. All these solutions were adopted by this Task Team, and some by the general NSP Pillar 3 Collaborative.
	Parole Proceedings	<ul style="list-style-type: none"> No deliverable by DCS, but they presented an existing policy framework, which is slightly in line with the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021). DSD is expected to align this Policy with this Act, and this task may be finalised in the next financial year.
	Media and Public Communication and Education	<ul style="list-style-type: none"> The DoJ&CD developed a Media and Communication Plan and partly implemented it. The programme is ongoing.
	Costing of the 3 GBV Amendment Acts	<ul style="list-style-type: none"> The DoJ&CD, working with Rape Crisis, CPT, finalised the costing of the 3 Amendment Acts, but some of the key stakeholders failed to provide their cost drivers. Nevertheless, the process had to be finalised.

2.6 CHALLENGES

Post COVID-19 pandemic, all committees continued to meet virtually due to many advantages derived from virtual gatherings. The common challenges experienced by the different governance structures were:

- Loadshedding schedules which clashed with meeting schedules;
- Infrequent attendance of members;
- Non-commitment from other government stakeholders;
- Delayed achievement of tasks by some members;
- Members who have no mandate to make decisions;
- Inappropriate nominations of officials who lack the requisite subject-matter expertise and experience;
- Lack of cooperation by some of the government Departments, particularly in the costing project, etc.

Despite these challenges, all War Room Task Teams made great strides to achieve, as planned for 2022/23 financial year. We give our gratitude to *Mr Lwando Dikweni and Ms Mahlako Badimo*, our secretariat, for their resilience and zeal to make it happen beyond all odds.



CHAPTER 3: PHYSICAL AND HUMAN RESOURCES



3.1. INTRODUCTION



Article 13 of the Presidential Summit Declaration against Gender-based Violence and Femicide of 2019: ‘All services offered to survivors of gender-based violence are free from secondary victimization.’ This is to ensure that there is increased reporting and court-user participation, as well as zero attrition in cases of GBVF.

In line with this article, the Department is constantly growing the package of court-based support services so as to create a justice system that is supportive, caring and responsive to the needs of the survivors of sexual offences. In support of the Declaration, Parliament has also shown its commitment in realising the aspirations of the Presidential Declaration by passing legislation that promotes a victim-centric justice system³.

3.2 THE SECTION 55A SEXUAL OFFENCES COURTS

During this reporting period, the Department upgraded 83 courts into section 55A sexual offences courts in line with the *Regulations relating Sexual Offences Courts*. On 31 October 2022, the *Regulations Gazette* No 11504 was issued to designate courts for the regional divisions where the 83 sexual offences courts were established. This was an over-achievement of the Departmental APP indicator, which set an annual target of 80 sexual offences courts (SOCs). This performance also translated into an over-achievement of the GBVF NSP Pillar 3 annual indicator target of 15 courts. It is also the fulfilment of a SONA commitment in addressing the scourge of sexual violence in the country, as one of the political priorities. The following is the list of the SOCs established:

Table 4: List of Sexual Offences Courts

Province	Designated Regional Court where the SOCs are established	Sexual Offences Courts (SOCs)	TCCs serving the Sexual Offences Courts
Eastern Cape	Eastern Cape	Bityi	Grey, King Williams Town
		Butterworth	Cecilia Makhiwane, Mdantsane
		Dimbaza	Dora Nginza in Gqebera
		East London	Additional TCCs: Maratiele, Bizana, Cradock, Komani, Mthatha, Lusikisiki, Libode
		Mthatha	
		Port-Elizabeth	
		6 SOCs	

3 The 3 GBV Amendment Acts

Province	Designated Regional Court where the SOCs are established	Sexual Offences Courts (SOCs)	TCCs serving the Sexual Offences Courts
Free State	Free State	Bethlehem	Bethlehem
		Bloemfontein	Bloemfontein
		Botshabelo	Additional: Sasolburg, Welkom, Bongani, Bethlehem
		Brandfort	
		Ficksburg	
		Harrismith	
		Koffiefontein	
		Kroonstad	
		Ladybrand	
		Parys	
		Phuthaditjhaba	
		Thaba’Nchu	
		Welkom	
		Wepener	
		Zastron	
		15 SOCs	
Gauteng	Gauteng	Benoni	Mamelodi
		Booyens	Vosloorus, Tembisa, Soweto, Lenasia, Vereeniging, Laudium
		Kagiso	
		Krugersdorp	
		Palm Ridge	
		Pretoria	
		Pretoria North	
		Randfontein	
		Roodepoort	
		Tembisa	
		Tsakane	
		Vereeniging	

Province	Designated Regional Court where the SOCs are established	Sexual Offences Courts (SOCs)	TCCs serving the Sexual Offences Courts
KwaZulu- Natal	KwaZulu-Natal	Durban	RK Khan
		Umlazi	Umlazi
		Empangeni	Ngwelezani
		Madadeni	Madadeni
		Ntuzuma	Phoenix
		Pietermaritzburg	Edendale
		Pinetown	Port Shepstone
		Scottsburgh	Additional: Chatsworth, Empangeni, Stanger
		8 SOCs	
Limpopo	Limpopo	Giyani	Nkhensani
		Mahwelereng	Mokopane
		Mankweng	Mankweng
		Morebeng	Tshilizdini
		Sibasa	Additional: Dikolong, Seshego, Giyani, Groblersdal, Musina, Thohoyandou
		5 SOCs	
Mpumalanga	Mpumalanga	Ermelo	Available in the province: Evander, Kabokweni, Tonga, Nelspruit, Ermelo, Emalahleni,
		Middleburg	
Mbombela			
Piet Retief			
Secunda			
Mdutjana			
Thulamahashe			
		7 SOCs	
Northern Cape	Northern Cape	Kimberley	Galeshewe
		Upington	Springbok
		Springbok	Kuruman
		Kathu	Galeshewe
		Kuruman	Additional: Upington, De Aar
		Barkley West	
		Colesburg	
		Galeshewe	
		Fraserburg	
		Kakamas	
		Postmansburg	
		11 SOCs	

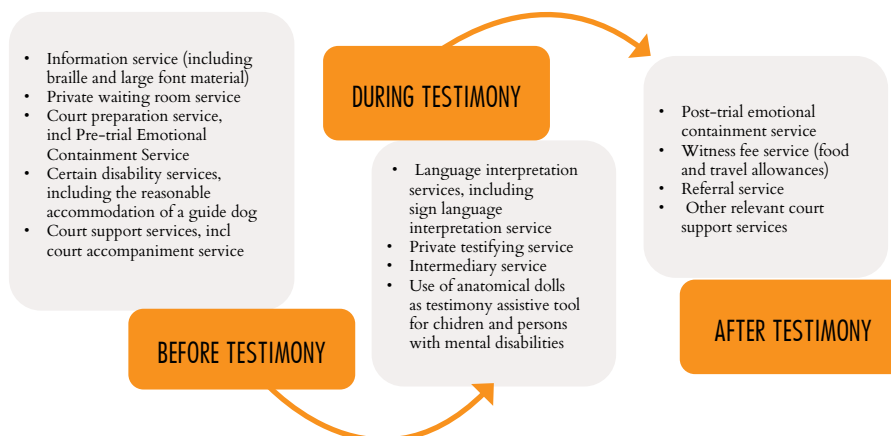
Province	Designated Regional Court where the SOC's are established	Sexual Offences Courts (SOCs)	TCCs serving the Sexual Offences Courts
North West	North West	Potchefstroom	Potchefstroom
		Ga-Rankua	Odi
		Klerksdorp	Klerksdorp
		Rustenburg	Job Shimankane (Rustenburg)
		Moretele	Mahikeng
		Mmabatho	
		Tlhabane	
		7 SOC's	
Western Cape	Western Cape	Atlantis	Atlantis
		Bredasdorp	Khayelitsha
		Cape Town	Karl Bremmer (Bellville)
		Khayelitsha	George
		Mitchells Plain	Worcester
		Oudtshoorn	Additional: Heideveld, Wynberg, Paarl
		Paarl	
		Parow	
		Plattenberg Bay	
		Thembaletu	
		Worcester	
		Wynberg	
		12 SOC's	
TOTAL		83 SOC's	

Source: PRVG and Provincial Offices

NOTE: The Department has approached the Parliament with a request to amend section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 dealing with designation. The proposed amendment may affect the reported performance on this report.

3.3 CONTINUUM OF SUPPORT SERVICES OFFERED BY THE REGULATIONS RELATING TO SEXUAL OFFENCES COURTS

The Sexual Offences Courts provide a victim-centric support service catalogue intended to eliminate the secondary victimisation from the court system, while improving prosecution and also speeding up the finalisation of cases of sexual offences. The following is the continuum of support services offered to survivors appearing at the SOCs, as per the *Regulations relating to Sexual Offences Courts*:



3.4 MOVING TOWARDS ESTABLISHING DISABILITY-CENTRIC COURTS

On 5 August 2022 the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021) came into operation to introduce, among other things, reasonable accommodations to witnesses with disabilities by introducing these changes:



Demonstrations, gestures or any other form of non-verbal expression, including the use of devices to communicate, are now allowed as viva voce / oral evidence.



Gesture-language is now considered as viva voce/oral evidence



Intermediary services are now available to witnesses with certain disabilities, i.e. persons who suffer from a physical, psychological, mental or emotional condition.

A witness under the age of 18 years or a witness who suffers from a physical, psychological, mental or emotional condition, who inhibits the ability of such witness to give his or her evidence *viva voce*, may use demonstrations, gestures or any non-verbal expression, including the use of devices to communicate when testifying. This Act recognises the sign language testimony.

In implementing these changes, the Department amended the *Minimum Service Standards for the Strategy on Reasonable Accommodations and Measures to Access Justice for Court Users with Disabilities at the Lower Courts*, mainly to ensure compliance with the recent legal developments. The Minimum Standards are accompanied by a *Resource Compliance Checklist*, which must be signed by the Provincial Head to

confirm that a court has been upgraded in line with the Minimum Standards. At court level, the court manager is required to nominate a Reasonable Accommodations Compliance Coordinator to ensure compliance with the Minimum Standards.

In 2022/2023 financial year, the Department upgraded the following additional 70 courts into disability-centric courts to bring the total of these courts to 145 nationwide:

3.4.1 COURTS UPGRADED IN LINE WITH THE MINIMUM STANDARDS ON REASONABLE ACCOMMODATIONS

Table 5: List of Courts Compliant with the Minimum Standards

Province	Name of Court		Number of Courts
Eastern Cape	Bizana	Mount Frere	8
	Kariega	New Brighton	
	Makhanda	Ntabankulu	
	Mdantsane	Zwelitsha	
Free State	Frankfort	Odendaalrus	7
	Harrismith	Parys	
	Ladybrand	Senekal	
	Smithfield		
Gauteng	Benoni	Sebokeng	7
	Krugersdorp	Springs	
	Lenasia	Vereeniging	
	Randburg		
KwaZulu-Natal	Escourt	Ladysmith	9
	Ezakheni	Nongoma	
	Inkanyezi	Paul Pietersburg	
	Izingolweni	Vryheid	
	Kokstad		
Limpopo	Ga- Kgapane	Lulekani	5
	Groblersdal	Tshilwavhusiku	
	Lephalela		
Mpumalanga	Bethal	Graskop	6
	Carolina	Secunda	
	Delmas	Volkruis	
Northern Cape	Douglas	Hopetown	9
	Galeshewe	Mothibistad	
	Groblershoop	Postmansburg	
	Hartwater	Victoria West	

Province	Name of Court		Number of Courts
North West	Bloemhof	Prieska	10
	Delareyville	Ventersdorp	
	Ganyesa	Vryburg	
	Kokster	Woolmarastad	
	Litchenburg	Zeerust	
Western Cape	Bluedowns	Plettenberg	9
	Clan William	Swellendam	
	Khayelitsha	Vredendal	
	Ladysmith	Wolseley	
	Oudtshoorn		
Total No			70

Source: PRVG

The Department is committed in increasing the national spread of courts compliant with the Minimum Standards. The upgrading process involves the addition of reasonable accommodations, as per the Minimum Standards.

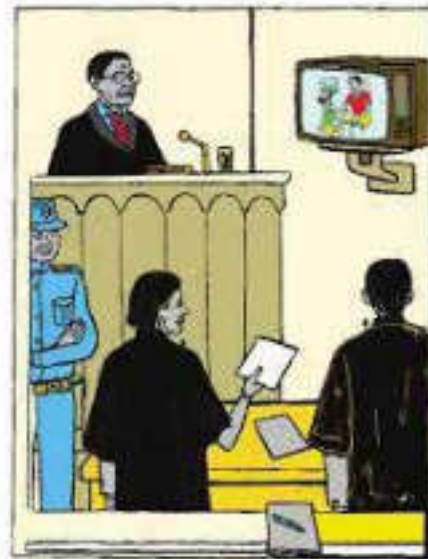
3.5. INTERMEDIARY SERVICES

Regulation 18 of the *Regulations relating to Sexual Offences Courts* states:

'A senior official in charge of the intermediaries must ensure that there is a pool of intermediaries available who can be appointed as intermediaries in sexual offences cases at a designated court.' Regulation 18 of the *Regulations relating to Sexual Offences Courts*.

The implementation of the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021) commenced on 5 August 2022. This Act extends the scope of witnesses entitled to intermediary services from children and persons with mental disabilities to older persons and persons who suffer from a physical, psychological, mental or emotional condition.

The role of the intermediaries is to convey the general purport of a question or statement from court to the witness in the way that the witness can understand. An intermediary serves as a conduit between the court and the witness, mainly to protect a witness from any potential stress or trauma. The witness testifies via an



intermediary in a private testimony room, separate from the courtroom. As this Act now permits virtual proceedings, it will be possible for witnesses to testify remotely via an intermediary, e.g. in shelters, facilities for older persons, Thuthuzela Care Centres, etc.

3.5.1 DETERMINATIONS OF PERSONS OR CATEGORIES OR CLASS OF PERSONS WHO ARE COMPETENT TO BE APPOINTED AS INTERMEDIARIES

Determination for Criminal Proceedings: In 2022 the Department amended the *Determination of Persons or Categories or Class of Persons who are Competent to be Appointed as Intermediaries in Criminal Proceedings* to align it with the new changes introduced by the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021).

The new Determination has increased the scope of persons who can provide intermediary services to include retired social workers, child and youth care workers, community trauma counsellors, etc. It was published in *Gazette* No R. 2418 dated 26 August 2022.

Determination for Non-Criminal Proceedings: A second *Determination of Persons or Categories or Class of Persons who are Competent to be appointed as Intermediaries: Superior Courts Act, 2013 and Magistrates' Courts Act, 1944* was developed in line with the Criminal and Related Matters Amendment Act, 2021 which extends intermediaries services to non-criminal proceedings. With this amendment, intermediaries may now appear in civil proceedings held in terms of the Domestic Violence Act, Maintenance Act, divorce proceedings, etc. The second Determination was published in *Gazette* No R. 2419 dated 26 August 2022.

3.5.2 AD HOC INTERMEDIARIES AND NEW TARIFFS

The Criminal and Related Matters Amendment Act, 2021 recognises the appointment of *ad hoc* intermediaries. Currently, the Department does not have adequate capacity of intermediaries to implement the extended scope provided by this Act; hence the need for the appointment of *ad hoc* intermediaries. Language barriers and the communication needs of certain witnesses with disabilities are often the reason for the courts to appoint *ad hoc* intermediaries for such cases. In some courts, *ad hoc* intermediaries are required to close resource gaps.

Table E of Annexure 2 to the Rules made by the Rules Board for Courts of Law, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985) and section 1 of the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021) introduces new tariff fees payable to *ad hoc* intermediaries appearing at civil proceedings, which were far higher

than the tariff fees payable to *ad hoc* intermediaries appearing at criminal proceedings. This happened at the time the Department was reviewing the tariffs for the latter intermediaries. With effect from 15 February 2022, the tariff fees for all *ad hoc* intermediaries, irrespective of the proceedings they appear at, were set at par. The tariff fee for *ad hoc* intermediaries appearing at criminal proceedings was increased from R150 to R1 200 per day in district courts and R1 440 per day for proceedings held at Regional Courts and High Courts.

The *Amendment of the Rules Regulating the Conduct of the Proceedings of the Several Provincial and Local Divisions of the High Court of South Africa* that introduced tariffs for *ad hoc* intermediaries appearing at non-criminal proceedings became operational with effect from 1 October 2022, and is available on the Department's website at www.justice.gov.za. It was published on *Gazette* Notice No R 2413 dated 26 August 2022.

3.5.3 THE NUMERICAL CAPACITY OF THE INTERMEDIARIES IN THE LOWER COURTS

The numerical capacity of permanently employed intermediaries at our courts is set out below per province:

Table 6: Numerical Capacity of Intermediaries per Province

Region	2020/2021			2021/ 2022			2022/2023			
	Intermediaries	Ad hoc	Assistant Director Intermediary	Court Intermediaries	Ad hoc Intermediaries	Assistant Director Intermediaries	Court Intermediaries	Assistant Director Intermediaries	Ad hoc	Total
EC	14	-	1	16	-	1	16	1	-	17
FS	11	-	-	11	-	-	11	-	-	11
GP	13	27	1	13	45	1	13	1	45	59
KZN	29	1	-	34	-	1	31	1	-	32
LIMP	18	-	1	19	-	1	20	1	6	27
MPU	13	-	-	14	-	-	14	-	-	14
NC	8	-	-	8	-	-	8	-	-	8
NW	20	-	1	21	-	1	21	1	-	22
WC	26	-	1	26	-	-	26	1	-	27
Total	152	28	5	162	45	5	160	6	51	217
			185			212				217

Source: NOC

This reporting period ended with the Department having a national spread of 217 intermediaries with Gauteng province having the highest capacity of 45 *ad hoc* intermediaries, mainly to address the resource gaps in courts. The Department intends to appoint additional *ad hoc* intermediaries per province to complement the existing intermediary capacity at courts. The aim is to ensure that no case is postponed for lack of intermediary services. It is also anticipated that with the recent increase of the tariff rates for *ad hoc* intermediaries, many of the competent intermediaries will be drawn to the system, particularly the ones who left due to the low tariff fees.

3.5.4 CERTIFICATE OF COMPETENCE TO APPEAR AS AN INTERMEDIARY IN COURT

With effect from 5 August 2022 and in terms of the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021):

- The intermediary must take an oath or make an affirmation to perform the functions of an intermediary, and nothing beyond, and
- The court must hold an enquiry into the person's fitness to be an intermediary.
- *The head of a court may, at his or her discretion and after holding an enquiry contemplated in subsection (2), issue a certificate in the form prescribed by the Minister by notice in the Gazette, to a person whom he or she has found to be competent to appear as an intermediary in a magistrate's court for a district or for a regional division.*

In August 2022 the Regional Court Presidents Forum⁴ introduced a form that lower courts must use when conducting an enquiry for the application of competency by the intermediary. This Form is used in addition to the *Certificate of Competency to be Appointed as an Intermediary in terms of the Superior Courts Act, 2013 (Act No 10 of 2013), Criminal Procedure Act, 1977 (Act No 51 of 1977) and Magistrates Court Act, 1944 (Act No 32 of 1944)* published on Gazette No R 2420 dated 26 August 2022. The Certificate of Competency is available at www.justice.gov.za.

With effect from 5 August 2022, each intermediary is expected to receive a Certificate of Competency before performing intermediary services. The existing capacity of intermediaries is being taken through the competency enquiry so as to comply with this Amendment Act.

3.5.5 INTERMEDIARY INFORMATION MANAGEMENT AND DIARY SYSTEM

The Intermediary Information Management and Diary System is a booking system for intermediaries between the assistant director intermediaries, court managers, and the prosecutors. The system was developed to ensure that no case is postponed due to unavailability of this service. It therefore facilitates the shared use of intermediaries by courts. The Department is now in the process of amending this system to align it with the new changes introduced by the Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021).

⁴ Regional Court President Jakkie Wessels: Limpopo drafted this Form

3.5.6 CHALLENGES

The Department intends to complement the current pool of intermediaries with *ad hoc* intermediaries appointed in terms of the Criminal and Related Matters Amendment Act, 2021 and the Criminal Procedure Act, 1977.

There is still inadequate use of the Intermediary Booking System by prosecutors who are tech-shy. The Department intends to address this matter with the NPA.

The Department is also in the process of facilitating the amendment of s55A of the Act with Parliament.



CHAPTER 4: TRAINING AND DEVELOPMENT



4.1. INTRODUCTION



Skills development is essential in the sector of GBVF as survivors of these crimes often come into the justice system with special needs that require specialists with specialised skills to deliver the necessary specialised services. Article 12 of the *Presidential Summit Declaration against Gender-based Violence and Femicide, 2019* requires the support services afforded to survivors of GBV to be continuously improved through the provision of ongoing capacity-building, regular provision of compulsory trauma debriefing programmes to the functionaries, specialization of the functionaries, and the strengthened coordination informed by legislation, policies, protocols, norms and standards on gender-based violence and femicide.

The nebulous character of the justice system is usually labelled as one of the primary causes for ambivalence and other unsettling emotions in survivors when they engage with the system. The attrition rate in these cases is also often inspired by the insensitive and traumatising treatment that survivors suffer at service points. It is for this reason that ongoing training is an imperative for all functionaries and front desk officials so as to create a caring and responsive experience for survivors of sex crimes.

4.2. TRAUMA DEBRIEFING FOR INTERMEDIARIES

To prevent vicarious trauma, Regulation 16 of the *Regulations relating to Sexual Offences Courts*⁵ requires the provision of trauma debriefing programmes to court

officials employed by the State who offer services at sexual offences courts. The outputs of the Department in this regard will be dealt with in Table 7.

⁵ Became operational with effect from February 2020

Table 7: Trauma Debriefing Sessions in 2022/ 2023 Financial Year

Province	Date	Intermediaries	Stenographers and court interpreters	Number of participants reached
Eastern Cape	11 Nov 2022	13	3	16
Free State	9 Dec 2022	7	2	9
Gauteng	25 Nov 2022	12	2	14
KwaZulu- Natal	14 Oct 2022	25	1	26
Limpopo	24 Mar 2023	16	2	18
Mpumalanga	31 Oct 2022	13	2	15
Northern Cape	18 Nov 2022	7	2	9
North West	18 Nov 2022	20	1	21
Western Cape	9 Dec 2022	18	2	20
TOTAL	148			

Source: PRVG and EAP

4.3. TRAINING WEBINAR SERIES ON THE 3 GBV BILLS AND OTHER RELATED MATTERS

During this reporting period, South Africa began to experience a drastic decline in the number of COVID-19 infections; hence the end of the national lockdown restrictions. However, the NSP Collaborative continued to meet and engage virtually, as this method was found to be more convenient in uniting people from different provinces.

On 6 July 2022, Mr John Jeffery (MP), the Deputy Minister for the Department of Justice and Constitutional Development launched the National Strategic Plan (NSP) Pillar 3 Webinar Series on the 3 GBV Amendment Acts. He also hosted a couple of ministerial public education interventions aimed at popularizing these Acts.

On 25 January 2021 the 3 GBV Bills were assented to and signed into law by the President of the Republic of South Africa. Since then the NSP Pillar 3 monitored the country readiness for the implementation of the 3 GBV Amendment Acts and established a War Room of 8 Working Groups, one of which was the Training Webinar Working Group. The NSP Pillar 3 Webinar Task Team was constituted of the judiciary, government and civil society organisations, which included the WIIN founded by Ms Francesca Fondse, the DoJ&CD Women's Champion from 2016. Ms Fondse championed the DoJ&CD public education interventions alongside the late Patrick Shai, the former DoJ&CD Men's Champion against GBVF. The Webinar Task Team delivered the following webinar series:



Table 8: Training Webinars on GBV Amendment Acts

No	Date & Time	Topic	Moderator	Facilitator(s)	Link
1.	6 Jul 2022	Draft Domestic Violence Regulations, 2022: <i>Simplified</i>	RCP Jakkie Wessels	Mr John Jeffery (MP) Mr Mak Mokulubete, DoJ&CD	https://youtu.be/eYa_LrhbSS4
2.	7 Jul 22	Criminal and Related Matters Amendment Act: <i>Impact of Amendments on Intermediaries Services</i>	Adv Praise Kambula	Ms Jakkie Wessels Regional Court President Ms Virginia Letswalo	https://youtu.be/IKHP-jiVvNkE
3.	13 Jul 22	Domestic Violence Amendment Act: <i>Simplified for All</i>	Ms H Hendricks	Ms Kerryn Rehse, MOSAIC	https://youtu.be/B9wv-jpRAF1g
4.	13 Jul 22	Domestic Violence Amendment Act: <i>Overview of Changes for Clerks of the Court</i>	Ms H Hendricks	Senior Magistrate Busi Nkosi	https://youtu.be/8HatP-CgiKg8
5.	20 Jul 22	Domestic Violence Amendment Act: <i>Expectations from SAPS Officials</i>	Mr Gregory Nyongana	Ms Kerryn Rehse, MOSAIC	https://youtu.be/0V-vSolqPLAY
6.	22 July 22	Criminal and Related Matters Amendment Act: <i>Amendments on Bail</i>	Ms Bronwyn Pithey	Adv Carina Coetzee, NPA	https://youtu.be/_ENi-u75AyAA
7.	22 Jul 22	3 GBV Amendment Acts: <i>Simplified</i>	Ms Francesca Fondse (WIIN)	Dr Badenhorst, DoJ&CD	https://youtu.be/RfAUIXxliBo
8.	26 Jul 22	3 Amendment Acts: <i>Accountability is Not an Option</i>	Ms Jeanne Bodenstein, Rape Crisis, CT	Ms Jakkie Wessels Regional Court President	https://youtu.be/YQsfg-fvRRPU
9	26 Jul 22	Criminal and Related Matters Amendment Act: <i>Audiovisual Link Testimony and Use of Intermediaries</i>	Ms Hanoneshea	Ms Jakkie Wessels Regional Court President	https://youtu.be/jk6CF-DIYfE
10	27 July 22	Criminal Law (Sexual Offences and Related Matters) Amendment Act: <i>Amendments to the NRSO</i> Adv P Kambula, DoJ&CD Ms Ntombi Matjila NRSO, DoJ&CD			https://youtu.be/QVoo_-YoPig
11	29 July 22	Accommodating People with Disabilities in Court	RCP Jakkie Wessels	Dr Karen Muller	https://youtu.be/BVgq-lCTEioo
12	29 July 22	Domestic Violence Amendment Act: <i>Prosecution Perspective</i>	Adv Bronwyn Pithey	Adv Rusi	https://youtu.be/UZp-2P4y4c90
13	4 Aug 2022	3 GBVF Amendment Acts: <i>Services by the TCC's</i>	Dr Allison Tilley	Adv Bonnie Currie-Gamwo, SOCA, NPA	Not registered
14	5 Aug 2022	Criminal and Related Matters Amendment Act: <i>Victim-Centred Parole Proceedings</i>	Ms Francesca Fondse WINN	Mr Holomisa (MP), DCS Mr Logan Maistry (DCS)	https://www.youtube.com/watch
15	15 Aug 2022	3 Amendment Acts: <i>Accountability is Not an Option</i>	Dr Delia Bernardi	Ms Lebohang Motau Ms Tina Thiart	https://youtu.be/Yeu-vP7av874

No	Date & Time	Topic	Moderator	Facilitator(s)	Link
16	16 Aug 22	Epigenetics, and Environmental Provocation with Regards to Teen Perpetration of Violence.	Ms Hananoshea Hendrickse Legal Aid SA	Francesca Fondse WINN	https://youtu.be/icji-u6Ga9KQ
17.	17 Aug 22	Social Context in DV: All	Ms Dellen Clark SALRC	Kerryn Rehse (MOSAIC)	https://youtu.be/lFsB-5pSdbu
18	22 Aug 22	Biological effects of trauma		Francesca Fondse WINN	https://youtu.be/5Hg-jonVi5L8
19	25 Aug 22	Economic impact of GBVF	Ms Francesca Fondse WINN	Ms Vuyo Lutseke Ms Tiekie Barnard Shared Value Initiative Africa	Unregistered
20	26 Aug 22	Services by the Sheriffs in GBV cases	Ms June Thomas Board of Sheriffs	Adv Mark Morgan (Chairperson of the South African Board for Sheriff) and Mr Ashraf Dawood	https://youtu.be/jd7ux-cVigkQ
21	5 Sep 22	DBE – Strategies to eradicating GBV at schools. Higher Education College in South Africa	Ms Francesca Fondse WIIN	Dr Ramneek	https://youtu.be/88Db-VohKJEM
22	6 Sep 22	Amendments on the Customary Marriages	Mr Caiphus Mahumani, DHA	DHA	https://youtu.be/HRi8D-cRNq8Q
23	8 Sep 22	Vetting of employees and the NRSO	Adv P Kambula	Ms Matjila Ntombizodwa	https://youtu.be/o2U-VNguW1wM
24	13 Sep 22	Child Maintenance	Daddy Meshack Kekana	Ms Lekubu Kamogelo	https://youtu.be/Om-SybKWKQYU
25	27 Sep 22	Epigenetics, and Environmental Provocation with Regards to Teen Perpetration of Violence.	Ms Hanoneshea Hendrickse Legal Aid SA	Francesca Fondse WINN	https://youtu.be/WOV8LykttM
26	11 Oct 22	Biological effects of trauma	Ms Hanoneshea Hendrickse Legal Aid SA	Francesca Fondse WINN	https://youtu.be/WOV8LykttM
27	12 Oct 22	Legal Aid Services in GBVF	Ms Hanoneshea Hendricks	Thiloshini Reddy / Liezel Du Toit both from Legal Aid South Africa	https://youtu.be/QwUN96kA4
28	13 Oct 22	Vetting of Employees at institution of Higher learning	Ms Spino Fante	Ms Matjila Ntombi, NRSO DoJ&CD	https://youtu.be/VpP2eCG30h
29	19 Oct 22	White Paper on Marriages in South Africa	Mr Caiphus Mahumani	Ms Kelebogile Makgabo DHA	Not registered
30	20 Oct 22	Domestic Violence Legislative Development	Ms Dellene Clark	Mr Mokulubete Makubela, DoJ&CD	Not registered

Source: PRVG⁶

The Webinar Series was coordinated by Mr Lwando Dikweni, working under the guidance of the Webinar Task Team chaired by Ms Jakkie Wessels.

⁶ Promotion of the Rights of Vulnerable Groups Unit



4.4 SENSITISATION WORKSHOPS ON MINIMUM STANDARDS FOR REASONABLE ACCOMMODATIONS FOR COURT USERS WITH DISABILITIES

The Department⁷ conducts workshops for court functionaries and front desk officials to sensitise them on *Minimum Service Standards for the Strategy on Reasonable Accommodations and Measures to Access Justice for Court Users with Disabilities at the Lower Courts*. These sessions are held for court personnel based at courts selected for upgrading in line with the Minimum Standards. During this period of reporting, the following centralized workshops were conducted for participants who travelled from different provinces to the national office:

Table 9: Sensitisation Workshops on Minimum Standards for Reasonable Accommodations

Provinces	Date	Venue	Participants	No of Participants
Eastern Cape Kwazulu-Natal Limpopo Mpumalanga North West	28 July 2022	Auditorium, National Office	Court Managers /office Managers and Clerks of the Court	73
Free State Gauteng Northern Cape Western Cape	13 September 2022	Auditorium National Office	Court managers /Office Managers and Clerks of the Court	62
Western Cape	13 October 2022	Virtual Platform	Court managers /Office Managers and Clerks of the Court	5
TOTAL	140			

Source: PRVG

4.5. TRAINING INTERVENTIONS BY JUSTICE COLLEGE

The Justice College amended the learning modules to align them with the changes introduced by the 3 GBV Amendment Acts. The modules for the Basic Training and Advanced Training on Intermediary Services were also aligned to the Criminal and Related Matters) Amendment Act, 2021 (Act No 12 of 2021) and the new two (2) *Determinations of Persons or Categories or Class of Persons who are Competent to be Appointed as Intermediaries*. During this period of reporting, Justice College conducted the following training sessions on 3 GBV Amendments and sexual offences:

Table 10: Training Sessions Conducted by Justice College

Province	Course	Participants	Number Trained
All Provinces	Sexual Offences	Clerks of the Court	247
	Domestic Violence	Clerks of the Court	380
	Intermediary Services	Intermediaries	144
Total			771

Source: Justice College

4.6 TRAINING ON 3 GBV AMENDMENT ACTS CONDUCTED BY THE PROVINCIAL OFFICES

In ensuring that all clerks of the court and supervisors receive training on the 3 GBV Amendment Acts, including the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021, the Provincial Offices of the Department stepped in and held training sessions for the administrative court personnel. Most of these sessions were facilitated by the local magistrates.

Table 11: Training on 3 GBV Amendment Acts Conducted by the Provincial Offices

Province	Date	Participants	Number Trained
Eastern Cape	22-23 Aug 2022, 31 -31 Aug 2022	Clerks of the Court, Court Managers and Area Court Managers	83
Free State	27-29 Jul 2022	Clerks of the Court	40
Gauteng	2-3 Mar 2023, 30-31 Mar 2023	Clerks of the Court, Supervisors	117
KwaZulu- Natal	5 July 2022, 2-3 August 2022, 27-28 March 2023	Clerks of the Court, JCPS Cluster officials	95
Limpopo	31 Aug 2022	Clerks of the Court and Supervisors	77
Mpumalanga	9-10 February 2023	Clerks of the Court	57
Northern Cape	28 Jul 2022	Clerks of the Court	48
North West	28-29 Jul 2022, 11-12 Aug 2022	Clerks of the Court and supervisors	45
Western Cape	27- 28 Jul 2022, 30 Aug – 2 Sept 22, 7-8 Mar 2022	Clerks of the Court and Supervisors	48
TOTAL		610	

Source: Provincial Offices

In addition to the training sessions conducted by Justice College and the Provincial Offices, the national office (PRVG) held 30 training webinars to complement this work. All the webinar sessions were uploaded on the Justice YouTube Channel to reach out to people beyond the borders.

4.5. CHALLENGES

The Department still has to develop unit standards for certain learning programmes relating to GBVF, e.g. the intermediary courses. There is also a need for the development of training modules for the National Register for Sex Offenders and Accessible Justice for Court Users with Disabilities. These are the areas of extreme concern that are receiving the priority focus of the Department.

CHAPTER 5: PUBLIC EDUCATION AND COMMUNICATION



5.1. INTRODUCTION

Public education remains core to crime prevention and other related societal dysfunctions. It is therefore the Department's commitment to raise public awareness of the Constitution and laws relating to GBVF in diversified communities, particularly in semi-urban and remote areas, where the need for support is predominantly vast.

Post COVID-19 pandemic, the Department continued to use online communication products to augment the offline educational interventions.

In complying with the indicator of Pillar 2 of the GBVF National Strategic Plan (NSP): *'Prevention and Restoration of Social Fabric'*, which requires all stakeholders to conduct 365 Days of Public Education Campaign to end GBVF, the Department conducted public education interventions, as discussed below.

Table 12: Exhibitions on GBVF in 2022/2023 Financial Year

EXHIBITION & SERVICE FAIRS	Province	District	Date	No of People Reached
	Eastern Cape	OR Tambo	16 June 2022	675
	Gauteng	Sedibeng	25-27 May 2022	498
		Tshwane	5 July 2022	35
		Tshwane	1 Sept 2022	73
		Tshwane	23 Sept 22	35
	KwaZulu- Natal	Ethekwini Metro Tongaat	9 April 2022	87
		Ugu Izingolweni	30 May 2022	35
		Umgungundlovu	9 Aug 2022	113
		Ethekwini Metro Durban City	9 Aug 2022	1 238
Amajuba		22 – 24 March 2023	193	
Limpopo	University of Limpopo	30 August 2022	150	
	Modimolle	26-29 September 2022	200	
	Groblersdal	28 October 2022	200	
	Waterval	31 October 2022	250	
	Dilokong	26 November 2022	250	
	Thohoyandou	28-29 Nov 2022	350	
	Ga-Seleka	06 December 2022	250	
	Bolivia Lodge	09 December 2022	250	
	Mokopane	03 March 2023	150	
	The Ranch	26 March 2023	100	
Bolivia Lodge	29 March 2023	100		
TOTAL			14 495	

5.2. EXHIBITIONS AND SERVICES FAIR ON SEXUAL OFFENCES AND GBVF

Every year the Department holds public Exhibitions and Services Fairs on GBVF to raise awareness of the Constitution and the legal developments impacting on GBVF survivors.

The Exhibitions and Service Fairs permits the Department to showcase the catalogue of support services available from the court system. It further provides a public platform for the Department to launch its new products. The following interventions were held:

Province	District	Date	No of People Reached
Mpumalanga	Nkangala	27 April 2022	349
	Gert Sibande	5 May 2022	324
Northern Cape	Upington: Louisvale	17 August 2022	500
	Upington	21 October 2022	5 000
	De Aar	21 March 2023	3 000
Western Cape	Cape Town	13 May 2022	90
TOTAL			14 495

5.3. WEBINAR SERIES ON SEXUAL OFFENCES AND GBVF- RELATED MATTERS

In partnership with the NSP Pillar 3 Collaborative, the Department conducted a Webinar Series to popularise the 3 GBV Amendment Acts. Facilitators drawn from the government and civil society were selected, and all presentations are available on *Justice YouTube*. The outputs achieved from these virtual engagements are as follows:

Table 13: Webinar Series Conducted DoJ&CD and NSP Pillar 3 Collaborative ⁸

Period	No of Webinars	Target audience	Facilitators/ Speakers	No of Persons Reached
6 June to 20 Oct 2022	30	Functionaries, Frontline officials, Intermediaries	Deputy Minister (MP): DoJ&CD, Academia, CBOs, etc.	Unrecorded

Source: PRVG

5.4 COMMUNITY IMBIZOS CONDUCTED BY NATIONAL OFFICE

As part of the 365 Days Public Education Campaign against GBVF, the Department conducts imbizos every year, mostly in communities with high sexual offending and GBVF rates, to sensitise people of their constitutional rights, the recent legislative developments and the court support services offered by courts. During this reporting period, the following interventions were undertaken:

Table 14: Community Imbizos held by the National Office in 2022/23 Financial Year

Province	District	Community	Date	No of People Reached
Eastern Cape	OR Tambo,	Lusikisiki, Qumbu Village	24–28 October 2022, 16 March 2023	789
Free State	Thabo Mofutsanyane, Fezile Dabi, Xhariep and Lejweleputswa	Warden, Villiers, Senekal, Edenburg and Ventersburg - 5	22 – 26 August 2022	721
Gauteng	City of Tshwane, City of Johannesburg, Mogale	Mabopane – 1, Midrand, Krugersdorp	25 June 2022, 29 September 2022, 1 November 2022	1 185
KwaZulu-Natal	UMgungundlovu	Plessislaer	2 December 2022,	653

Province	District	Community	Date	No of People Reached
Limpopo	Mopani, Vhembe	Mahumani,	28 – 29 November 2022, 30 November 2022,	965
Mpumalanga	Gert Sibande	Embalenhle (2), Emzimoni, Bethal	29 – 30 August 2022, 1 September 2022,	382
Northern Cape	ZF Mcgawu	Kenhardt	18 Aug 2022	24
	Namakwa	Springbok: Bergsig	14 Mar 2023	
	Namakwa	Steinkopf	15 Mar 2023	
North West	Bojanala,	Welgeval, Moruleng, Magagane, Disake and Dwasburg – 5, Letlhabile(Ward11,9,7), Majakaneng – 5, Ikageng Location, Kanana Village	8 – 12 August 2022,	1 362
	Dr. Kenneth Kaunda		15 – 19 August 2022,	
	Madibeng		6 March 2023, 7 March 2023	
Western Cape	West Coast	Nuwerus	11 November 2022,	45
TOTAL				6 126

Source: PEC

5.5. SCHOOLS CAMPAIGN ON SEXUAL OFFENCES AND GBVF

With the rise of children who perpetrate sexual offences, the Department annually conducts a schools campaign to raise awareness about the legal consequences of sexual violence. Our data analytics also show a persistent rise in the figures of children who are the victims of sex crimes. During this reporting period, the following schools were visited:

Table 15: Schools Visited in 2022/2023 Financial Year

Province	District	Date	No of Schools Reached	No of Learners Reached
Eastern Cape	OR Tambo	13-17 March 2023	31	Undetermined
Gauteng	City of Tshwane, City of Ekurhuleni	24 May 2022, 30 – 31 January 2023, 1 February 2023, 13 Mar 2023, 15 Mar 2023, 16 Mar 2023	19	1 320
KwaZulu-Natal	Zululand Ulundi	23 – 27 May 2022	10	1 525
	Mzinyathi Pomeroy	29 August – 02 September 2022	10	1 060
	Harry Gwala	20 – 24 February 2023	10	3 329
Limpopo	Waterberg	30 May – 03 June 2022	10	842
	Capricorn	15 June 2022	1	500
	Capricorn	20 June 2022	1	250
	Vhembe	25 – 29 July 2022	40	7 226
	Vhembe	1 August 2022	1	300
	Vhembe	10 August 2022	1	500
Mpumalanga	Waterberg	13-15 March 2023	9	700
	Ehlanzeni, Nkangala, Steve Tshwete Gert Sibande	30– 31 May 2022, 1–2 June 2022, 31 August 2022, 10 February 2023	19	7 280

Province	District	Date	No of Schools Reached	No of Learners Reached
Northern Cape	Namakwa	17 – 19 May 2022	3	710
	ZF Mcgawu	30 May – 3 June 2022	9	5 733
	Paballelo High School A.J Ferreira High school	30 May 2022	2	976
	Upington: Duineveld High School Upington High school	31 May 2022	2	390
	Upington: Kalksloot Intermediate School Westerkim Primary school	1 June 2022	2	1 145
	Upington: S.C Kearns High School Saul Damon High school	2 June 2022	2	2 147
	Upington: Carlton Van Heerden High School	3 June 2022	1	1 075
	Kakamas Friersdale Combined School Kakamas Intermediate School	26 July 2022	2	206
	Namakwa Springbok: AS Van Wyk High School	16 March 2023	1	33
TOTAL				37 247

Source: PEC and Provincial Offices

5.6. INFORMATION SESSIONS FOR JUSTICE OFFICIALS AND OTHER STAKEHOLDERS CONDUCTED BY JUSTICE GENDER FOCAL POINT AT DG'S OFFICE

The Gender Directorate annually conducts information and awareness interventions to empower the Justice personnel on issues relating to gender mainstreaming and GBVF issues. The Unit is in the process of establishing Women's Forums and Men's Forums in all provincial offices to cater for Justice Officials based at courts and provincial establishments. The Gender

Director is the Gender Focal Point responsible for the Departmental implementation of article 10 of the Presidential Summit Declaration against Gender-based Violence and Femicide, 2019:

'Existing national gender machinery and similar mechanisms are maintained, resourced, strengthened and re-invigorated.'

During this reporting period, the Gender Focal Point conducted the following interventions:


Province	Community	Date	Targeted Audience	No of Persons Reached
Gauteng	City o Ekurhuleni	19 July 2022 Webinar	City of Ekurhuleni Officials	150
		20 July 2022		
		21 July 2022		
		26 July 2022		
	Department of Sports, Arts and Culture (DSAC)	30 August 2023	Women Officials	350
	Launch of Women's Forum National Office	31 August 2023	Justice Women	200
SAPS Women's Day celebration	8 September 2023	SAPS Women Officials	200	
DSAC Women's Dialogue with Letsatsi (Netball 2022 World Cup Mascot)	22 September 2023	DSAC Women Officials	200	
Stats SA - educational workshop on Gender Based Violence in line with the 16 Days of Activism for no Violence Against Women and Children campaign	25 November 2023	Stats SA employees	200	
Northern Cape	NC, Lerato Park Community	6 December 2023	Women for Women's Day celebration	200
North West	Mogwase	8 – 12 August 2023	Community members	500
	Provincial Office	19 August 2023	Justice Women	200
Total reached				2 200

Source: Gender Directorate

5.7 COMMUNITY IMBIZOS CONDUCTED BY THE PROVINCIAL OFFICES

Each Justice Provincial Office has a Director- Legal Administration and Advocacy tasked, among other things, with the implementation of the 365 Days Campaign against GBVF. During this period of reporting, the provincial offices conducted the following community imbizos on sexual offences and GBVF in general:


Table 16: Community Imbizos and Schools Campaign Conducted by Provincial Offices

Province	Community	Date	Targeted Audience	Estimated No of People Reached
Eastern Cape Source: Mr Andrew Booi, Director- Legal Administration and Advocacy: EC 	Lusikisiki	29 May 2022	Community members	800
	Mthatha	16 June 2022	Youth and Community members	2 000
	Butterworth	30 June 2022	Traditional Leaders	30
	Bityi	26 July 2022	Learners, Educators and SGB members	568
	Cradock	1-2 Aug 2022	NGO's assisting Women	250
	Mount Ayliff	24 Nov 2022	Older Persons and Youth	268
	Aliwal North	8 Dec 2022	Community members	270
	Bizana	6-10 Feb 2023	Learners and Community members	8 000
EC Total				12 186
Free State Source: Mr David Ramolide, Director- Legal Administration and Advocacy: FS 	Thabo Mofutsanyana	8 July 2022	Person with Disabilities	450
	Fezile Dabi	18 July 2022	Persons with Disabilities	100
	Fezile Dabi (Children's Home)	18 July 2022	Children	113
	Fezile Dabi (Sasol)	28 July 2022	Work force, Community members	150
	Vredefort	29 July 2022	Community members	150
	Fezile Dabi, Villiers	22 Aug 2022	Community members	150
	Fezile Dabi	23 Aug 2022	Community members	150
	Thabo Mofutsanyana	24 Aug 2022	Community members	150
	Xhariep District	25 Aug 2022	Community members	139
	Lejweleputswa District	26 Aug 2022	Community members	137
	Lejweleputswa Distric	29 Aug 2022	Community members	96
	Thabo Mofutsanyana District	30 Aug 2022	Community members	141
	Thabo Mofutsanyana	21 Sept 2022	Community members	137
	Thabo Mofutsanyana	22 Sept 2022	Community members	84
	Mangaung Metro	23 Sept 2022	Community members	104
	Mangaung Metro	29 Sept 2022	Community members	57
FS TOTAL				2 308



Province	Community	Date	Targeted Audience	Estimated No of People Reached
Gauteng Source: Ms Thoko Nditsheni Maanda: Acting Director- Legal Administration and Advocacy: GP 	Ekurhuleni South East	12 July 2022	Older persons, Persons with Disabilities	149
	Vanderbijlpark	18 July 2022	Learners, Community members	208
	Ekurhuleni South, Katshele, Tshabalala PS	21 July 2022	Learners	340
	Mock Trial for Learners OR Tambo Sec, Phumula Gardens Sec, Boksburg High, Reiger Park Sec, Villa Lisa Sec, Thabo-Ntsako Sec, Greenfield Sec, Elsburg Hoerskool, Winile Sec, Masithwalisane Sec.	25– 29 July 2022	Learners and educators	150
	Pretorial Central, Kgosi Mampuru Correctional Centre; Ikusasaletu HS, ZsqSiyabonga HS and Kgatelopele HS)	26 July 2022	Learners	160
	JHB Correctional Centre	28 July 2022	Learners	50
	Ekurhuleni South District / Palm Ridge	20 Sept 2022	Learners	467
	Ekurhuleni South District / Palm Ridge	22 Sept 2022	Learners	237
	Dalpark Primary School	10– 14 Oct 2022	Learners and Educators	120
	Gauteng South East / Springs, Kwa-Thema	26 Oct 2022	Community Engagement / Dialogue	273
	Kempton Park Transnet- Elandsfontein	18 Nov 2022	Transnet	150

Province	Community	Date	Targeted Audience	Estimated No of People Reached
	Randfontein – Mohlakeng Ramosa Community Hall	28 Nov 2022	Community members	102
	Krugersdorp – Munsieville Munsieville Community Hall	29 Nov 2022	Community members	230
	Mogale	29 Nov 2022	Community members	300
	Merafong	30 Nov 2022	Community members	250
	Fochville - Wedela	30 Nov 2022	Community members	156
	Tshwane, Cullinan	1 Dec 2022	Community members	200
	Tshwane	2 Dec 2022	Community members	250
	Eldorado Park Albertus Pop Centre, Johannesburg	5 Dec 2022	Community members	56
	Tshwane, Soustville, Atteridgeville	6 Dec 2022	Community members	300
	Ekurhuleni North, Tembisa	7 Dec 2022	Community members	250
	Johannesburg, Soweto	8 Dec 2022	Community members	250
	Tshwane	30 Jan 2023	Learners	120
	Tshwane	1-2 Feb 2023	Learners	240
	Tshwane Central	3 Feb 2023	Learners	120
	Boksburg Correctional Centre	17 Feb 2023 24 Feb 2023 10 Mar 2023	Learners	183
GP TOTAL	5 211			




Province	Community	Date	Targeted Audience	Estimated No of People Reached
KwaZulu-Natal Source: Ms Asiya Khan, Director- Legal Administration and Advocacy: KZN 	Harry Gwala District	15-19 May 2022	Learners and students	94
	School & TVET Visits			
	Ethekwini Metro	29-31 May 2022	Learners	320
	Ethekwini Metro	8-10 June 2022	Community members and JCPS stakeholders	Undetermined
	Chesterville	20 June 2022	Older persons	69
	Inanda – Ward 55	21 June 2023	Community members	110
	Zululand	24 June 2022	Learners	226
	Uthukela District	26 & 30 June 2022	Youth	365
	Ethekwini Metro	18 July 2022	Community members	Undetermined
	King Cetshwayo District Mondlo Area	19 Jul 2022	Community members	Undetermined
	Umgungundlovu District Richmond Area	21 Jul 2022	Students	Undetermined
	Durban	12 Aug 2022	Women	Undetermined
	Amajuba District	21-25 August 2022	Community members	Undetermined
	Umgungundlovu	29 – 30 Nov 2022	Community members	114
	Zululand District	18-22 Sept 2022	Community members	Undetermined
	Mkhanyakude District/ Hlabisa	23-27 Oct 2022	Community members	Undetermined
	Umzinyathi District /Msinga	27 November to 1 Dec 2022	Community members	Undetermined
	King Cetshwayo District / Mtunzini	4-8 Dec 2022	Community members	Undetermined
	Uthukela	5 – 9 Dec 2022		345
	Illembe District	19-23 Feb 2023	Learners	Undetermined
Harry Gwala	27 February 2023	Youth	112	
Harry Gwala District/ Dr Nkosazana Dlamini	18-22 Mar 2023	Community members	Undetermined	
Ugu District /Sotsha	25-29 March 2023	Community members	Undetermined	
KZN Total	1 755			

Province	Community	Date	Targeted Audience	Estimated No of People Reached
Limpopo Source: Adv Mackenzie Tsimane, Director: Legal Administration and Advocacy, Limpopo 	08 August 2022	Waterberg	Community	250
	09 August 2022	Capricorn	Community	300
	11 August 2022	Vhembe	Community	300
	12 August 2022	Vhembe	Community	250
	12 August 2022	Mopani	Community	300
	18 August 2022	Sekhukhune	Community	400
	26 August 2022	Capricorn	Community	200
	13 September 2022	Waterberg	Community	200
	14 December 2022	Capricorn	Community	200
LIMP TOTAL	2 400			
Mpumalanga Source: Adv Phala, Acting Director- Legal Administration and Advocacy: Mpumalanga 	Bushbuckridge Ehlanzeni District Mbombela Thaba Nchu	2022/2023	Community members	1 755
	Gert Sibande, Chief Albert Luthuli, Msukaligwa, Govern Mbeki	2022/2023	Community members	1 364
	Nkangala District, Middelburg, Kwamhlanga	2022/2023	Community	660
MPU TOTAL	3 779			

Province	Community	Date	Targeted Audience	Estimated No of People Reached
Northern Cape Source: Ms Patricia Nyamandi, Director: Legal Administration and Advocacy: NC 	Namakwa District	17 May 2022	Loeriesfontein Community	59
	Namakwa District	18 May 2022	Calvinia West Community	156
	Namakwa District	19 May 2022	Calvinia West Community	150
	ZF Mcgawu District	18 Aug 2022	Kenhardt Community	24
	ZF Mcgawu District	19 Oct 2022	Community members from Kakamas, Marchand, Augrabies, Cillier, Warm sand & Lutzburg	295
	Frances Baard District	6 Dec 2022	Lerato Park Community	394
	Namakwa District	14 Mar 2023	Bergsig Community	124
	Namakwa District	15 Mar 2023	Steinkopf Community	83
NC Total	1 285			
North West Source: Ms Motshabi Serlhabo, Director: Legal Administration and Advocacy: NW 	Kgetleng Local Municipality	25 April 2022	Community members	100
	Kgetleng Local Municipality	26 April 2022	Community members	100
	Moses Kotane District Municipality	29 April 2022	Community members	100
	Rustenburg Local Municipality	3 June 2022	Community members	100
	Mahikeng Local Municipality	17 June 2022	Community members	150
	Ratlou Local Municipality	22 June 2022	Community members	150
	Vryburg	30 June 2022	Community members	Undetermined
	Marlosana	1 July 2022	JCPS Stakeholders	Undetermined
	Madibeng Local Municipality	20 July 2022	Community members	150
	Lekwaa Teemane Local Municipality	21 July 2022	Community members	150
	Mahikeng Local Municipality	28 July 2022	Community members	150
	Rustenburg Local Municipality	10 August 2022	Community members	150
	Mogwase Local Municipality	11 August 2022	Community members	150
	Mogwase Local Municipality	12 August 2022	Community members	150
	Dr Kenneth Kaunda District Municipality	16 August 2022	LGBTQIA+ persons	150

Province	Community	Date	Targeted Audience	Estimated No of People Reached
North West	Dr Kenneth Kaunda District Municipality	19 August 2022	Youth	150
	Vryburg Sub District Municipality	23 August 2023	Community members	100
	Mahikeng Local Municipality	26 August 2022	Community members	100
	Vryburg Sub District Municipality	30 August 2022	JCPS Cluster stakeholders	100
	JB Marks Municipality (Ventersdorp Sub District)	31 August 2022	Community members	100
	Dr KK Municipality Kanana	1 September 2022	Community members	100
	Kagisano Molopo Municipality	30 September 2022	Community members	100
	Mahikeng Local Municipality	14 October 2022	Community members	100
	Mamusa Local District	29 October 2022	Community members	150
	Mahikeng Local Municipality	17 November 2022	SOGIESC	89
	Ngaka Modiri- Molema	26 November 2022	Students (Pride wall unveiling)	250
	Mahikeng Local Municipality	8 December 2022	Community members	100
	Ratlou Local Municipality	26 January 2023	Community members	100
	Mahikeng Local municipality	24 February 2023	Community members	100
	Bojanala District Municipality	28 February 2023	Community members	100
	DR KK Municipality	6 March 2023	Community members	100
	DR KK Municipality	6 March 2023	Community members	100
	Bojanala Local Municipality	7 March 2023	Community members	200
	Lekwa Teemane Local Municipality	10 March 2023	Community members	150
	Dr KK Municipality	31 March 2023	Community members	200
NW TOTAL	4 239			

Province	Community	Date	Targeted Audience	Estimated No of People Reached
Western Cape Source: Ms Ashika Singh, Director-Legal Administration and Advocacy, WC 	Cape Town	24 & 25 Jul 2022	JCPS cluster	100
	Worcester	10 Aug 2022	Zwelerhemba community	300
	Kraaifontein	12 Aug 2022	Wallacedene community	300
	Central Karoo	12 Aug 2022	Prince Albert community	200
	Strand	16 Aug 2022	Lwandle community	300
	Grabouw	17 Aug 2022	Grabouw community	200
	Hermanus	19 Aug 2022	Lavender community	300
	Vredendal	20 Aug 2022	Vredendal community	300
	Cape Town	30 Aug 2022	Cape Town	100
	Vredenburg	25 Nov 2022	Vredenberg	100
	Saldanha Bay	28 Nov 2022	Saldanha Bay Community	400
	Kasselsvlei	30 Nov 2022	Delft Community	200
	Kaljsteefontein	30 Nov 2022	Kalsteefontein	200
	Cape Town	30 Nov 2022	Elsies river community	100
	Cape Town	02 Dec 2022	Cape Town	100
	Cederberg	03 Dec 2022	Cedar High School	200
	Overberg	07 Dec 2022	Villiersdorp community	300
WC TOTAL	3 700			
TOTAL	36 863			

All provincial public education interventions are implemented with the assistance of the *Provincial Directors: Legal Administration*, including the events led by the national office

Source: *Provincial Directors: Legal Administration*

5.3.1 CHALLENGES

The persistent budget cuts continue to impact negatively on the performance of the Department on public education and awareness interventions. However, the Department continues to use the various social media platforms to reach out to the diversified audience using different media products. The need for the development of more communication products has been identified so as to ensure language, age, and disability accessibility. In 2023/2024 financial year, the Department intends to introduce a project for the development of more accessible communication products to address accessibility gaps.

CHAPTER 6: THE NATIONAL REGISTER FOR SEX OFFENDERS (NRSO)

Team of the Office of the National Registrar for Sex Offenders: From Left to Right: Adv Lwandiso Kwababana, Ms Sibongile Mnyamana, Ms Ntombi Matjila, the National Registrar for Sex Offenders, Ms Patricia Thubane and Mr Lwando Dikweni.



6.1. INTRODUCTION

In July 2022 a Proclamation, co-signed by the President and the Minister of Justice and Correctional Services, was issued to bring the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2021 (Act No 13 of 2021) into operation with effect from 31 July 2022. This Act is part of the 3 GBV Amendment Bills that the President assented to and signed into law on the 25 January 2023. It is an Act that introduces major changes on the implementation of the National Register for Sex Offenders (NRSO).

In 2018, women marched in all provinces under the banner of #TheTotalShutDown Movement to express their anger against the scourging gender-based violence and femicide. They handed to the President 24 Demands, one of which was for the extension of the scope of the protection afforded by the NRSO.

Parliament passed the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill, 2021, which was later made law in 2022. This Act requires, among others, the entry of the particulars of ALL sex offenders convicted of sexual offences perpetrated against survivors, irrespective of age, sex, gender and mental status.

The objects of the NRSO includes:

- (i) The prevention of new and repeat sex offending by inclusion of details of convicted sex offenders against vulnerable persons;
- (ii) The prevention of registered sex offenders from having access to vulnerable persons. Section 41 prohibits the employment, holding of any position which places him in any position of authority, supervision or care of a child or person with mental disability.

The NRSO further prohibits the granting of licenses to manage or operate any entity, business concern or trade in relation to the supervision over or care of vulnerable persons. It also prohibits convicted sex offenders from becoming a foster parent, kinship care giver, temporary safe care giver, and adoptive parent of a child or a curator of a person with mental disabilities.

The duty to remove persons whose details are included in the NRSO lies only with the Registrar of the NRSO or persons designated by the Registrar, subject to the circumstances outlined by the Act.

6.2 SALIENT CHANGES INTRODUCED BY THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT AMENDMENT ACT, 2021 (ACT NO 13 OF 2021)

With effect from 31 July 2022, the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021) introduced the following salient changes in response to the NRSO Demands made by #TheTotalShutDown Movement in 2018:

- (i) extend the ambit of the offence of incest,
- (ii) introduce a new offence of sexual intimidation to protect persons from threats of imminent sexual harm,
- (iii) substitute the phrase “person who is mentally disabled” or persons who are mentally disabled” wherever the phrase appears with the phrase person or persons with mental disabilities”,
- (iv) extend the list of persons who are to be protected in terms of Chapter 6 of the Act;

- (v) extend the list of persons who are entitled to submit applications to the Registrar of the NRSO;
- (vi) further regulate the removal of particulars of persons from the NRSO; and
- (vii) further regulate the reporting duty of persons who are aware that sexual offences have been committed against vulnerable persons (amending s54).

The NRSO participated in the NSP Pillar 3 Project for Country Readiness in the Implementation of the 3 GBV Amendment Acts, and led the Task Team dealing with implementation of the Action Plan for NRSO Readiness for operationalisation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2007 (Act No 13 of 2021). Key interventions will be discussed on this Chapter below.

6.3 NRSO VETTING



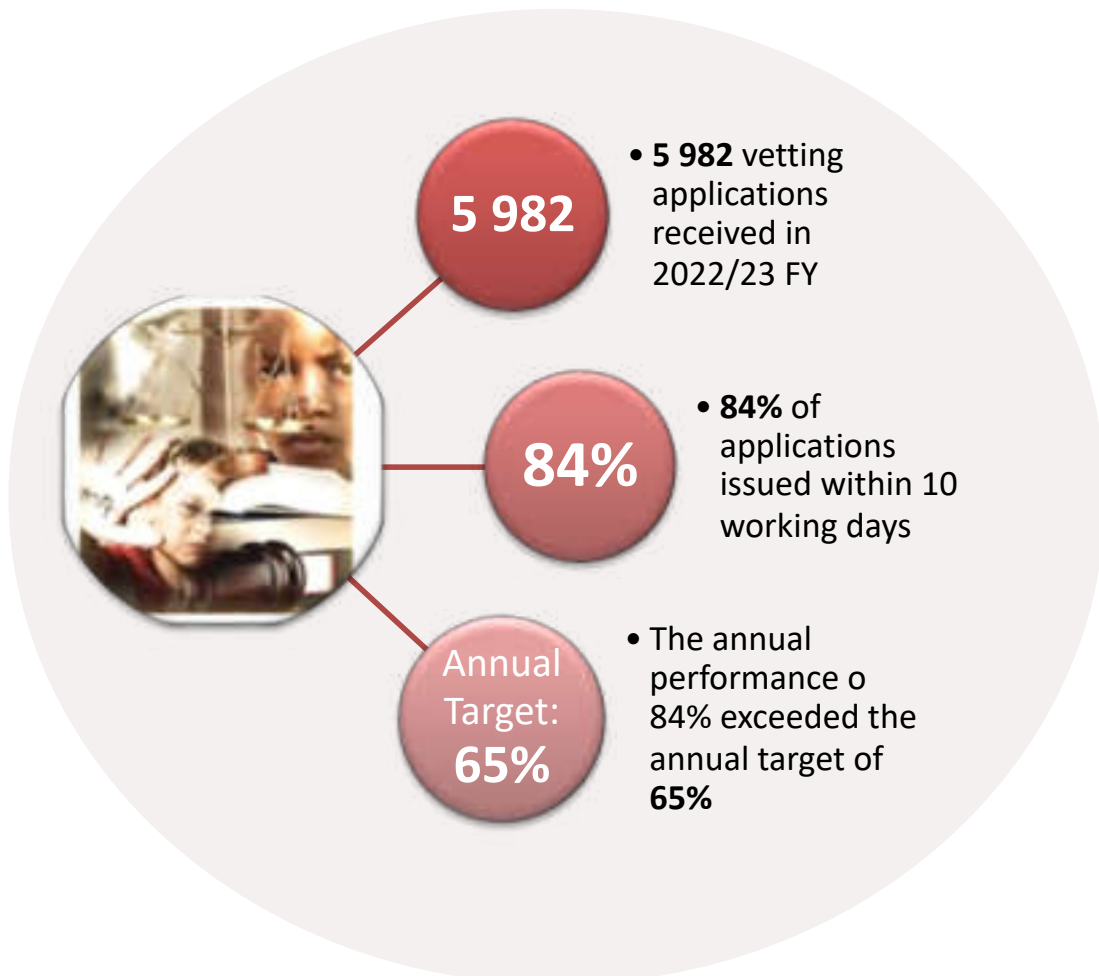
NSP Pillar 3 Activity: Fast-track the vetting process of persons providing services directly to children and mentally disabled persons in terms of the National Register for Sex Offenders

The GBVF National Strategic Plan Pillar 3 requires the Department to vet against the NRSO persons providing services directly to vulnerable persons. Before the commencement of the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 in July 2022, vetting was limited to persons and entities providing services directly to children and persons with mental disabilities.

In 2022/2023 financial year, the Department included in its Annual Performance Plan an indicator to issue not less than 65% of the clearance certificates within

10 working days of the receipt of the application for vetting. The quarterly and annual targets were 65% of the total applications received must be issued within 10 days of the receipt of application.

The Registrar received 5 982 applications of which 84% were successfully processed and issued within 10 working days of the date of receipt. This performance was above the targeted 65%. Below is the diagrammatical expression of the performance of the NRSO:



6.4 ELIMINATION OF BACKLOG OF APPLICATIONS FOR VETTING

During the COVID-19 pandemic, the office of the NRSO accumulated a backlog of applications for vetting due to the different restrictions of the national lockdowns. Furthermore, in 2021 the Department experienced a MALWARE attack which resulted in systems downtime for a couple of months. Even after the restoration of the system, the NRSO module could not function for few months and the accuracy of the data had to be confirmed and preserved before the module could be brought into operation. This challenge added more pressure on the NRSO work outputs, and

consequently increased the figure of historic backlog of vetting applications.

In addressing this challenge, the Department created an indicator in its Annual Performance Plan to finalise an annual target of 3 000 backlog applications for vetting applications. The target could have been set higher had the office of the NRSO been resourced adequately with human capital to deliver on NRSO services. The annual performance of the Registrar is as follows:



6.5 DECENTRALISATION OF CERTAIN NRSO SERVICES

The Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021) empowers the Registrar to delegate certain powers and decentralise certain functions. In the last quarter of 2022/ 2023 financial year, the Registrar delegated the vetting functions to the Directors- Legal Administration and Advocacy based at the provincial offices. These functions became additional to the scope of duties of the directors-legal.

The directors- legal were trained by the office of the Registrar to take over this responsibility with accuracy and caution, as errors could expose the Department to unnecessary civil litigations. Some of the provinces were visited to provide contact in-house training.

The Department has 9 Directors-Legal Administration and Advocacy, i.e. one director per province. Each director-legal reports to the Provincial Head, and is therefore not accountable to the National Registrar. This is what the Department will need to address, as the current arrangement could only be temporary.

6.6. THE EXTENDED SCOPE OF PERSONS PROTECTED BY THE NRSO

The particulars of all persons convicted of sexual offences must be entered into the NRSO. Previously, the law restricted entries into the NRSO to sex offenders convicted of sex crimes against children and persons with mental disabilities only.

Any registered sex offender is now prohibited from *being employed in a manner that places them in a position to work with or have authority or supervision over or care of persons who are vulnerable.* The protection afforded by the NRSO was previously limited to children and persons with mental disabilities, but now the scope of protection is extended to vulnerable persons, as defined by the Act.

6.6.1 VULNERABLE PERSONS DEFINED

Vulnerable persons includes:

- (a) child or a person with a mental disability;
- (b) female under the age of 25 years who receives tuition at an institution of higher learning or receives vocational training at any training institute, or as part of their employment; or lives in a students’ residence;
- (c) person who is being cared for in a shelter that provides services to victims of crime;
- (d) person with physical, intellectual or sensory disability, who receives community-based care and support services, other than from a family member, from a facility or lives in such facility to receive such services; and

- (e) an older person who receives community-based care and support services, other than from a family member, or lives in facility or building to receive such care and services.

The applications for vetting are received from persons who are required by the Act to vet against the NRSO. The Act places a legal obligation on such persons to vet, and failure to do so amounts to a punishable offence.

Penalty for failure to vet: On conviction, an employer or employee who fails to comply with this Act will be liable to a fine or to imprisonment for a period not exceeding seven years or to both a fine and such imprisonment.

6.7. APPLICATIONS FOR REMOVAL OF PARTICULARS FOR EXPUNGEMENT AND OTHER REASONS

Section 51 of the Act permits the removal of particulars of the convicted sex offenders from the Register under certain circumstances. The Registrar therefore receives such applications and processes them in terms of the Act. The number of these applications vary from year to year as it depends on the sex offenders who make such applications. During the previous 3 financial years, the Register processed the removal applications as follows:



6.7.1 PERIOD TO QUALIFY FOR REMOVAL OF PARTICULARS FROM THE REGISTER

The new Amendment Act has extended periods of remaining in the Register before a sex offender may qualify for the removal of Particulars from the Register.

Who can qualify for removal?

The particulars of a person— (a) who—

- (i) has been sentenced for a conviction of a sexual offence to a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment, as contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, without the option of a fine for a period of at least six months but not exceeding eighteen months, whether the sentence was suspended or not, may, on application,

be removed from the Register after a period of 20 years has lapsed after that person has been released from prison or the period of suspension has lapsed;

- (ii) has been sentenced for a conviction of a sexual offence to a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment as contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, without the option of a fine for a period of six months or less, whether the sentence was suspended or not, may, on application, be removed from the Register after a period of 14 years has lapsed after that person has been released from prison or the period of suspension has lapsed; or

- (iii) is alleged to have committed a sexual offence in respect of whom a court, whether before or after the commencement of this Chapter, has made a finding and given a direction in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977, may, on application, be removed from the Register after a period of ten years has lapsed after such person has recovered from the mental illness or mental defect in question and is discharged in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002), from any restrictions imposed on him or her; or
- (iv) who has been sentenced for a conviction of a sexual offence to any other form of lesser punishment or court order may, on application, be removed from the Register after a period of ten years has lapsed since the particulars of that person were included in the Register.

WHO CAN QUALIFY FOR REMOVAL?

The particulars of a person— (a) who—

- (i) has been sentenced for a conviction of a sexual offence to a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment, as contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, without the option of a fine for a **period of at least six months but not exceeding eighteen months**, whether the sentence was suspended or not, may, on application, be removed from the Register **after a period of 20 years has lapsed** after that person has been released from prison or the period of suspension has lapsed;
- (ii) has been sentenced for a conviction of a sexual offence to a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment as contemplated in section 276(1)(i) of the Criminal Procedure Act, 1977, without the option of a fine for a period of **six months or less**, whether the sentence was suspended or not, may, on application, be removed from the Register **after a period of 14 years** has lapsed after that person has been released from prison or the period of suspension has lapsed; or
- (iii) is alleged to have committed a sexual offence in respect of whom a court, whether before or after the commencement of this Chapter, has made a finding and given a direction in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977, may, on application, be removed from the Register **after a period of ten years** has lapsed after such person has recovered from the mental illness or mental defect in question and is discharged in terms of the Mental Health Care Act, 2002 (Act No. 17 of 2002), from any restrictions imposed on him or her; or
- (iv) who has been sentenced for a conviction of a sexual offence to any other form of lesser punishment or court order may, on application, be removed from the Register **after a period of ten years** has lapsed since the particulars of that person were included in the Register.

6.8 CIRCUMSTANCES UNDER WHICH THE REMOVAL OF PARTICULARS IS NOT PERMITTED

The Act prohibits the removal of particulars of a registered sex offender from the Register if such convicted sex offender is:

- (i) sentenced to an imprisonment of 18 months and more, or is
- (ii) the repeat convict of a sex crime.

Under these circumstances, the particulars of a sex offender will remain in the Register *forever*, and the legal implications thereof are that this sex offender will be prohibited from working or running a business that will give exposure to vulnerable persons. For instance, if this person was a pediatrician, a caregiver for older persons, or a nanny, he or she will have to embark on a new career or employment that will not give access to children and other vulnerable persons.

6.9. ACCESS TO THE REGISTER

Any person may apply in the prescribed form to the Registrar to determine whether or not the particulars of any person have been included in the Register. However, there are requirements set by the Act that one must comply with. The prescribed forms, which sets out these requirements, are available on www.justice.gov.za.

6.10 THE ACTIVE ENTRIES IN THE NRSO

As at the time of the writing of this Report⁹, the NRSO had 31 682 active entries of sex offenders with 7 958 potential entries. The 'potential entries' refer to the pending court proceedings of sexual offences cases in our courts, which the Register digitally captures from the Integrated Case Management System (ICMS): Criminal Matters as potentials.

The figure of active entries varies almost everyday because of the different activities that occur in the Register, e.g. new entries of convicted sex offenders, removal of particulars of sex offenders, whose applications were successful, etc.

6.11. WEBINARS ON THE MANAGEMENT OF NRSO IN TERMS OF THE AMENDMENT ACT

With the recent operationalisation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021), which introduces massive changes in the management of the NRSO, the office of the National Registrar embarked on a public education intervention to popularise these new legal developments. The following public webinars were conducted:

Table 17: Webinars on the NRSO held on 2022/2023 Financial Year

Topic	Delegates	Date
HEDCOM Sub-Committee on Human Resource Matters (HRM) and Initial Teacher Education (ITE)	Educators	24 May 2022
Workshop on the vetting of staff with the Department of Basic Education (DBE)	Educators	30 May 2022
NRSO Vetting Integration	Corporate services	31 May 2022
Child Protection Week webinar	Children	1 June 2022
Webinar on the 3 GBV Amendment Acts	Public	20 June 2022, 23 June 2022 and 27 June 2022
Strengthening access to justice	Public	4 July 2022, 25 July 2022
Readiness plan for the implementation of the 3 GBV Amendment Acts, particularly on Chapter 6 of the NRSO	Public	18 July 2022
New legal amendments on NRSO	Public	27 Jul 2022
NRSO virtual training	Provincial Registrars	4 August 2022
Education Labour Relations Council (ELRC) special bargaining	ELRC	16 August 2022, 22 September 2022
Basic Education Sector's Implementing the Presidential Youth Employment Initiative (PYEI).	DBE	19 August 2022
DBE Inter-Provincial Sensitisation	DBE	23 August 2022
TPN school webinar	Education sector	24 August 2022
Special chamber engagement	Education sector	25 August 2022
NRSO and implications for PYEI	Education sector	30 August 2022
Vetting in Provinces	Provincial Registrars	7 September 2022
Vetting of Employees	Public	8 September 2022

Topic	Delegates	Date
Workshop to prepare for Phase 4 of the basic education employment initiative	Education sector	16 September 2022 17 September 2022
Decentralisation of functions to the Provincial Registrars	Provincial Registrars	22 September 2022
Decentralisation of functions to the Provincial Registrars	Provincial Registrars	23 September 2022
Vetting of employees at institution of higher learning	DHET staff members	13 October 2022
NRSO Sensitisation with the South African Human Resource Commission (SAHRC)	SAHRC	21 October 2022
Eastern Cape Intersectoral Committee Workshop on 3 GBV Amendment Acts	GBVF sector stakeholders, including CBOs	9 November 2022
NRSO Sensitisation to DBE Professional Bodies	DBE sector	14 November 2022
NRSO vetting	Public	14 November 2022
NAPTOSA ¹⁰ 16 days of Activism webinar	Educators	1 December 2022
NRSO Clearance Certificates: Mpumalanga Department of Basic Education	Education fraternity	20 December 2022
Vetting of Assistant Educators	Assistant Educators	23 December 2022
Total Webinars		32

Source: NRSO

As you will note from above performance, the NRSO prioritised the education fraternity on sensitisation to encourage educators to apply for the NRSO clearance certificates, as required by the Act. This intervention was prompted by the reported increase in figures of sexual violence at schools, either perpetrated by educators against learners or learners against learners. Webinars were also held with the Department of Higher Education.

6.12 MEDIA AND PUBLIC AWARENESS ON NRSO

During this reporting period, the Registrar participated in nine (9) interviews and one (1) media enquiry to raise awareness on the NRSO and to address enquiries by public, especially around making the NRSO public or not. These interviews are illustrated in the Table below:

Table 18: Media Awareness Raising on the Amendments to the NRSO



MEDIA HOUSE / RADIO STATION	DATE
PRETORIA NEWS	5 May 2021
SAFM	7 May 2021 and 11 Jan 2022
POWER FM	11 May 2021 and 11 Jan 2022
Morning Live SABC2	25 June 2021
100.4 FM	28 June 2021
Lesedi FM	30 June 2021
Eldos FM	28 October 2021
702	13 January 2022

Source: NRSO

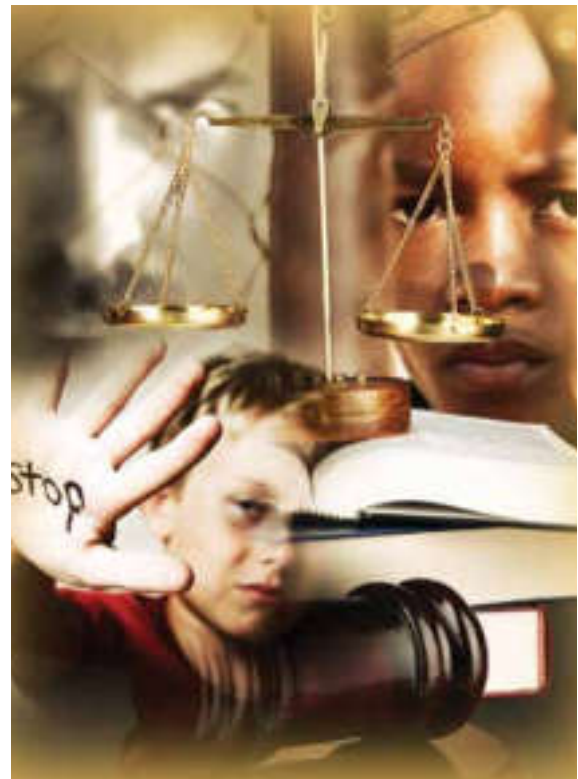
10 National Professional Teachers' Organisation of South Africa

CHALLENGES AND POSSIBLE SOLUTIONS

The major challenges to the speedy implementation of the NRSO are:

Table 19: Challenges Facing the Management of the NRSO

Challenges	Possible Solutions
The lack of adequate human capital at Provincial offices.	During this reporting period, the Department made permanent appointment of five (5) officials. The appointment of a deputy director is in pipeline. However, the need to resource the Provincial Registrars needs urgent attention.
The MALWARE attack resulted in intermittent functioning of the electronic Register, which impacted on timeous delivery of clearance certificates. Staff members had to work during weekends to catch up with the backlog.	At the time of the writing of this Report, the Department had resolved the problem.
The centralised functions of the NRSO: Currently, all powers and primary functions are exercised by the National Registrar from the national office with extremely limited resource capital.	The Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act permits the decentralisation of certain functions to the provinces. The Department developed the Draft Service Delivery Model for the Decentralisation of Certain NRSO Services to ensure easy access to services.
Delay by the relevant government employers in submitting their applications to the NRSO vetting	The matter has been escalated to the Directors- General Intersectoral Committee and is receiving attention. It is the standing agenda item of this Committee and its National Technical Intersectoral Committee.
Systems integration between SAPS, DoJ&CD, NPA, DSD, DCS, and DoH is needed to facilitate a seamless and agile data sharing	IJS is working on this matter.



NATIONAL REGISTER FOR SEX OFFENDERS

Maintaining a safe environment for children and mentally disabled persons

CHAPTER 7: SEXUAL OFFENCES CASES REGISTERED BY REGIONAL COURTS



7.1. INTRODUCTION

The Department uses the Integrated Case Management System (ICMS) to capture all cases of sexual offences registered at the lower courts ¹¹. Over the years, the ICMS has been periodically upgraded to collect more disaggregated data sets so as to assist with the case profiling for administrative purposes. From onset, it would be worth noting that the Department’s statistics differ from the reported SAPS Crimes Statistics in that our system captures cases while SAPS CAS system is designed to collect charges of each cases.

Furthermore, this chapter must be read from the premise that the mandate of the Department *excludes* the prosecution and the adjudication of sexual offences matters, as these functions falls under the mandates of the NPA and the judiciary, respectively. The Department’s role is therefore restricted to the provision of certain legal administrative services and related resources for the optimal functioning of the courts. It is also the responsibility of the Department to assist Parliament in crafting responsive and impactful laws in GBVF. For this reason, the monitoring of the intersectoral implementation of some of these laws lies squarely within the mandate of the Department, including taking the leadership role in reporting to Parliament annually on the outputs achieved and limitations experienced by government stakeholders in terms of section 65 of the Act.

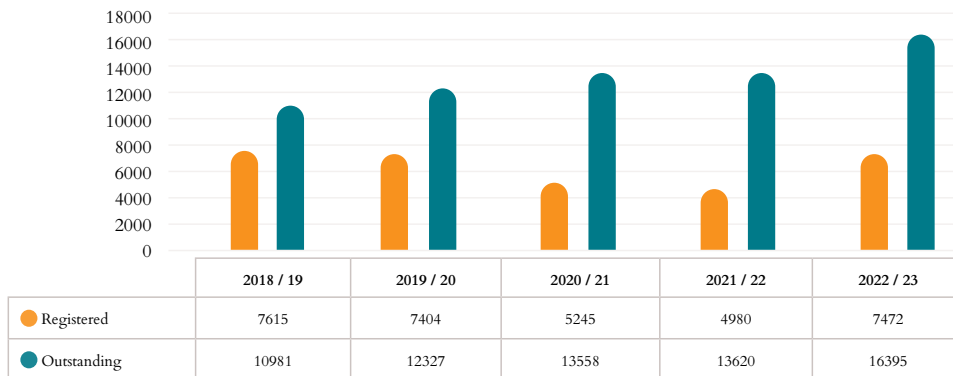
In terms of article 15 of the Presidential Summit Declaration against Gender-based Violence and Femicide of 2019: *‘The integration of systems for the optimal management of data throughout the justice system be finalised without further delay, which must include the collection of disaggregated data relating to survivors and offenders, from the point of entry into the justice system to the exit, with unique identifier functionality.’*

In line with the *Presidential Summit Declaration against GBVF*, the Department is progressively enhancing the performance of the ICMS: CRIMINAL. In 2021/2022 financial year, the system was enhanced to include new offences created by the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021). The ICMS: NRSO was also enhanced to include the new changes introduced by the same Act. During this reporting time, more systems upgrading were done to collect data sets that are more disaggregated and more encompassing so as to optimize the Department’s diagnostic, predictive and prescriptive analytics of the sexual violence in the country. In this Chapter, different data sets will be shared to conduct the analytics required to shape Department’s programmatic interventions.

7.2. OVERVIEW OF SEXUAL OFFENCES CASES MANAGED BY REGIONAL COURTS

As indicated above, the Department collects statistics of sexual offences registered at lower courts, but will not provide diagnostic analytics relating to the prosecution of these cases as this area falls under the mandate of the National Prosecuting Authority. The data sets captured in our ICMS: Criminal are as follows:

Diagram: Five years trend of New Cases Registered and Outstanding Cases



Source: NOC

¹¹ Our statistics is not aligned to the South African Statistical Quality Assessment Framework (SASQAF)

As compared to the previous reporting time, the lower courts registered a significantly high increase of new cases of sexual offences by 50.04%. It is anticipated that the end of COVID-19 national lockdown restrictions and its ramifications of increased unemployment figures and other socio-economic challenges resulted to an unwanted increase in the pandemic of gender-based violence and femicide. As announced by President

Cyril Ramaphosa, from 2020 to 2022 the country was battling with 2 pandemics of COVID-19 and the GBVF, and the latter is unfortunately still surging high.

With an increased number of new registered cases of sexual offences, the number of outstanding cases invariably increased by 16.93%.

7.3. PERFORMANCE OF REGIONAL COURTS IN SEXUAL OFFENCES CASES PER PROVINCE

The Department collects statistics of performance of each court in every province, and this approach helps to determine the communities with high sexual offending rate. As the data analytics show, crime rate differs from one community to another due to how residents of such community are impacted on or reacting to the core drivers of crime, the socio-economic factors, and the family values. It has been proven from many studies and data analytics that sexual violence is often perpetrated by people known and/ or related to the victims. Without the rehabilitation of family values and respect for female family members, gender-based violence and femicide might not end.

Migration of Sex Offenders: The Gauteng lower courts registered the highest number of new sexual offences followed by Free State and then KwaZulu-Natal. Due to its economic strength, Gauteng has, over

the years, been experiencing rising figures of migrants from the country and other countries. Sex offenders also reportedly migrate to densely populated areas, either to hibernate or 'hunt' for new targets. In the previous reporting period, KwaZulu-Natal registered the highest number of new registered cases of sexual offences followed by Eastern Cape and then Western Cape. The inconsistency in pattern may be the result of the constant migration of sex offenders.

It has been also learned that the number of new registered sexual offences cases would decline in a community as soon as a sexual offences court is established, while the neighbouring community would experience a sudden rise of sexual offending. This might be caused by the migration of sex offenders to escape from the dedicated intervention introduced by the sexual offences court.

The breakdown of sexual offences matters registered in our lower courts is set out below in terms of their prevalence in the country:

Table 20: Breakdown of New Registered Charges of Sexual Offences

Charges Registered	2022/2023	%
Rape	5 306	71.0%
Statutory sexual assault	913	12.1%
Statutory Rape	240	3.2%
Compelled Sexual Assault	231	3.1%
Attempt/conspire/incite/induce another person to commit a sexual offence	227	3.0%
Attempted Rape	188	2.5%
Compelled Rape	103	1.4%
Housebreaking with the Intent to Rape	58	0.8%
Indecent Assault (Common law)	17	0.2%
Other	199	2.7%
Grand Total	7 482	100

Source: NOC

7.4. THE SURGE OF RAPE IN SOUTH AFRICA

Year by year the RAPE charges are persistently the highest of all sexual offences registered by our lower courts. This can be construed as an indication that South Africa has become the epicentre of RAPE. Following after RAPE are the sexual offences perpetrated against children, i.e. statutory sexual assault and statutory rape. The numbers of children who are sexually violated, either by family members, family friends or strangers are shockingly increasing, and this shows the level of dysfunctions in families, poor parenting in many household and the declining societal value attached to children. South Africa has to be alert to the reality that is it raising children who are broken, angry and fearful. Many children have been deprived of the opportunity to live and grow up as children in a free democratic country.



THE THREE NEW GENDER-BASED VIOLENCE AMENDMENT ACTS, 2021:



No more police/prosecutor bail for gender-based violence and femicide (GBVF) suspects



All GBVF suspects must appear before court to apply for bail

A VICTIM CENTRIC JUSTICE SYSTEM: NOW AND NOT LATER



For the past couple of years, the offence of Rape has been the top sex crime perpetrated in the country, with statutory rape coming either second or third in the top list. Below are the Top 10 courts that registered the highest figures of RAPE during this time of reporting:

Table 21: Courts with the highest number of Rape cases registered in the regional court for 2022/23 financial year

Charge	Province	Top 10 courts	2022/23
RAPE	Free State	Bloemfontein	238
	Western Cape	Wynberg	152
	Gauteng	Pretoria	146
	Free State	Welkom	143
	Western Cape	Paarl	132
	Free State	Botshabelo	101
	Gauteng	Benoni	85
	Western Cape	Bluedowns	83
	Gauteng	Johannesburg	79
	Limpopo	Mokopane	77

Source: NOC

From the Table above, it shows that the provinces with the high incidence of RAPE are Free State, Western Cape

and Gauteng- with each having 3 courts that made it to the Top 10 courts.

7.5. TOP 10 COURTS WITH HIGH NUMBER OF NEW REGISTERED CASES OF SEX CRIMES

From the ICMS, the Department extrapolates courts that registered a higher number of new cases of sexual offences, compared to others. The Table gives a depiction of the areas that are the epicentre of sexual violence in the country, as follows:

Table 22: Top ten courts that registered high number of new cases of sexual offences in the regional courts during 2022/23 financial year

Province	Top 10 Courts	2022/2023	% Distribution (Cases Registered per Region)
Free State	Bloemfontein	313	26.8%
Gauteng	Pretoria	230	15.7%
Western Cape	Wynberg (WC)	221	19.6%
Free State	Welkom	219	18.7%
Western Cape	Paarl	187	16.6%
Free State	Botshabelo	124	10.6%
Western Cape	Bluedowns	115	10.2%
Gauteng	Johannesburg	109	7.5%
Gauteng	Benoni	105	7.2%
Free State	Virginia	104	8.9%

Source: NOC

7.6. TOP 10 COURTS WITH HIGH CASE DISPOSAL RATE IN SEXUAL OFFENCES

The Department selects the top courts with high rate of disposal of sexual offences cases. These data sets include cases finalised with a judgment of guilty or not guilty, charges withdrawn and matters struck off the roll for reasons determined by prosecution. The Department does not report on the conviction rate in these cases as this is the mandate of the NPA. The Table below reflects court performance in sexual offences cases that are prosecuted by NPA and adjudicated by the judiciary:

Table 23: Top Ten Regional Courts with High Number of Disposed Cases for 2022/23 financial year

Province	Top 10 Courts	2022/23	% Distribution (Cases Disposed of per Region)
Western Cape	Wynberg	376	22.8%
Free State	Welkom	283	24.6%
Free State	Bloemfontein	271	23.6%
Gauteng	Pretoria	216	14.5%
Western Cape	Paarl	189	11.5%
KwaZulu-Natal	Pietermaritzburg	173	12.8%
Eastern Cape	Mthatha	161	10.0%
Western Cape	Bellville	135	8.2%
Eastern Cape	Port Elizabeth	126	7.8%

Province	Top 10 Courts	2022/23	% Distribution (Cases Disposed of per Region)
Western Cape	Bluedowns	122	7.4%

Source: NOC

7.7. TOP 10 COURTS WITH HIGH NUMBER OF OUTSTANDING CASES OF SEXUAL OFFENCES

Below are the courts that registered a high number of outstanding cases of sexual offences as at 31 March 2023. It must however be noted that most of the courts with the highest number of outstanding cases also registered the high volume of new cases of sexual offences. The higher the caseload of new matters the higher the pressure to finalise cases.

Table 24: Top Ten Courts with High Number of Outstanding Cases as at 31 March 2023

Province	Top 10 Courts	As at 31st March 2023	% Distribution (per Region Outstanding Cases)
Free State	Bloemfontein	434	26.0%
Western Cape	Wynberg (WC)	420	14.4%
Gauteng	Pretoria	406	14.7%
Western Cape	Paarl	372	12.8%
Free State	Welkom	372	22.3%
Mpumalanga	Secunda	307	22.8%
Mpumalanga	Mbombela	250	18.6%
Western Cape	Cape Town	248	8.5%
Western Cape	Bluedowns	235	8.1%
Eastern Cape	Mthatha	233	10.2%

Source: NOC

7.8. TOP TEN REASONS FOR THE POSTPONEMENT OF CASES OF SEX CRIMES

The Department captures reasons for the postponement of cases as recorded by the bench. The court officials who requests case postponement are the judiciary, prosecution, defence, legal aid practitioners or the accused persons. However, it is the presiding officer who makes the final decision. The Table below lists the Top 10 reasons for which cases of sexual offences were postponed as at 31 March 23:

Table 25: Top Ten Reasons for Postponement of Cases of Sexual Offences as at 31 March 2023

Postponement Reasons	As at 31 st March 2023	%
Trial	4 914	30.0%
Plea	2 119	12.9%
Part-heard case	1 622	9.9%
Further Investigations by police investigator	1 061	6.5%
Witnesses (State/ Defence)	764	4.7%
Pre-Trial Conference/Proceedings	533	3.3%
Consultation/Client Instructions at the request of the defence	526	3.2%

Postponement Reasons	As at 31 st March 2023	%
Further Particulars	523	3.2%
Provisionally Postponed	503	3.1%
Regional court date	451	2.8%
Other	3 379	20.6%
Total	16 395	100

Source: NOC

Note: Some of the cases were finalised before the end of March 2023, and so the total number of cases reflected on the Table above is not the representation of outstanding caseload registered as at 31 March 2023.

7.9. NEW CASES ALLEGEDLY PERPETRATED AGAINST THE LGBTQIA+ PERSONS

Province	New Murder and Sexual Offences Cases Registered			Total Caseload of New Cases	Case Status
	Murder	Rape	Assault ¹²		
Eastern Cape	3	-	-	3	All pending
Gauteng	6	-	1 ¹³	7	1 x Assault case finalised with a conviction
KwaZulu- Natal	5	1	1 ¹⁴	7	All pending
Mpumalanga	1	-	-	1	All pending
North West	1	-	-	1	Pending
Western Cape	5	-	1 ¹⁵	6	1x Murder charge withdrawn as accused died ¹⁶ ; 1 x Ass withdrawn for insufficient evidence
Total registered cases	21	1	3	27	

Source: Constitutional Development Branch

The Table above shows 21 murders perpetrated against the LGBTQIA+ persons with elements of hatred and intolerance. For this reason, the Department classifies these murders as falling under the GBVF-related matters. During this reported period, only ONE new rape case was registered by our lower courts. However, it is known that many of these cases are NOT reported mainly due public stigma and intolerance against sexual orientation.

7.10. CHALLENGES AND POSSIBLE SOLUTIONS

The Department is in the process of renewing the infrastructure of its tech-system. During this reporting time, there was intermittent accessibility of the ICMS which adversely impacted on daily data capturing and its update. Standard Operation Procedures were introduced to maintain data completeness and accuracy.

12 Assault Common/ Assault with Intent to do Grievous Bodily Harm

13 Assault with Intent to do Grievous Bodily Harm (Ass GBH)

14 Assault with intent to do Grievous Bodily Harm (Ass GBH)

15 Assault Common

16 Reported that accused died of heart attack whilst in prison

CHAPTER 8: IMPLEMENTATION OF NATIONAL STRATEGIC PLAN TO END GENDER-BASED VIOLENCE AND FEMICIDE



8.1 INTRODUCTION



Article 5 of the Presidential Summit Declaration against GBVF, 2019

'The existing laws and policies applicable to gender-based violence and femicide are to be reviewed to ensure that they are more victim-centred and responsive and that the identified legislative gaps are addressed without delay.'

During this reporting period, the Department made strides towards the achievement of the interventions and aspirations of the Presidential Summit Declaration against Gender-based Violence and Femicide and its National Strategic Plan (NSP). The Department leads the implementation of Pillar 3 of the NSP¹⁷, and the Table below outlines our performance during 2022/23 financial year:

THE NATIONAL STRATEGIC PLAN PILLAR 3: JUSTICE, SAFETY AND PROTECTION				
Intervention	NSP Indicator	Achievement	Remarks for Non-Achievements	
Improve access to survivor support services through a victim centric criminal justice services that is sensitive to and meets their needs.	SMS Notification in Applications for NRSO Vetting developed	The Development of the SMS Notification was finalised, and the User Acceptance Testing (UAT) of the functionality conducted.	N/A	
	30% of lower courts provide online applications for domestic violence protection orders	Online Application web portal developed and aligned with the Domestic Violence Regulations of 2021, but could not be rolled out since the date of commencement of the Domestic Violence Amendment Act, 2021 was not set yet. There were also certain technical requirements that needed to be met.	Partially achieved. The Domestic Violence Amendment Act is not yet operational.	

¹⁷ Chaired by PRVG

THE NATIONAL STRATEGIC PLAN PILLAR 3: JUSTICE, SAFETY AND PROTECTION				
Intervention	NSP Indicator	Achievement	Remarks for Non-Achievements	
GBV Service Delivery Training and support is provided to all service providers within the CJS dealing with GBVF matters	9 sessions of trauma debriefing for court intermediaries		N/A	
	Amended learning modules	<ul style="list-style-type: none"> Module for Domestic Violence aligned to the Domestic Violence Amendment Act, 2021, Module for Sexual Offences aligned to the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 The Department also commenced with the delivery of training of clerks of the court using the amended training modules. 	N/A	
Strengthen capacity within the CJS to address impunity and Facilitate justice for GBV survivors	80 sexual offences courts established	<ul style="list-style-type: none"> 83 courts were upgraded in line with the <i>Regulations relating to Sexual Offences Courts</i>. On 30 October 2022, the Department issued a <i>Gazette Notice</i> in terms of section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 for the designation of courts where sexual offences courts must be established. The Department is in the process of further amending section 55A of the Act, but this exercise has, in no way, affected the Department's performance for this financial year. 	N/A	
	27 courts upgraded in line with the <i>Minimum Standards for the National Policy Framework on Disabilities</i>	<ul style="list-style-type: none"> 70 courts have been upgraded in line with the <i>Minimum Service Standards for Reasonable Accommodations to Access Justice by Court Users with Disabilities</i>. This indicator target was aligned to the MTSF target; hence the over-achievement 	N/A	
Development of the phase 3 to 6 of the Femicide Watch.	Phase 5 of the Femicide Watch	<ul style="list-style-type: none"> New additional data metrics for Phase 5 of the Femicide Watch (FW) were incorporated in the FW Dashboard. The User Acceptance Testing of Phase 5 FW was conducted in March 2023; The Phase 5 FW Report was approved. 	N/A	

THE NATIONAL STRATEGIC PLAN PILLAR 3: JUSTICE, SAFETY AND PROTECTION				
Intervention	NSP Indicator	Achievement	Remarks for Non-Achievements	
Fast-track the vetting process of persons in terms of the National Register for Sex Offenders.	65% of clearance certificates issued within 10 working days of receipt of the application	<ul style="list-style-type: none"> 84% of the 7 040 certificates were issued within 10 days working days from the date of the receipt of the applications. The Department allocated dedicated capacity towards the achievement of this indicator. 	N/A	
Amend legislation related to GBVF areas, build onto legislative reforms initiated under the Emergency Response Action Plan.	Domestic Violence Amendment Act in place by 31 Mar 2023	<ul style="list-style-type: none"> On 25 Jan 2022, the President assented to and signed the Domestic Violence Amendment Bill into law The Domestic Violence Amendment Act, 2021 (Act No 14 of 2021) is in place, and is now awaiting the date of commencement. 	N/A	
	Amended Domestic Violence Regulations developed and tabled in Parliament	<ul style="list-style-type: none"> The Domestic Violence Regulations of 2021 have been developed and approved. On 24 January 2023, the Regulations were submitted to Parliament, as per the timelines set by the Act. 	N/A	
	Amended Chapter 6: NRSO – Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007	<ul style="list-style-type: none"> The Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021) in place and introduces the amendment of Chapter 6 dealing with the management of the NRSO The Amendment Act became operational with effect from 31 July 2022, as promised by the President. 	N/A	
	Amended Regulations for the National Register for Sex Offenders tabled in Parliament	<ul style="list-style-type: none"> The Regulations were tabled in Parliament on 19 July 2022 and were published 30 days thereafter. 	N/A	
Overhaul of the Criminal Procedure Act, 1977 to make it victim-centric, including the review of bail provisions	Published <i>Gazette Notice</i> for the amended Determination of the Categories of Competent Persons Appointed as Intermediaries	<ul style="list-style-type: none"> The Department amended the Determination in line with Criminal and Related Matters Amendment Act, 2021 (Act No 12 of 2021) and published 2 Determinations (i.e. for intermediaries appearing at Criminal Proceedings and Non-Criminal Proceedings) as follows on 26 Aug 23: <ul style="list-style-type: none"> <i>Gazette</i> No R. 2418 dated 26 August 2023: Determination of Persons or Categories or Class of Persons who are Competent to be Appointed as Intermediaries in criminal proceedings: Criminal Procedure Act, 1977; <i>Gazette</i> No R. 2419 dated 26 August 2023: Determination of Persons or Categories or Class of Persons who are Competent to be Appointed as Intermediaries in non-Criminal Proceedings: Superior Courts Act, 2013, Magistrates Courts Act, 1944. 	N/A	

THE NATIONAL STRATEGIC PLAN PILLAR 3: JUSTICE, SAFETY AND PROTECTION				
Intervention	NSP Indicator	Achievement	Remarks for Non-Achievements	
	Extra performance	<ul style="list-style-type: none"> The Minister further issued Certificate of Competency to be Appointed as an Intermediary, which courts must issue to competent intermediaries, and this Certificate was published in <i>Gazette</i> No R. 2024 dated 26 August 2023; The Department further increased tariffs of Intermediaries appearing at criminal proceedings from R150.00 per day to R1 200.00 per day in district courts and R1 440.00 per day in Regional and High Courts, with effect from 15 February 2023. 		
Finalise the Traditional Courts Bill	Bill approved by Parliament	<ul style="list-style-type: none"> Traditional Courts Bill was passed by Parliament in September 2022 and is now awaiting assent by President. 	N/A	
Develop Bill for decriminalisation of sex work	Bill approved by Cabinet for publication	<ul style="list-style-type: none"> The Department developed the Criminal Law (Sexual Offences and Related Matters) Amendment Bill which seeks to decriminalise sex work; On 30 Nov 2022 this Bill was approved by Cabinet for publication. On 9 Dec 2022, the Department published in a Gazette Notice the Criminal Law (Sexual Offences and Related Matters) Amendment Bill for public comments with a closing date of 31 Jan 2023 The Department is currently considering inputs received from the general public. Further progress on this Bill will be done in the next financial year. 	N/A	

Source: All relevant Branches

The Department achieved ALL its NSP indicators, except for the roll out of the online web portal for the applications of the domestic violence protection orders. The roll out of this solution had to be deferred until the operationalisation of the Domestic Violence Amendment, 2021 (Act No 14 of 2021).

CHAPTER 9: LIMITATIONS AND POSSIBLE SOLUTIONS

Limitations	Possible Solutions
Inadequate human capital at the national office (PRVG ¹⁸) to lead the intersectoral implementation of the Act in the country. Currently, this work is done by a Chief Director without any technical support.	Support from the Department still awaited
Intermittent access to the ICMS which mostly resulted in backlog applications for NRSO vetting.	The Department is revamping the architecture of its system.
Conflicting interpretations of section 55A of the Act regarding the establishment of the sexual offences courts.	The Judicial Matters Amendment Bill will be introduced in Parliament to amend s55A so as to change the designation of regional courts to the places of sitting.
Non-attendance to the meetings of some of the members of the Directors-General Intersectoral Committee on the Management of Sexual Offences Matters.	Section 62 of the Act, which permits DGs to delegate attendance to the DG ISC SO meetings to the proxies, probably needs to be amended to encourage attendance by accounting officers. The JCPS Cluster DGs need to give oversight in the implementation of this Act and the Presidential Summit Declaration and its NSP as sexual violence is a scourge in the country.

18 Promotion of the Rights of Vulnerable Groups Unit

OUR FONDEST MEMORIES OF THE LATE MARIETJIE BOTHMA, THE JUSTICE WOMEN'S CONQUEROR AGAINST GBVF



By Adv Praise Kambula

'What doesn't break you makes you. I was abandoned, abused, and raped. I got out and became the voice for the voiceless. So can YOU!'

Marietjie Bothma.

In hindsight, the year 2017 marked a time when the country experienced a torrent of media reports of many women and girls who were raped, brutally murdered, mutilated, torched and some buried in shallow graves. It was a chilling pattern of gruesome violence that triggered so much fear, torment and pain. The femicide epidemic had been there for ages, but in 2017 media houses succeeded in making this reality the epicentre of the country's deliberations.

In reaction, the Department of Justice and Constitutional Development, put together a team of five GBV Conquerors to encourage women living in South Africa to **BREAK THE SILENCE, LIFT THE SHAME AND SHIFT THE BLAME!** We carefully selected these heroic women from the diverse sectors of politics, religion, career-minded, youth, and showbiz.

I was determined in getting the most daring to share with the world personal experiences of living in abusive relationships. Marietjie Bothma made it to the top list. On the day of the planning session, she bugged in my office and flooded the atmosphere with perfect accents of Zulu and Tswana expressions. Her festive spirit was sipped by all and it glued us together to a unified goal.

During imbizos, each Conqueror would share with diverse women her story of how she survived abuse to become a conqueror. The imbizos were held by DoJ&CD in all provinces. As a talented entertainer, Marietjie would savour her painful story with songs,

jokes, laughter, motivational talks in between, but the aching tears would still be there. The former brand face of the *'Mnandi-licious King Pie'* was abandoned by her mother at the age of 2. She got adopted by an abusive father, who would sexually abuse her, force her to drink red pepper water, and lock her in a closet. Her reminiscence would journey us to a time when she escaped from the adoptive home and landed on the streets as a homeless young girl. At street corners, she would sing to entertain for a living, and at night sleep in a cardboard box. Sadly, she didn't escape the harsh realities of crime in Hillbrow. She was raped, gang raped and nearly killed, just for being a young homeless white woman. As a Conqueror, she moved from the streets to being an actress, artist, multi-lingual motivational speaker, MC at Presidential events, staunch activist against GBVF, and a proud mother of two beautiful children.

After a short illness, Marietjie departed peacefully on the 29 May 2023. The Justice Family will always miss this gigantic soul. She was a true jewel with an African heart sold out to *ubuntu*. She survived many hardships in her life in a manner that strengthens one's hope for a future South Africa free from racism, gender bias, and gender-based violence and femicide. Her activism against the scourge of GBVF will always be remembered. She was indeed a Justice Women's Conqueror! **MAY HER BEAUTIFUL SOUL REST IN PEACE.**




When I was challenged, my soul cried out for new solutions.
I heard that our darkest nights bring on the brightest stars.
My political and personal themes, the constitutional and republican and the imposed judgments, made me develop my consciousness. Love, starts with SELF.
It is within that one finds tenacity, strength and worth. *You* can lead.

Frances Fowle
Professor, Business, Women, and International Justice





I learned my body is God's temple and fought my way out of domestic violence that took away my innocence and purity. I conquered it all from being a prostitute to being a professional nurse and now a Pastor. I am a conqueror!

Pastor Mimi Kuy
A Mother dedicated to raising young boys from inner cities.
The Founder of the Progressive Movement.




the DOJ & CD
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



What doesn't break you makes you. I was abandoned, abused and raped. I got out, and became the voice for the voiceless!
So can *You!*



Marietjie Bothma
An Artist and Actress






He treated me, called me all sorts of low names, raped me countless times, and ultimately tried to kill me.
Abused but in love, I entered a period of depression and isolation, until I allowed my love to shine and appreciation. Today, I could have become a statistic of intimate femicide, but I overcame.

Marlene Zangghana-Rellera
Justice Champion of the most vulnerable

Low self-esteem, sense of inadequacy, physical, verbal, emotional and psychological abuse branded my life until Jesus took control.
I overcame. *You* can too!

Sandra Mashele
A Mother and an Evangelist dedicated to caring for the abused children.



Report written & compiled by: Adv Praise Kambula

Promotion of the Rights of Vulnerable Persons

Department of Justice and Constitutional Development

www.justice.gov.za





CORRECTIONAL SERVICES

**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 2022 TO 31 MARCH 2023**

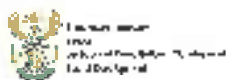


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1. BACKGROUND

Section 65(3) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007 (SOAA), stipulates that each State Department must submit reports on the implementation of the SOAA. Therefore, in compliance with the provision, the Department of Correctional Services (DCS) outlines its report on its activities related to the implementation of the SOAA for the period **01 April 2022 to 31 March 2023**.

The 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.

The DCS has consistently participated in the 2022/23 financial year 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 victims' centred approach.
- Annual reporting against the implementation plans.
- Participation in support of the other departments in the development of the National Instructions and Directives in respect of Chapter 5 of the SOAA.

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

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

2. GOVERNANCE FRAMEWORK

2.1 The 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 Coordinating Structures (DG Inter-Sectoral Committee and Operational Inter-Sectoral Committee) are aimed at 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:

April – March (2020/21 Financial Year)	April – March (2021/22 Financial Year)	April – March (2022/23 Financial Year)
Policy and Framework to manage sexual work release 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) Mode approved and implemented. The DCS partnership (MCU) with the Foundation of Victims of Crime (FOVC), an NGO who assist DCS with tracing of victims, continued during the reporting period.	Continued with implementation	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

April – March (2020/21 Financial Year)	April – March (2021/22 Financial Year)	April – March (2022/23 Financial Year)
		Emergency response plan on Gender Based Violence and Family Violence South Africa (Operational Plan (FROP) approved and implemented
Standard Operating Procedures (SOP) for the management of Lesbians, Gay, B sexual Transgender, Intersex and Queer Plus (LGBTIQ+) approved and implemented	The SOP is being implemented in correctional facilities. Upon approval of SOP officials were trained on the content and training sessions are ongoing.	Continued with implementation

3. PHYSICAL AND HUMAN RESOURCES

3.1 Security and Safety

The Department of Correctional Services (DCS) continues to provide 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.

The security policy procedures of the department provide a framework and direction for Heads of Correctional centres to manage the specific dynamics and risks of the inmate population at each correctional centre. The policy procedure allows separation of certain vulnerable groups or individuals from inmates who presents a safety risk to them and determines that:

- Irreconcilable offenders regarding language, religion, culture, ideologies, etc, must as far as possible be detained separately from each other;

- In order to combat the activities of sexual assaults and gangs, offenders who play the role of the female and gang leaders should be identified and as far as possible be detained in separate cells; and
- Offenders who render themselves guilty of sexual and other forms of victimisation of fellow-offenders, or offenders whose personality composition/behaviour history contains a strong indication/ predictability towards possible victimisation of this nature, should, as far as possible be detained and dealt with separate from other offenders.

When circumstances necessitate contact between these offenders and others (during meals, bathing, showering, sports, etc.), continuous direct supervision and control must be ensured.

3.2 Inmate Facilities

The Department of Correctional Services is made up of five service delivery programmes namely: Administration, Incarceration, Rehabilitation, Care and Social Reintegration. DCS has structures in six Regions headed by six Regional Commissioners, which are namely: Eastern Cape (EC); Free State/Northern Cape (FSNC); Gauteng; KwaZulu-Natal (KZN); Limpopo/Mpumalanga/North West (LMN); and Western Cape (WC). The following table indicates the number of Regions per Management Area and Correctional Centres as at 31 March 2023:

Region	Number of Management Areas	Correctional Facilities		
		Temporarily Closed	Active Facilities	Total
Eastern Cape	6	1	45	46
Free State & Northern Cape	7	1	47	48
Gauteng	5	1	26	27
KwaZulu Natal	7	1	47	48
Limpopo, Mpumalanga & North West	6	2	36	38
Western Cape	10	2	42	44
Total	46	6	238	244

Region	Closed facility	Reason for closure
Western Cape	Paarlansom	Due to dilapidation
Western Cape	Springe Medium	Due to dilapidation
Free State & Northern Cape	Paarl	Temporarily closed due to upgrading
Limpopo, Mpumalanga & North West	Geel	Due to dilapidation
Limpopo, Mpumalanga & North West	Grils	Temporarily closed due to upgrading

Source: DCS Website

3.3 Inmate Population

The Department of Correctional Services is at the receiving end of the criminal justice system through the detention of remand detainees and sentenced offenders. Therefore operations by the South African Police Services (SAPS) to combat crime through arrests and convictions by the Judiciary contribute to overcrowding in DCS.

The following table presents a picture of sentenced offenders, remand detainees and other unsentenced inmates incarcerated as at 31 March 2023.

Regions	Sentenced Offenders			Unsentenced Inmates			Total Inmates
	Males	Females	Total	Males	Females	Total	
Eastern Cape	249	1 467	1 716	145	6911	7057	21773
Gauteng	756	20960	21703	782	15290	16022	37805
KwaZulu-Natal	450	16 733	17180	245	6825	7066	24256
Limpopo, Mpumalanga & North West	360	1 7276	17636	105	5668	6073	23709
Free State & Northern Cape	212	13 779	14041	146	8447	8596	20637
Western Cape	577	15249	15822	586	12463	13054	28576
Total	2691	98495	101186	1955	53517	55470	157056

Source: Daily updates (01 April 2023)

The national inmate population increased by 13 833 (9,7%) inmates for the period 01 April 2022 to 31 March 2023. Since the beginning of the 2022/2023 financial year the overcrowding levels continued to reflect a consistent increase. The overcrowding level at the end of April 2022 was 32% which escalated sharply to 46% over a 12-month period. The increase in the overcrowding level is firstly due to the influx of inmate population which is an external factor which not in the immediate control of the Department.

3.3.1 Challenge

The impact of overcrowding remains a challenge which continues to put strain on available resources, which further inhibits rehabilitation efforts which may ultimately contribute to escapes, injuries and unnatural deaths within our facilities if not well managed.

Factors that play a role in overcrowding in relation to legislation and policies are:

- Mandatory minimum sentencing laws, increase in longer sentences and life sentences;

- The lengthened minimum detention periods to be served before consideration for placement under non-custodial system of parole; and
- The inappropriate use of incarceration through the detention of vulnerable groups such as mentally ill, fire and maintenance order defaulters and debt defaulters alongside with those charged or convicted for serious offences.

3.4 Separation of inmates

Different categories of inmates are separated from one another and detained separately. Where necessary, individuals or groups of inmates with vulnerability potential are detained separately from others to obviate friction or conflict.

Different LGBTIQ+ inmates are housed together in a designated 'Special Care Unit' within the correctional centre with no separate accommodation being provided separately for those identified as male, female or gender non-conforming.

All inmates are detained in terms of basic guidelines and procedures in respect of accommodation; however, the following additional principles apply in respect of transgender and intersex persons:

- Transgender males are detained together in dedicated cells in the special care unit within the male correctional facility.
- Transgender females are detained together in dedicated cells in the special care unit within the female correctional facility.
- Intersex males are detained together in dedicated cells in the special care unit within the male correctional facility.
- Intersex females are detained together in dedicated cells in the special care unit within the female correctional facility.

Section 38 of Correctional Services Act 117 of 1998 and the Standard Operating Procedure (SOP) on management of LGBTIQ+ approved on 02 March 2020, prescribes that upon admission an immediate risk and needs assessment be conducted within 24 hours in order to establish, amongst others, immediate security and health risks, needs, and / or vulnerability, for immediate referral or appropriate placement when and where required. Furthermore, all offenders including the LGBTIQ+ offenders are classified within 24 hours after admission to the Correctional

Centres using a security classification tool to determine their risk level for proper placement and the necessary resources and personnel to keep them secure and safe.

The LGBTIQ+ inmates are housed in single cells for their protection and they are allowed to express their gender identity safely and securely in line with the approved Standing Operating Procedure for the management of LGBTIQ+ inmates.

3.5 Sexual Offenders

Total number of sentenced Sexual Offenders per Region as on 31 March 2023:

Region	Unsentenced	Sentenced	Total
Eastern Cape	971	4238	5209
Gauteng	1851	3684	5535
KwaZulu Natal	1082	4751	5833
Limpopo Mpumalanga & North West	844	4760	5604
Free State Northern Cape	384	3701	4085
Western Cape	1252	2764	4016
Grand Total	8484	24096	32580

3.6 Human Resources

Personnel are deployed in all Correctional Centres to, amongst others, ensure the safety of all inmates. The table below reflect status of the Human Resources as on 31 March 2023.

Post Establishment as at end March 2023			
Program Description	Active Filled	Vacant	Total
DCS:ADMINISTRATION	5789	1009	6797
DCS:CARF	1772	282	2055
DCS:INCARCERATION	25650	2100	27750
DCS:REHABILITATION	2982	489	3471
DCS:SOCIAL REINTEGRATION	1941	303	2244
Grand Total	38135	4283	42418

4. TRAINING AND DEVELOPMENT

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

- Employee Assistance Programme (EAP) provides clinical and wellness programmes to correctional officials in order to enhance their mental health as

they deal with, amongst others, cases of sexual violence. The below table reflect programs conducted by EAP's nationally as at 31 March 2023:

	Total people	Total sessions
Clinical work/therapeutic intervention	3 865	5 268
Wellness programs	53 127	453

- The wellness programs focused on mental health, trauma debriefing, conflict management, spiritual wellness, gender-based violence burn-out and fatigue, suicide prevention, marriage enrichment, benefits of exercise, legal wellness, HIV/AIDS & use of condoms, women/men and youth empowerment, financial issues, sexual abuse, as well as medical health in relation to Covid-19 and other health issues.
- During the induction process inmates are, amongst others, orientated on the dangers of joining gangs including those that are associated with sexual activities.
- Human Resource Development (HRD) trained officials on the management of Lesbians, Gay, Bisexual, Transgender, Intersex and Queer Plus (LGBTIQ+) inmates as follows:

Number of Officials trained on LGBTIQ+	
30 June 2022	443
30 September 2022	512
31 December 2022	597
31 March 2023	873
Total	2 709

- DCS ensures that all offenders serving sentences longer than 24 months irrespective of their sentence, are assessed to determine the presenting risks and needs as per the offending behaviour with the aim of compiling the Correctional Sentence Plan. Furthermore, the offenders' Correctional Sentence Plans are periodically reviewed depending on the length of the sentence of the offenders.
- The Correctional Sentence Plan identifies the intervention Programmes and services that offenders must attend based on their individual needs and risks. Therefore all offenders who are serving sentences of longer than 24 months as a result of a sexually related conviction will also be assessed and have

Correctional Sentence Plans. The current achievement is that almost 99.9% of offenders have correctional sentence plans.

- Furthermore, the offenders' Correctional Sentence Plans are periodically reviewed depending on the length of the sentence of the offenders. The offender's progress in the rehabilitative programmes are reviewed during the course of incarceration through a Case Review Team session. The process of review will continue in a cyclical form until the offender's sentence expires or the offender is placed on parole.

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

The 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 psychological and social work services for counselling.

Inmates who are 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.

5.1 HIV and AIDS

The table below reflect the Post Exposure Prophylaxis (PEP) services rendered to inmates during 01 April 2022 - 31 March 2023.

	Alleged sexual assaults reported	Alleged sexual assault victims received PEP	Number of inmates not eligible for PEP
April – March 2022/23	79	84	5

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 a 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 the 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 2022/23 Financial years.

Financial year	Number of offenders convicted of sexual and related matters involved in a group therapeutic sexual treatment programme.	Number of offenders convicted of sexual and related matters and those who are victims of rape have been involved in individual therapeutic interviews carried out by social workers.
2015/2016	5856	5700
2016/2017	5206	7051
2017/2018	4646	5822
2018/2019	6935	5225
2019/2020	5565	4200
2020/2021	1914	2199
2021/2022	5543	5027
2022/2023	4615	5059

Compared to the previous financial years (2015/16 to 2019/20), 2020/2021 reflects a big decline in the number of offenders involved in group therapy and individual therapy and this is due to the COVID-19 pandemic which had impact on the rendering Social Work Services to offenders. However comparison between 2020/21 and 2021/22 reflects that a high number of offenders participated in Sexual Offenders Treatment Programmes and this could be due to the fact that COVID-19 Lockdown

restrictions were eased allowing more offenders to participate in both Individual and Group therapy.

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

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 reflect the reality of the need as assessed and the interventions made.

5.3 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. The treatment process requires sexual offenders to learn special strategies for stopping abusive behaviour and taking responsibility for harm done; a central focus of treatment is to help an individual create a better life for him/herself by developing strengths and managing their risks. Participants address personal accountability, relapse prevention, and possibly a full 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 rendering of psychological services is needs-based and dependent on marketing of interventions by psychologists, referrals or by own request from offenders. Sexual offenders return to their community on parole or on sentence expiry date, and there is a need for successful treatment prior to such homecoming.

The following table reflects the number of offenders convicted for sexual and related matters involved in sexual offender programmes and the receiving of psychological intervention during 2022/23 financial year.

Regions	30 June 2022	30 September 2022	31 December 2022	31 March 2023	Total
Eastern Cape	91	58	20	68	237
Free State/Northern Cape	9	0	16	0	16
Gauteng	13	18	23	28	82
KwaZulu Natal	45	36	37	30	151
Limpopo/Mpumalanga & North West	0	0	0	0	0
Western Cape	38	40	26	8	112
National	187	152	117	142	598

5.4 Victim Offender Dialogue (VOD)/ Victim Offender Mediation (VOM)

Victim Offender Dialogue is a conversation between the offender and the victim(s) aimed at exploring the crime. Participation in this process is ideally victim-initiated, and is always victim-centered and voluntary on the part of the victim and offender. After successful private face-to-face VOD/VOM the process of Public Victim Offender Dialogue Testimony (PVOD/VOMT) with public testimony by offenders and victims follows.

5.4.1 The Aims and Philosophy of VOD/VOM

Victim-Offender Dialogue aims to strengthen the current rehabilitation and re-integration programmes of the Department of Correctional Services by placing the victim at the centre of the intervention process. VOD/VOM derives from the culture of human rights which South Africa has embraced and which are enshrined in the Bill of Rights contained in the 1996 Constitution of RSA.

The Objectives of VOD/VOM are the following:

- To provide a restorative conflict resolution process that actively involves the victim and the offender in repairing the emotional and material harm caused by a crime.
- To provide an opportunity for a victim and offender to discuss the offense, to get answers to their questions, express feelings and gain a greater sense of closure.
- To provide an opportunity for a victim and offender to develop a mutually agreeable plan that addresses the harm caused by the crime
- To provide an opportunity for broad community participation in the fight against crime through engagement with offenders and empowerment of victims.
- To prevent repeat offending (recidivism)

5.4.2 The VOD/VOM Process

VOD/VOM is a process under the Restorative Justice Programme of the Department of Correctional Services, which aims to facilitate a dialogue between an offender(s) and a victim(s). The following must be taken into consideration during the process of VOD/VOM:

- The offender must provide as much information as possible to the victim about the crime.
- The victim may talk about the impact of the harm caused by the offender.
- The dialogue must take place in a secure environment.
- There must be a preparation process before the dialogue for both victim and offender.
- It must always be a voluntary process
- There must be an honest acknowledgment of the harm caused by one party.
- There must be sincere regrets and remorse for the injury caused.
- There must be a commitment by the offender not to repeat the crime/injury.

The following aspects are of utmost importance:

- VOD/VOM should be private and not public, but the testimonies may be public.
- It is a face-to-face interaction between the victim, offender and the facilitator.
- Effective and proper preparation of both the offender and the victim is imperative in the VOD/VOM process.

5.4.3 Referral for VOD/VOM

VOD/VOM may emerge due to the following:

- Referral by the Case Management Committee (CMC).
- Referral through a Social worker, Educator, Spiritual care or Psychologist.
- Request by the Victim.
- Request by the Offender
- Referral by CSPB (Look at the merit of the referral)

5.5 TRACING AND PREPARATIONS OF VICTIMS

Tracing of victims is the collective effort with the involvement of Social Auxiliary Worker and Correctional official designated within Community Corrections using various contact approaches such as;

- Tracing by contacting SAPS dockets.
- Department of Home Affairs when an identity document of the victim is provided, and
- Estate Agent who are knowledgeable with properties maps and addresses especially in urban and semi-urban areas.

During the year under review the following methods were utilised to prepare victims of crimes:

- Telephonic Communications; and
- Face to face contact.

During the period under review victims were informed of their right to participate during consideration process. Victims were further afforded the opportunity to make

representations during consideration of offenders for placement, or release. The Victim Offender Dialogues (VOD) and Victim Offender Mediation (VOM) process were facilitated for willing parties to ensure that relations are restored and mended. DCS Regional Offices coordinated Community Izimbizo and stakeholders' participation, including involvement of ex-offenders and victims.

The table below illustrates the number of victims who participated in the VOD and VOM process during the period under review:

Number of victims who participated in the Victim Offender Dialogues (VOD) and Victim Offender Mediation (VOM) process	
30 June 2022	5 977
30 September 2022	2 202
31 December 2022	4 105
31 March 2023	4 668
Total	16 969

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



Restorative Justice Process

DCS also coordinated engagements with various stakeholders including NPOs, traditional leaders, and Government departments. The following table illustrates the number of VOD forums coordinated during the period under review:

Number Victim Offender Dialogues (VOD) Forums (2022/23 Financial Year)	
01 April – 30 September 2022	141
01 October 2022 – 31 March 2023	137
Total	278

5.8 PRE-RELEASE RESETTLEMENT:

To ensure the successful reintegration of offenders into communities, parole considerations for offences listed in section 290A of the Criminal Procedure Act (CPA) 59 of 1977 read with section 75(4) of Correctional Services Act 111 of 1998, should include victim participation to provide a platform for dialogue between offenders and victims and thereby contribute to healing and restoration.

Victims of crimes are invited in writing per letter indicating the date, venue, time, and the chance to attend at least 30 days in advance.

The table below illustrates that there has been an increase in the number of victims who participated in Correctional Supervision and Parole Boards (CSPB) proceedings during the period under review, 01 April 2022 – 31 March 2023 as compared to same period of financial year 2021-22 (225):

Number of victims who participated in CSPB proceedings where conditional placement and further profile was approved	
01 April 2022 – 31 March 2023 for Financial Year 2022-23	1946

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



CCFB Consideration Sitting

5.7 Trafficking for Sexual Purposes

DCS continues to participate in an integrated planning process with the Justice, Crime Prevention and Security (JCPS) cluster where cluster departments develop and plan together and have one common viewpoint. It should be noted that the Department's performance environment is to a large extent dependent on other government departments, particularly those within the JCPS.

6. PREVENTION AND AWARENESS

The DCS community comprises of the inmates in correctional facilities as opposed to the other departments. Prevention and awareness programmes on sexual offences therefore focus on the inmates. The services below are offered as part of prevention and awareness programmes. However, the DCS renders Community outreach programmes through the community liaison intervention within the system of Community Correction. Through these outreaches the DCS partners with other stakeholders.

6.1 Correctional Programmes

The Preparatory Programme on Sexual Offences Correctional Programme is available in Correctional Centres. The programme is intended for sentenced offenders with Correctional Sentence Plans (CSPs) and offenders participate in the programme based on the need identified in their CSPs.



Correctional Programme Boston

The Programme is non-therapeutic and aimed at addressing sexual offending behaviour by empowering offenders with information pertaining to sexual and related matters, which includes awareness raising information on the Sexual Offences and Related Matters Act. The Programme has also been customised for easier and more user-friendly presentation to youth offenders. Correctional officers are continuously orientated on the implementation of all correctional programmes which include the programme for offenders who committed sexual offences.

The table below illustrates the number of offenders who completed the Correctional Programme for sexual offenders during the period of April 2022 – 31 March 2023 (2022/23 financial year).

Number of offenders who completed the non-therapeutic Correctional Programme for sexual offences:	
April 2022 – 30 March 2023 Programme facilitated by DCS officials	April 2022 – March 2023 Programme facilitated by external service providers.
3 671	31
Total: 3 702	
It is standard procedure that all inmates are also orientated and made aware of the dangers related to gangs and sexual practices.	It is standard procedure that all inmates are also orientated and made aware of the dangers related to gangs and sexual practices.

7. NATIONAL REGISTER FOR SEX OFFENDERS (NRSO)

In compliance with the Act, the DCS has collated all available information pertaining to all historic and current convictions and parolees of all offenders who have committed sexual offences.

All offenders who are serving a sentence of imprisonment or who have served a sentence of imprisonment as the result of a conviction for a sexual offence against a child and a person who is mentally disabled were informed that their particulars have been forwarded to the Register and the implications thereof. This exercise is considered finalised.

7.1 General challenges

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 offenders. This is a consequence of the implementation of criminal justice legislation and not primarily the inevitable rising crime rates. Its inherited peril undermines the ability of correctional service to meet basic human needs, such as accommodation, healthcare and food. It also compromises the provision and effectiveness of rehabilitation programmes, education and vocational training, and recreational activities.

In the effort to manage overcrowding and despite the sharp escalation in the overcrowding level the Department remains dedicated to advance the implementation of the Overcrowding Reduction Strategy. Strategies to reduce overcrowding are based on an integrated and sustained approach to enhancing the criminal justice process and are strengthened by an in-depth understanding of the nature of the problems in society, the effective functioning of the Criminal Justice System and general strategies for crime prevention.

8. MONITORING AND EVALUATION FRAMEWORK

8.1 Information Management

To achieve some of the objective of this Act a reliable Integrated Inmate Management System is required. The Department is exploring that avenue.

8.2 Monitoring and Evaluation

The implementation of SOAA has also been included and monitoring and evaluation for 2022/23 financial year.

During Monitoring and Evaluation conducted in the Regions, management in the Correctional Centres were instructed 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 Monitoring and Evaluations visits were conducted as follows in Regions:

REGION	Correctional Centre	Date
Gauteng	Kgoe Mampuru II Central	04 July 2022
	Leeuwkop Maximum	05 July 2022
	Johannesburg Medium B	06 July 2022
Eastern Cape	Mthatha Medium	01 – 02 August 2022
	Mdantsane	03 August 2022
	East London Medium A	04 August 2022
Free State Northern Cape	Tswelopele	06 September 2022
	Grootvlei Medium A	07 September 2022
	Grootvlei Medium B	08 September 2022
Kwazulu Natal	Pietermaritzburg Medium A	03 October 2022
	Durban Medium B	06 October 2022
	Durban Medium C	07 October 2022
Limpopo Mpumalanga North west	Klerksdrup	01 November 2022
	Witbank	02 November 2022
	Marimulle	03 November 2022
Western Cape	Drakenstein Medium A	31 January 2023
	Polsemor Medium B	01 February 2023
	Goodwood	02 February 2023

9. CONCLUSION

The Department of Correctional Services regard rehabilitation as one of its core mandates therefore rehabilitation of sex offenders remains 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 closely collaborated 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. The DCS continues to implement the Overcrowding Reduction Strategy despite all the above mentioned negative contributory factors. It is also worth mentioning that correctional facilities are accommodating more offenders who are serving longer sentences due to the mandatory sentencing provisions which is prompted by higher levels of crime committed. This has a huge impact on in the escalation of inmate population levels. Correctional facilities are therefore releasing

OFFICIAL SIGN-OFF

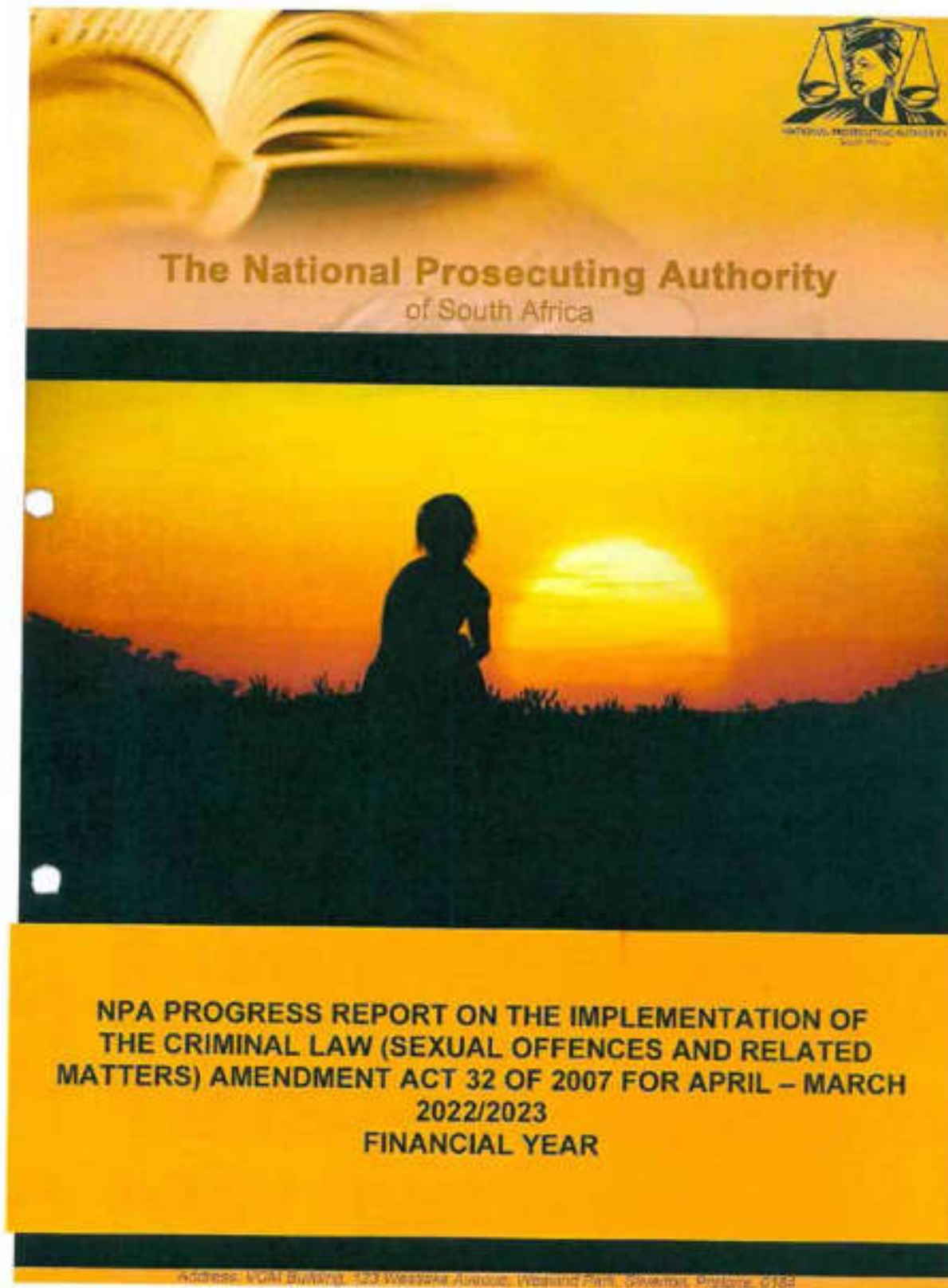
It is hereby certified that this Departmental Annual Report was developed by the Department of Correctional Services for submission to the Department of Justice and Constitutional Development for tabling in Parliament by the Minister of Justice and Correctional Services in terms of Section 65(3) of the 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 2022 to 31 March 2023.



MS THOBAKGALE
NATIONAL COMMISSIONER CORRECTIONAL SERVICES
DATE 10/01/2023

The background of the page features a large, semi-transparent white circle containing a blurred image of a pair of scales of justice. The scales are positioned centrally, with the pans hanging from a central point. The background is a light grey gradient. There are also several abstract, overlapping shapes in shades of yellow and maroon on the left and bottom edges of the page.

NATIONAL PROSECUTING AUTHORITY



OFFICIAL SIGN OFF

NPA PROGRESS REPORT ON THE IMPLEMENTATION OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 FOR 2022/2023 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 annual 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 2022/2023 Financial Year.



ADV RODNEY DE KOCK
DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS: NPS
Date: 19/7/2023



ADV SHAMILA BATOHI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
NATIONAL PROSECUTING AUTHORITY
Date: 19/07/2023

For more information, please contact:
NPA, Private Bag X752, Pretoria, 0001, South Africa
Tel: +27 12 845 6000

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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:

- Training and Development (regarding sexual offences training for prosecutors, integrated stakeholder training and the court preparation component)
- Physical and Human Resources (regarding the Thuthuzela Care centres (TCCs), 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 manuals and curriculum are 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, the Child Justice Act, Children's Act, Older Persons Act and the Harassment Act, *inter alia*.
- 2.4 The said curriculum, *supra*, was always covered in a 4-day decentralized intensive training program, however due to the covid- 19 pandemic and related lockdown regulations we had to adjust the program by providing it on a virtual platform over a period of three days. Also, a limited number of sessions were delivered during this period due to the limited availability of officials because of the said pandemic. The SOCA Unit in the NPA facilitates the training sessions. During the reporting period, 3 sessions were delivered as scheduled and attended by prosecutors dealing with sexual offence matters

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at court, as nominated by their respective DPP-divisions. Furthermore SOCA-colleagues also delivered ad hoc training on sexual offences (with reference to the training manual) as and when requested.

- 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 28 of these integrated sessions attended by various stakeholders (including prosecutors).
- 2.6 In relation to **Trafficking in Persons**, with a substantial 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 Act 7 of 2013 (Prevention and Combatting of Trafficking in Persons Act). The manual was reviewed and amended (where required), based on developments in law, and the training team delivered 3 sessions in the reporting period attended by 100 prosecutors.
- 2.7 Furthermore, SOCA Unit also developed a Court Report Training Manual (**Forensic Psycho-social Evidence training manual**) for expert witnesses and prosecutors regarding compilation of crucial reports for court purposes. Criminal court reports play a vital role in court proceedings; hence this training manual was developed focusing on inter alia on the strategic alignment of services in relation to court report writing, with a court dedicated focus. The training is led by the NPA (SOCA Unit), assisted by the Department of Social Development, the Department of Health, the Department of Justice and Correctional Services and the South African Police Services. For the reporting period, we have delivered 3 virtual training sessions attended by delegates from DSD, SAPS, DOH and NPA (Court Preparation Officers). A minimum of 150 delegates in attendance.
- 2.8 The **Court Preparation Component** in the NPA is also responsible for the training of prosecutors specifically on the court preparation model with an emphasis on victim impact statements (VIS) and victim impact reports (VIR). The training syllabus 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" (postponed due to budget constraints);
 - "Understanding the Sexually Abused witness for Prosecutors and CPO",

- "Direct CPO Supervisor" training for prosecutors and CPO on the Court Preparation Programme in line with sexual offences courts and
- "Induction training for Victim Assistant Officers (VAOs from the TCCs) on the KBL Court Preparation Programme".
- Training interventions were implemented for SMS members as well as prosecutors, VAO's and CPO's.

2.9 During the reporting period the following sessions as reflected on the table below were delivered and attendees of the said training intervention included prosecutors, court preparation officers and victim assistant officers.

Table 1: The table below provides an overview of all the training conducted for this reporting period.

No	Course Name	Date	Venue		No of participants
1	Foundational Training for new CPO's	16 - 19 August 2022	VGM	New CPOs	40
2	Direct Supervisor Training	05 - 07 October 2022	VGM	SPPs / Controls	14
3	Victim Impact Statements	07 - 09 November 2022	VGM	New CPOs	55
4	Victim Impact Statements	16 - 18 November 2022 -	WCD	New CPOs and Prosecutors	34
5	Understanding the Disabled Witness	13 - 17 February 2023	VGM	CPOs	50
6	Foundational Training for new CPO's	06 - 10 March 2023	VGM	New CPOs	27
7	NSP for GBV&F Training for Court Preparation Officials Reporting and recording on reports Accountability 10 x Sessions facilitated	14 - 15 June 2022	DPP: KZN	ALL CPOs	27
		21 - 22 June 2022	DPP: ECD Griffithstown and DPP: ECD Mthatha	ALL CPOs	18
		30 June - 01 July 2022	DPP: NWD	ALL CPOs	26
		04 - 05 July 2022	DPP: WC	ALL CPOs	38
		07 - 08 July 2022	DPP: LD	ALL CPOs	22
		12 - 13 July 2022	DPP: NC	ALL CPOs	16
		14 - 15 July 2022	DPP: GDP	ALL CPOs	15
		19 - 20 July 2022	DPP: MP	ALL CPOs	18
		21 - 22 July 2022	DPP: GLD	ALL CPOs	13
		27 - 28 July 2022	DPP: FSD	ALL CPOs	23
TOTAL		16 SESSIONS			438

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3. PHYSICAL AND HUMAN RESOURCES

- 3.1 The number of TCC-sites that provided services to victims as they reported matters at the sites, are **62 TCC's by end March 2023.**
- 3.2 During the reporting period the SOCA Unit established and launched two more sites, they are at Victoria Wynberg Hospital (Western Cape) and Dlokong (Limpopo). Dlokong is our first legacy brick-and-mortar site, which was built by private sector support based on our design to cater for optimum pre-trial services. In going forward SOCA has established several commitments from the private sector to support us in either the

upgrading of current TCC-sites, or the establishment of new sites and or providing comfort packs or food supplements for victims when reporting matters at the 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 97 courts which are focused on Sexual Offences Courts however they assist in other serious and violent court matters. All these sites are providing services for the victim impact statement process, as well.
- 3.5 The component now has 262 CPO posts compared to the previous financial year of 270 wherein 220 of these posts are filled and accordingly 42 are vacant. In addition, there are now 13 Provincial Managers posts, wherein 10 of these posts are filled and 3 are vacant.
- 3.6 CPOs are required according to the MATTSO Report to engage in debriefing sessions which are offered by NPA Employee Health and Wellness Programme. This programme provides for the implementation of supportive psychological services appropriate to Court Preparation Officers work environment and aimed at improving the wellbeing and performance of its employees.
- 3.7 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.
- 3.8 The **Employee Health and Wellness Programme** is offering stress trauma risk management interventions to aid employees who are often exposed to secondary trauma and occupational stress while performing their duties. The overall objective of the stress trauma management interventions is to provide the employees with the knowledge, tools, and resources to manage and mitigate the negative effects of their work-related stress and trauma, ultimately promoting their resilience and well-being.

- 3.8.1 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
- 3.8.2 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. The Stress Trauma Management interventions provide the necessary debriefing and supportive counselling and equip officials with effective coping and self-care strategies.
- 3.8.3 During the review period, the NPA Employee Health and Wellness Programme offered stress trauma risk management interventions that included ongoing small group sessions as well as full-day offsite sessions. The full-day sessions encompassed psychoeducation, debriefing, and tools and strategies to promote self-care and help seeking behaviour.
- 3.8.4 The stress trauma management sessions were held in eight different regions, as well as in the Head Office business units. It should be noted that the full-day sessions were mainly offered to prosecutors, advocates, court preparations officers, and support personnel, while the ongoing sessions were utilised by the Thuthuzela Care Centres.
- 3.8.5 During the period under review, the Employee Health and Wellness Programme unit provided a total of 33 ongoing group sessions and 34 off-site full-day regional sessions. The sessions comprised of psychoeducation, debriefing, grounding techniques activities, mindfulness activities, gratitude journal activities, and video clips to enable the participants to build the capacity to prepare for and deal with any eventualities due to constant exposure to vicarious/secondary trauma and related stressors.

The following sessions were provided across NPA regions.

Table 2: ongoing group sessions (1-2-hour sessions)

REGION	NUMBER OF SESSIONS	NUMBER OF ATTENDEES
Western Cape	18	144
Northern Cape	6	63
Kwa Zulu Natal	7	59
Free State	2	37
Total	33	303

Table 3: Full day sessions

REGION	NUMBER OF SESSIONS	NUMBER OF ATTENDEES
Kwa Zulu Natal	14	536
Northern Cape	4	108
Free State	3	87
Mpumalanga	3	87
Limpopo	3	82
Eastern Cape	2	49
Head Office	2	28
Western cape	2	31
South Gauteng	1	16
Total	34	982

A total of 1285 officials were reached through the stress trauma risk management interventions.



4. MONITORING AND EVALUATION

- 4.1 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.

4.2 State Advocates (Case managers) are appointed as part of the TCC-model, with specific expertise in sexual offences and GBV litigation and *inter alia* responsible for prosecutor-guided investigations and stakeholder cooperation to ultimately ensure that these cases are court and trial ready within the shortest cycle period possible. In some instances, these state advocates are prosecuting the TCC-cases themselves in court.

- a) Currently there are 62 TCC-sites (50 in 2021/22) based on the verification criteria, providing services for victims of GBV. These sites are based in all provinces.

Regarding the performance of the TCC-sites the following is to be noted with reference to the 2022/23 FY:

- b) The number of matters reported at the TCCs during this financial year, increased with 8.84% overall from the previous FY (2021/22). Hence, this reflects a total number of 36 813 matters reported, which is an increase of 2357 matters, from the previous FY.
- c) For the past 6 years, the current TCC-sites delivered services to 204 862 victims at the sites, whilst on average 86% of the matters were specifically on sexual offences. For the reporting FY, 3975 matters (10.8%) were reported on domestic violence that are not sexual offences related. Furthermore, of all sexual offence matters reported, 56.6% of these matters are specifically with children as victims.
- d) Regarding TCC reported matters that were prosecuted, an average conviction rate of 77.1% for this FY were achieved. This is 7.1% above the NPA APP target.

- It is also the 5th year that we have consecutively achieved a conviction rate of above 70%.
- The current conviction rate reflects 1142 convictions from the 1482 verdict cases finalised.
- The current TCC conviction percentage is also 2.3% above that of the national conviction rate of all sexual offences which stood at 74.8%.
- The number of 1482 TCC verdict cases represent a percentage of 32% of all sexual offence verdict cases (4626) in the reporting FY.
- Furthermore, when placed in perspective, for the 2011/12 FY the conviction rate for TCC cases was 60%, therefore a considerable improvement of 17% over a period of 11 years regarding the conviction rate of TCC-reported cases as compared with the 2011/12 FY.

- e) In relation to sentences imposed by the courts for TCC verdict cases during the 2022/23 FY, the following is to be noted:
- i. Life imprisonment sentences: 257 (an increase of 56 (27.9%) versus the previous FY)
 - ii. 20-25 years imprisonment sentences: 150 (an increase of 42 (39.6%) versus the previous FY)
 - iii. 10-19 years imprisonment sentences: 351 (decrease of 27 (-7.1%) versus the previous FY)
 - iv. The number of accused sentences in all TCC verdict cases is 1195 versus 998 in the previous FY (hence an increase of 197 (19.7%).
 - v. Furthermore, it confirms that the courts are generally imposing more severe sentences specifically on rape offences regarding TCC verdict cases, in comparison with the FYs prior to the NSP on GBVF (2016).
 - vi. In addition, it reflects that the courts specifically imposed life imprisonment sentences and 20-25 years sentences in 407 of all 1195 accused (34.1%). This is an increase of 3.4% of these sentences imposed in comparison to the previous FY.
 - vii. Of all the verdict cases finalised, 28 of the accused sentenced were dealt with as serial rapists by the courts.

- 4.3 Herewith included an analysis over the past twelve years regarding TCC-cases finalized with a verdict (acquittals and convictions) and conviction rate with the quarterly breakdown. It is to be noted that the current vacancy rate of prosecutors contributed *inter alia* negatively on the prosecution and finalization of sexual offence cases, which resulted in a decrease of verdict cases once compared with the previous financial year.

Table 4: Performance over past 12 years:

Financial year (FY)	Total number of cases finalized & average conviction %
2011/12	2180 / 60.7%
2012/13	2248 / 61.03%
2013/14	2357 / 65.9%

2014/15	2285 / 68.4%
2015/16	2340 / 71.8%
2016/17	2334 / 71.1%
2017/18	2549 / 74.5%
2018/19	2225 / 73.5%
2019/2020	1881 / 74.9%
2020/2021	993 / 73.9%
2021/2022	1346 / 76.7%
2022/2023	1482 / 77.1%

Furthermore, it must be noted that in addition to verdict cases that impacts on the finalization rate, the following factors also contributes to cases being disposed of; they are: warrant of arrests issued in cases, alternative dispute resolutions (ADRM) and matters regarding section 77 & 78 of the CPA.

4.4 Herewith is a breakdown of all sexual offence cases nationally prosecuted (including the TCC-cases) and finalized with a verdict for the past ten years;

Table 5: Breakdown of sexual offences prosecuted nationally:

Financial years	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/2020	2020/2021	2021/2022	2022/2023
Conviction %	67.1%	69%	70.1%	71.7%	72.7%	74.4%	75.2%	75.8%	73.8%	74.8%
Actual convictions	5464	5084	4978	4780	5004	4724	4098	3530	3181	3468
Finalized cases	8174	7372	7098	6668	6879	6353	5451	3349	4285	4626

4.5 In evaluating the prosecution of sexual offences, it is to be noted, that for the eight consecutive year a national conviction rate of above 70% was achieved (both in relation to all sexual offence prosecutions and in relation to the TCC-reported cases). The aforementioned conviction rate of above 70% is a substantial improvement since the year 2010 where we stood at a 60% conviction rate for sexual offences.

4.6 The management and prosecution of GBV matters is a priority focus in all DPP divisions, which is aligned to the NSP on GBVF and most importantly the NPS BU AOP. It is also a standing priority item at all provincial and national stakeholder related

meetings and forums. This is to ensure a collective and standardized approach in response mechanisms as the CJS towards GBVF.

4.7 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.

- a) In its efforts to serve the community the organisation has embarked on a process to become a victim centric organisation. Victims are given the right to participate through victim impact statements and when they are affected by the decisions to resolve a matter through ADRM or the evidence before the court. Central to this approach is the court preparation officers who not only attend to the needs of victims of crime but ensure that they are given a greater role in the process of achieving justice.
- b) Central to this approach is the court preparation officers who not only attend to the needs of victims of crime but ensure that they are given a greater role in the process of achieving justice.
- c) Community Education and Awareness Programs are rendered by CPOs with a view to crime prevention and the promotion of victims' rights as enshrined in the Bill of Rights and Victims Services Charter thus enhancing the image of the NPA and public participation in the trial process (CJS).
- d) In cases the victims and their families were assisted by the relevant CPO, their pressing needs were addressed in a sensitive and caring manner and appropriate referrals conducted in addition to enabling the victims to give credible evidence in court and their voice heard at sentencing.
- e) The CPOs specialised work assists the prosecutor to achieve successful prosecutions and the victims of crime achieve closure and confidence in the NPA and CJS as a whole. In addition, the CPOs also facilitates the process of obtaining a victim impact statement (VIS) of the victim. The VIS allows for the voice of the victim to be heard in court during the sentencing process.

- f) They also provide numerous intensive court preparation sessions to ensure the victim and the family members are empowered to give their best evidence in court. Furthermore, it is an example of how court preparation can impact on a child's ability to give successful evidence even years after the crime was committed.
- g) Table 6, provides a breakdown of the CPO performance per category for the reporting FY as reflected:



Table 6: CPO performance per category for the 2022/2023 FY

Indicator	2022 / 2023		2021 / 2022
Total court prep sessions	115713	Increased	97213
Number of VIS completed	8469	Increased	7813
Number of VIS's used by PP	2102	Decrease – This will increase if March stats are included	2212
% of VIS used	25%		28%
Number of DC sessions conducted	31723	Increased	18584
Number of RC sessions conducted	82143	Increased	77347
Number of HC sessions conducted	1856	Increased	1282
Total witnesses under the age of 18 years	19188	Increased	18004
Total Adult witnesses	96505	Increased	79173
Total witnesses in SO matters	51818	Increased	46805
Total number of other related matters	63895	Increased	50371

Number of Outreach Programmes Conducted	656	Increased	460
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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 TCC participation in campaigns focussed *inter alia* on the following topics:

- the essence of gender based violence and early disclosure / reporting of sexual and or physical abuse offences,
- TCC-services and the model,
- the influence of drugs and alcohol at schools (substance abuse),
- child pornography and related cybercrime,
- LGBTI-cases,
- the importance of forensic medical examinations and post-trauma consequences of GBV,
- ukuthwala-practises,
- the existence of sexual harassment and what it entails,
- the presence and occurrence of bullying at schools and the possible subsequent consequences thereof on the victims,
- the manifestation of human trafficking specifically for sexual exploitation of victims (children) and also child labour, etc.

Colleagues also participated in several **dialogue sessions** specifically at schools, community events or community radio stations. It must be noted that comprehensive details from the various cluster or provincial managers are available detailing the content and extent of the various campaigns delivered or participated in by SOCA officials.

5.3 The NPS Court Preparation Component participated in outreach programs which include interventions such as arranging the identified community to attend court on a Saturday; marches; conducting moot court; large numbers are accommodated at stadiums and

other interventions are community dialogues; schools and crèches. The aforementioned interventions results are interactive engagements and follow-up conducted by the relevant departments.

5.3.1 Topics covered during the interventions range from safety issues; roles and responsibilities of CJS members; Victims Charter; Child Protection; robbery; drugs; rape; role of CPO at court and their service offering; Victim Impact Statements; Human Trafficking; Sexual Offences; encouraging the community to report crime / rape / child abuse and not to protect the perpetrator; rights of the elderly and those who are disabled when going to court amongst others.

5.3.2 Community members who attend such interventions range from 30 to 1500 attendees and sometimes even more. The component unfortunately is unable to keep accurate statistics in this regard however, the numbers, which have been reported on, are noteworthy. The extensive reporting on such interventions by the CPCs are included in the Components Quarterly Performance reports. The needs, fears and rights of the community are addressed and referrals for further assistance is conducted.



6. GOVERNANCE

6.1 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:

- Inter-sectorial Committee meeting on sexual offences regarding sections 63 & 64 of Act 32 of 2007 (both the DG Intersectoral meeting and the National Technical team meeting);
- 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 (WC);
- LGBTQIA+ 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.

6.2 Together with SAPS (FSL) we as the SOCA Unit are focusing on the **SO DNA backlog cases**, to fast track the outstanding FSL reports and ultimately the prosecution of these cases which will minimise the said backlog. As at 2nd May 2023, we have facilitated and distributed a total of 31 266 DNA reports to the DPP divisions. It must be noted that not all of these reports include a specific outcome (positive or negative), the remainder of these reports also deal with the current status in the analysis of case reports. The backlog of these cases due to outstanding DNA reports have successfully been addressed to the extent that less cases are postponed for long periods due to these reports not being available. This initiative between NPA SOCA and SAPS FSL is an ongoing activity due to the prioritization of reports and the success achieved.

- 6.3 Due to ongoing support and interest from the business and mining sector in the TCC-model we are in the position to extend the number of new TCC-sites nationally which will increase our footprint regarding TCC pre-trial and victim centric services. Based on the efficacy review at the current TCC-sites we are in the process of embarking on either reaccommodating, refurbishment and or renovation of current sites for which we have submitted a latest CARA bid proposal to cover this task.

7. COMMUNITY PROSECUTION INITIATIVE (CPI)

At the 2022 NPA Strategic session, the CPI was one of the four elevated strategic priorities identified as part of the NPA's efforts to future-proof the NPA and affirm our values of independence, professionalism, accountability and credibility.

Currently in the 10 DPP divisions, a total of 25 CPI-sites were identified in this process, of which 13 are specifically in relation to addressing GBV in those selected communities. These CP-colleagues are working with our TCC-colleagues in identifying interventions in the communities regarding awareness raising of GBV, advocating the TCC-model and the pretrial services provided at TCC sites and identifying community irritants towards GBV and possible solutions for it being addressed accordingly. For the current 2023/24 FY the divisions are required to identify 3 additional CPI-sites to enhance the scope and impact of community prosecution.

8. 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, including the current Amendment Act 13 of 2021,
- Films and Publications Act 65 / 1986,
- Child Justice Act 75 / 2008 as amended,
- Children's Act 38 / 2005,
- Domestic Violence Act 116 / 1998, as currently amended (Act 14 of 2021)
- Maintenance Act 99 / 1998,
- Criminal Law (Sentencing) Amendment Act 38 / 2007, 31 December 2007 (Minimum sentences – Act 105 /1997) as currently amended (Act 12 of 2021),
- Older Persons Act 13 / 2006,

- Protection from Harassment Act 17 / 2011,
- Prevention of Combatting and Torture of Persons Act 13 / 2013,
- Prevention and Combating of Trafficking in Persons Act 7 / 2013,
- Criminal Procedure Act 51 / 1977, as currently amended and
- Common Law offences.

9. CHALLENGES & INTERVENTIONS

9.1 Despite the conviction rate performance above the required targets, for both TCC-cases and national sexual offences, it must be noted that the actual number of cases finalised with a verdict (including convictions) increased in comparison to the previous financial year. However, we are still phased (either independently or collectively) with the following challenges:

- a) Shortage of specialist experienced prosecutors, TCC-officials, & court preparation officers (due to vacancies as explained supra); also due to vacancies at FCS SAPS Units or less experienced investigators; unavailability of Legal Aid officials due to vacancies; and shortage of experienced judicial officers in the Regional Court (at certain courts) specifically towards social context awareness and GBV. This places an additional burden on the remaining officials to effectively and efficiently deal with the current workload of cases and dockets, which unfortunately has a negative impact on the quality and finalization rate of these cases. This also contributes inter alia to the burnout of the remaining officials in dealing with an increased workload.
- b) The unavailability or scarcity of relevant interpreters (including sign language) and intermediaries at certain courts due to the influx of foreign language cases for instance.
- c) An increase in the number of warrants of arrest specifically for those TCC sites that are in areas that are dealing with migrant or seasonal workers (released on bail and not available at court dates).
- d) The unreliability of essential court equipment (for instance CCTV), at certain courts, where it is specifically required for child witnesses which causes postponement of cases.

- e) The impact of loadshedding and unreliable internet connectivity on court operations.
- f) The lack of dedicated budget by all relevant departments to ensure the optimum functioning of current TCC-sites and the establishment of new sites.

It is evident that the challenges listed *supra*, has a detrimental impact on the number of cases prosecuted, finalized and the quality of these cases dealt with, which obviously influences service delivery and our outcomes negatively.

9.2 However, irrespective of the shortcomings (as listed), the NPA with its relevant stakeholders collectively continuously strives to ensure improved service delivery in relation to GBV matters at current TCC-sites and in the courts nationally or other related projects for instance ad-hoc training sessions and numerous public awareness campaigns either at sites, communities or schools 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



DEPARTMENT OF SOCIAL DEVELOPMENT: REPORT ON THE IMPLEMENTATION OF CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007

01 April 2022 – 31 March 2023



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01 April 2021 – 31 March 2022 CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007**



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**DEPARTMENT OF SOCIAL DEVELOPMENT: REPORT ON THE IMPLEMENTATION OF CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007
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ACRONYMS

DG ISC-SO	Director-General Intersectoral Committee – Sexual Offences
DSD	Department of Social Development
GBV	Gender Based Violence
JCPS	Justice Crime Prevention and Security Cluster
LGBTIQ+	Lesbian, Gay, Transgender, Intersex, Queer+
NERT	National Emergence Rapid Team
NICDAM	National Institute of Community Development and Management
NRSO	National Register for Sexual Offender
NSM	National Shelter Movement
POA	Programme of Action
NSP	National Strategic Plan
SORMA	Sexual Offences and Related Matters
TIP	Trafficking in Persons
VCANE	Violence, Care, Abuse, Neglect and Exploitation
VEP	Victim Empowerment Programme
VSS Bill	Victim Support Services

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01 April 2021 – 31 March 2022 CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007**



1. CONTEXT AND INTRODUCTION

The Department of Social Development like many other organs of the state has managed under very difficult in certain to still execute its mandate of providing Psychosocial Support services to victims of crime and violence without failure.

The department is committed to the implementation of the Sexual Offences Act, which is provided through Victim Empowerment Programme (VEP) and other programme within the Department. In ensuring effective management and implementation of the legislation, the department participated and contributed to the development of the legislative framework ensure a uniform and coordinated approach by all government departments in dealing with matters of sexual offences

The DSD in its portfolio approach that include SASSA and NDA continues provide psychosocial support services (as DSD), Social protection (as SASSA) and Support to Civil Society Organisation (as NDA). The Department is guided by all relevant legislation.

There is also a clear demonstration in the report that the DSD is committed to the implementation of the Criminal Law (Sexual Offences & Related Matters) Act 32 of 2007. The implementation is driven from different facets within the DSD and the Victim Empowerment Programme (VEP) is in the forefront. Amongst others, the following are part of the core business programme of the department providing direct services and activities to the implementation of the Act:

- **VEP and Prevention of GBV Unit** – implementation of the programmes targeting victims of crime and violence, gender based violence programmes including the GBV Command centre, the TIP Act, sheltering services for victims as well as safeguarding interests of other vulnerable groups such as LGBTIQ+ persons.

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- **VEP Technical Unit** – conduct research, building capacity within the VEP space as well as Monitoring and Evaluation.
- **Substance Abuse Unit** – implementation of programmes as research does provide evidence to some extent that sexual related offences can be driven or influence by abuse of substance.
- **Child Protection Unit** – children and women are the most vulnerable groups to sexual offences.
- **Social Crime Prevention Unit** – develop therapeutic programmes that are targeting young offender and conduct capacity building session.
- **Families** – sexual offences and related matters have a huge impact on families.
- **HIV/Aids** – there are risks linked to sexual offence and related matters including contracting HIV hence the need of social behavioural change as part of prevention method.

Furthermore, this report covers information from the different provinces. The Department at National, Provincial and Local level forms part of various structures that are informing and developing Legislative framework to ensure a uniform and coordinated approach by all government departments. There are various legislations and policies that the Department is mandated to oversee. For example SORMA is one of those pieces of legislation that the Department is monitoring the implementation as part of dealing with number of social ills in the country. The implementation is done through various activities and programmes that are in place and currently being implemented to contribute towards the implementation of the SORMA. The content of the report therefore will indicate progress made in terms such programmes and activities as well as the following strategic objectives:

- Legal Framework
- Governance Structures
- Physical Resources and Human Resources
- Training and Development
- Public Education and Communication
- Services

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- Monitoring and Evaluation
Law and Policy Development
- Challenges and Conclusion

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**Figures reflecting the extent of crime and violence as reported by SAPS
As per the latest reporting**

All Sexual Offences increased by 11%

CRIME CATEGORY	FIGURES
Rape	10.8%
Sexual Assault	8.1%
Attempted Sexual Offences	34.0%
Contact Sexual Offences	2.7%

2. LEGAL FRAMEWORK

The Department of Social Development's mandate is driven from various pieces of legislation of which Criminal Law Sexual Offences and Amendment Act (SORMA) is one of those. Whilst the DSD has a legislation mandate to administer the Child Protection register for the country, it has an indirect contribution in line with SORMA on the implementation of the National Register for Sex Offenders. For example, the DSD has a policy driven activities such as building capacity of social work practitioners in provinces that have a direct impact on the implementation of the SORMA. Below are various other pieces of legislation within the mandates of the Department and are utilised to ensure that the Sexual Offences matters addressed:

- Criminal Law (Sexual Offences and Amendment Act 32) 2007
- Children's Act 38 of 2005
- The Child Justice Act 75 of 2008
- The Victim Support Service Policy, 2019
- The Victim Support Service Bill, 2020

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- The Service Charter for Victims of Crime, 2004 – hereafter referred to as the Victims Charter
- Minimum norms and standards for diversion
- The Older Persons Act 13 of 2006
- Domestic Violence Act 116 of 1998
- The Minimum Services Standards for Victims of Crime
- Prevention of and Treatment for Substance Abuse Act 70 of 2008
- Prevention and Combating of Trafficking in Persons Act 7 of 2013
- The National Strategic Plan on Gender Based Violence and Femicide, 2020/30
- Act No 13 of 2021 Criminal law (Sexual Offences and Related Matters)
- Act No 14 of 2021 Domestic Violence
- Act No 23 of 2021 Financial Sector Laws Amendments

3. NATIONAL STRATEGIC PLAN ON GENDER BASED VIOLENCE AND FEMICIDE (NSP on GBVF)

This strategy ***aimed*** at providing a multi-sectoral, coherent strategic policy and programming framework to strengthen a coordinated national response to the crisis of GBVF by the government of South Africa and the country as a whole.

It is ***envisioned*** that all people in SA particularly womxn & children are and feel safe, enjoy happy and healthy lives, relationships & social connectedness, access to humanizing sensitive services, fully able to realise their right to autonomy & bodily integrity & equality.

The ***principles*** of the NSP on GBVF is multi-sectoral, complement & augment existing frameworks, active & meaningful participation, visionary, transformative and forward looking, HR based, survivor-centred, inclusiveness, diversity & intersectionality.

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4. GOVERNANCE STRUCTURES – NATIONAL & PROVINCIAL DSD

The Department has established internal structures for ease of coordination and management within its mandate. These structures include various stakeholders from provincial DSD, civil society and various state departments. The DSD being the lead on VEP and Prevention of GBV, also lead most of the established structure whereby issues of sexual offences are discussed. These structures are convened quarterly and as when deemed necessary, and they include amongst others the:

- Victim Empowerment Programme Forum.
- Social Crime Prevention and Families Chief Directorate Forum.
- DSD Deputy Director General's Forum.
- Welfare Service Forum.

Below are external structures whereby the DSD is a stakeholder and make contributions towards the implementation of SORMA:

- DEVCOM.
- The OPS ISC-SO
- The DG ISC-SO
- Inter-Ministerial Committee (IMC) to Investigate the Root Causes of Violence Against Women and Children
- National Child Care and Protection Forum

The DSD take part in the above structure as a Department that is safe guiding the psychosocial support aspects amongst others.

3.1 National Structures

Inter-Sectoral Forums

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The Department through its Welfare Service Branch under Chief Directorate Families and Social Crime Prevention convene an Inter-Sectoral Departmental Forums on a quarterly basis. The Forum comprised of the Provincial DSD, JCPS Cluster Departments and Civil Society. Amongst many social ills, issues of sexual offences related matters are discussed. The forum is designed as a platform to draw best practices amongst each as stakeholders in the sector as well as intervene where necessary. This structure is meant to also to ensure that services and activities for all the different stakeholder programmes are integrated, coordinated, accessible and effective.

The Intersectoral forum also deliberate on issues of common interest, identify gaps and propose solutions on matters pertaining to Child Justice and Social Crime Prevention; Victim Empowerment, Gender Based Violence and Substance Abuse. It also seeks to influence policy whilst capitalizing on best practice models.

The schedule below depicts the national forum meeting dates of the year under review April 2022 up to March 2023:

DATE	VENUE
11 May 2022	Holiday Inn OR Tambo
13 July 2022	Holiday Inn OR Tambo
19 October 2022	Virtual via MS Teams
25 January 2023	Holiday Inn OR Tambo

3.3 Intra-Departmental Committee

The department has established an intra-departmental committee made up of representatives from different directorates to facilitate and strengthen intra-directorate collaboration on services to victims of crime and violence. The intention of the committee was to feed into all activities of an inter-sectoral collaboration

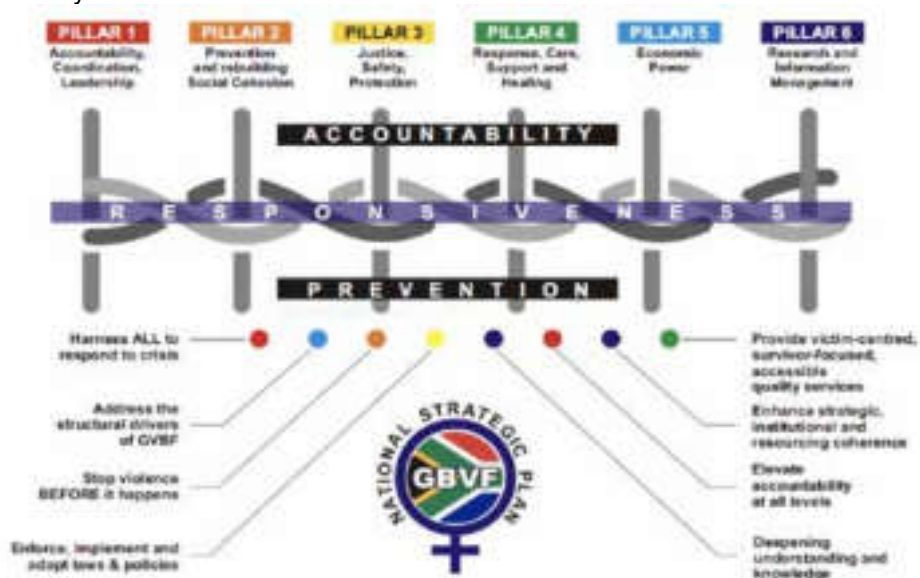
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forum that is made up of the VEP-mandated cluster departments. However, there is a challenge for this committee to meet and to submit relevant reports.

4 THE METHODS OF DELIVERY OF SERVICES IN LINE WITH THE NSP

The delivery of services

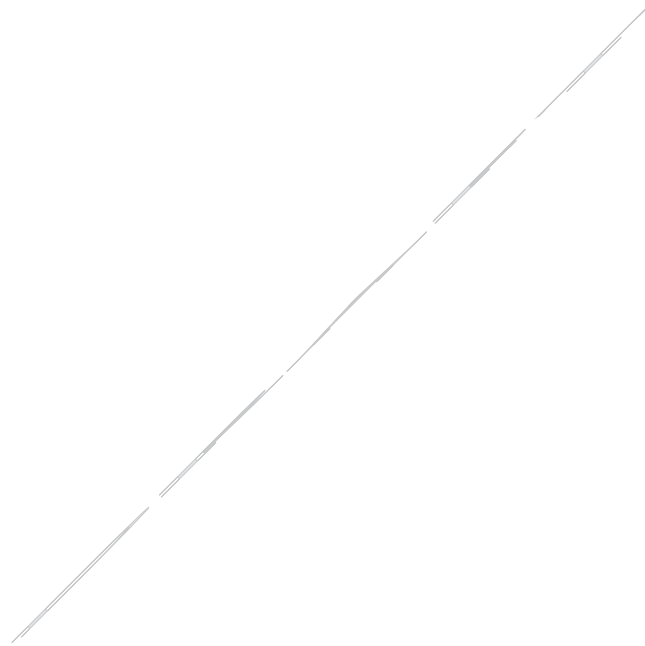


The above diagram depicts the recent mode of delivery of services as per the NSP on GBVF. The DSD, other relevant government departments, private and Civil Society Organisation follow the model of the six pillars in terms of all efforts to ensure elimination of all form of violence against women and children.

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Below is reflection of the outcomes to be achieved:



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Pillars	PILLAR ONE: ACCOUNTABILITY, COORDINATION & LEADERSHIP	PILLAR TWO: PREVENTION & REDUCTION OF SOCIAL CONSEQUENCES	PILLAR THREE: JUSTICE, SAFETY & PROTECTION	PILLAR FOUR: RESPONSE, CARE, SUPPORT AND HEALING	PILLAR FIVE: ECONOMIC POWER	PILLAR SIX: RESEARCH & INFORMATION MANAGEMENT
Five-Year Outcomes	<p>1.1 Build leadership, strengthened accountability across government and a capacity for regional/local strategic planning, monitoring and a focus on financial and technical expertise</p> <p>1.2 Strengthened institutional and leadership capacity of government and provincial/territorial leaders to effectively lead the implementation of the Act</p>	<p>2.1 Strengthened delivery capacity to build a strong foundation for effective prevention programmes</p> <p>2.2 Strengthened a number of national and provincial programmes, including: Integrated and gender violence prevention programmes; Domestic violence programmes; and</p> <p>2.3 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>2.4 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>2.5 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>2.6 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>2.7 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p>	<p>3.1 All 2019-2020 national and provincial courts efficient and effective criminal justice that is quick, accessible, transparent and gender inclusive</p> <p>3.2 Strengthened capacity within the criminal justice system to address all forms of violence, effectively respond to survivors and facilitate access to justice</p> <p>3.3 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>3.4 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p>	<p>4.1 Strengthened emergency response, care and support services by the state and civil society through a range of services provided to survivors focused on holistic recovery and healing</p> <p>4.2 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>4.3 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>4.4 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p>	<p>5.1 Accelerated economic growth that addresses women's unpaid labour, and work justice through access to government and economic empowerment programmes</p> <p>5.2 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>5.3 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p> <p>5.4 Strengthened leadership capacity to ensure effective implementation of the Act, including: Strengthened capacity to coordinate, monitor, evaluate and report on the implementation of the Act; and</p>	<p>6.1 Accelerated understanding of the social implications of GBV, through a range of research, policy and practice programmes and forums</p> <p>6.2 Accelerated understanding of the social implications of GBV, through a range of research, policy and practice programmes and forums</p> <p>6.3 Accelerated understanding of the social implications of GBV, through a range of research, policy and practice programmes and forums</p> <p>6.4 Accelerated understanding of the social implications of GBV, through a range of research, policy and practice programmes and forums</p>

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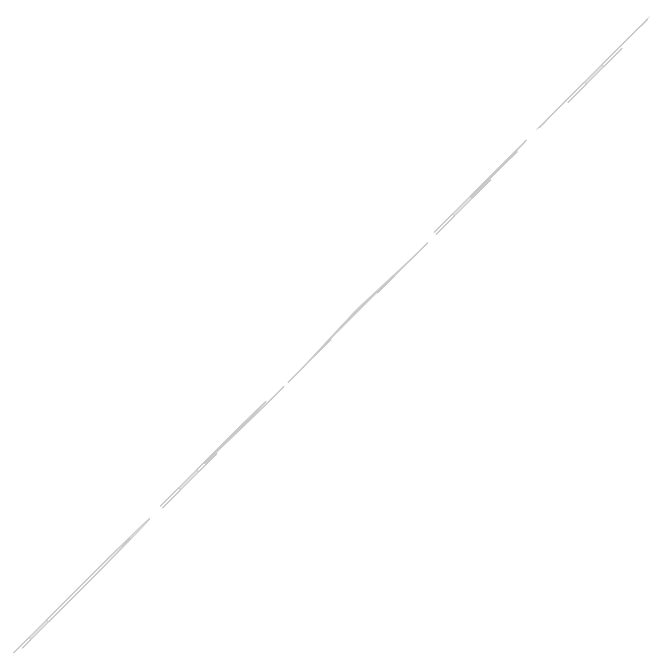
The DSD is leading the implementation of pillar 4 in response to the following:

Prevention and Protection	Quarterly campaigns were conducted at institutions of higher learning on issues of GBV, TIP, observation of orange day – 25 th of every month and commemoration of international recognised periods of the year such as 16 Days of Activism campaign conducted annually.
Response	Sheltering services are provided including services of the Khuseleka One Stop Centres, Whitedoor Safe Spaces of Hope, etc.
Care and Support	Psychosocial support programmes offered in the shelters and secure care centre such as the therapeutic programmes offered to children in conflict with the law (I am me, sex offender and in the mirror).
Legislation and Policy	Various contributions in the implementation of the Child Justice Act, the actual implementation of the TIP Act, the development of the VSS Bill that is underway.
Accountability	Participation in the JCPS Cluster and the Social Cluster.
Intersectoral collaboration and coordination	Participation in the National Technical Intersectoral Committee on Sexual Offence (NT ISC – SO), DG ISC
Capacity building	Training conducted in provincial DSD on the guidelines for the TIP Act. There are various training sessions that are conducted by social work supervisors on Induction of newly appointed social workers meant to ensure that they are work ready on issues of child protection.
Research	Annual research symposium that is drawing stakeholders from various

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	sectors coming together to look into issues of crime and violence.
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5 PHYSICAL AND HUMAN RESOURCES - PSYCHOSOCIAL SERVICES

5.1 Physical Resources

The Department of Social Development carries the responsibility to establish Shelters for victims of crime and violence particularly abused women and their children. These include the establishment of White Doors (safe places of hope) and Khuseleka One Stop Centres. The Sheltering services are provincially located and managed. During the year under review the Department established five in partnership with Civil Society Organisation as follows: Three in the Western Cape (01 Eden Karoo and two in West Coast), Free State (01 in Bothaville) and Gauteng (01).

The DSD has (in September 2019) forged a partnership with the Department of Public Works and Infrastructure (DPWI) as part of the Emergency Response Plan on GBV led by Presidency. This partnership between DPWI and DSD is progressing in identification of infrastructure/buildings to be handed over for the purpose of GBV. The infrastructure/Buildings are to be utilized in establishment of Khuseleka One Stop and White Door Safe Space of Hope in the identified six provinces: W Cape, E Cape, N Cape, KwaZulu-Natal, Mpumalanga and Free State. The DPWI and National DSD are in a process of formalizing a partnership through MOU for the DSD to take ownership in form of lease contract of up to 99 years in terms of the infrastructure/building for the benefit of GBV (victims of crime and violence).

The status is as follows:

DSD and DPWI conducted site visits/inspection to the identified buildings/houses in Pretoria, Johannesburg and Western Cape during the month of November 2019 and February 2020 as follows;

On the 29 November 2019 **Gauteng Province** site visits were conducted to the identified houses at the De Wilgers, Mountain View, Salvokop, and Waterkloof Heights. The three houses have been refurbished and are habitable by the Department of Public Works and Infrastructure.



On the 07 February 2020 and 17 February 2020 to seven (7) houses in the Johannesburg (Houghton, Observatory and Kensington) and West Rand region (Azaadville, Carletonville, Randfontein and Westonaria). The house in Azaadville area has been identified for the White Door Safe Space of Hope. On the 12 – 14 February 2020 (Western Cape), two groups of Project Steering Committee members conducted the site visits to nine (09) houses in the Western Cape the following areas (Laingsburg, Albertina, Heidelberg, Aurora, Morriesburg, Riversdale, Paarl, Parow, Woodstock and George).

The four (4) houses in (De Wilgers, Mountain View, Waterkloof Height and Salvokop) identified.

The building in Salvokop has been allocated the Gender Based Violence (GBVCC) campus of which was launched by Minister on 27 November 2020. On the 21 – 22 July 2020, Prov. DSD, Nat DSD & DPWI conducted the site visits/inspection in three provinces: **Mpumalanga, Free State and KwaZulu-Natal.**

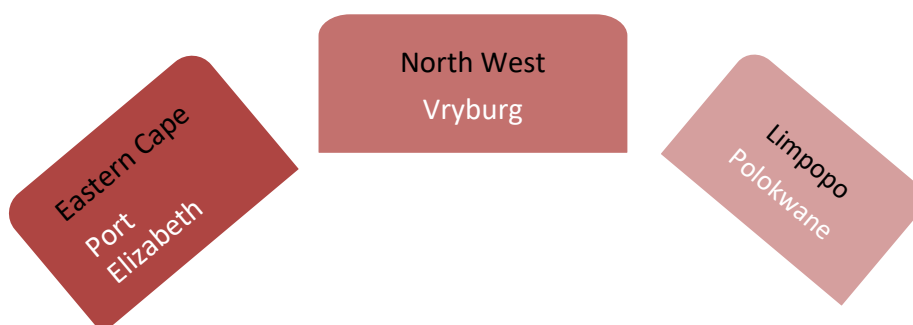
Mpumalanga: Eight buildings were visited in Badplaas (Manzana, Barberton, Lydenburg (Mashishing), Lothair, Ermelo and Standerton).

Free State: Two buildings Petrusburg and Koffiefontein (Agreed on Koffiefontein)

KwaZulu-Natal: Two buildings concluded site inspection in KwaDukuza (ILembe District), Mthunzini (King Cetshwayo) still to be done included UMkhanyakude and Zululand

5.1.1 Khuseleka One Stop Centres

Khuseleka is derived from a Zulu word meaning “protection” or “providing a protective environment”. The Department to date has established three state-owned Khuseleka One-Stop Centres, **Limpopo (Polokwane), North West (Vryburg) and Eastern Cape (Port Elizabeth):**





It is a good model because of its multi-sectoral approach and its aim is to provide integrated services that represent a unique partnership between all the departments in the government of South Africa, development agencies and civil society Organizations in the country. Khuseleka One Stop Centre provides a “place of refuge” where victims of crime and violence are offered a continuum of services from one central point within a multi-disciplinary approach model with different relevant stakeholders under one roof. It renders a full basket of services including reintegration of survivors into the community and self-reliance.

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

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

5.2 Sheltering Service Provision

The Department of Social Development has embarked on the development of an Intersectoral Policy on Sheltering service to address various issues on the provision of sheltering service such as capacity building of victims in terms of skills development, accessibility of the service to victims, funding of the shelters and role clarification of other stakeholders including the Department of Human Settlement and other.

Below is a database of shelter in the nine provinces:



5.2.1 Mpumalanga Province

Name of Shelter	Location	Number of intake (sheltering and walk-ins)	Nature of Case	Services Rendered
GRIP (Greater Nelspruit Rape and intervention project) GRIP (Rob Ferreira Hospital – Care Room)	Mbombela	53	Rape/sexual assault	Sheltering Psycho-Social Services
	Rob Ferreira Hospital	136	Rape/sexual assault	Trauma counselling, debriefing and ensuring survivors are provided with care and support at the vulnerable point of entry thereby preventing secondary victimization.
Vuwiselo Victim Empowerment Center	Bushbuckridge	15	Rape/sexual assault	Sheltering Psycho-social services Court Intermediaries court preparation
Masisukumeni Women's Crises Center	Nkomazi	371	Rape /Sexual assault	Sheltering Psycho-social services Court preparation Vocational skills Development Life skills
Foundation for Victims of Crime	Emalahleni	106	Rape/sexual assault	Psycho-Social Services Court Support Court Preparation
Hands off our Women and Children	Msukaligwa	3	Rape	Sheltering Psycho Social Services Court preparation Family reunification services
Middelburg Victim Support Center	Steve Tshwete	6	Sexual Offences	Psycho Social Services



Mhala Victim Empowerment Center	Bushbuckridge	95	Sexual Offences	Sheltering Psycho Social services Court preparation Referrals to other stakeholders e.g. Police, courts
Umjindi Victim Empowerment Center	Umjindi	101	Rape	Psycho Social Services Court Preparation Referrals to others stakeholders E.g., court, hospital
THUTHUZELA CARE CENTERS TONGA HOSPITAL ERMELO HOSPITAL THEMBA HOSPITAL WITBANK HOSPITAL EVANDER HOSPITAL	NKOMAZI MSUGWALIGWA MBOMBELA EMALAHLENI GOVAN MBEKI	1295 Cases were reported at the TCC.	Sexual offences	A multi-disciplinary service is provided at the TCC which include DOH, SAPS, DSD, CHILDINE, GRIP, MASISUKHUMENI WOMENS CRISES CENTER ,DOJ,

5.2.2 KwaZulu - Natal

Name of shelter	Location	Intake/ Capacity
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

5.2.3 Eastern Cape Province

Name of shelter	Location	Intake/ Capacity
Mtshazi Safe Home	Alfred Nzo, Umzimvubu MT Frere	3
Ubuntu Neighbours Group	Alfred Nzo, Bizana Ndabankulu	2
Living waters One Stop Centre	Amathole, Buffalo City East London	13
Khanyisa Community Based	Amathole	16
Ikhwezi Women Support Centre	Amathole, Amahlathi, Stutterheim	9
Butterworth Safe Home	Amathole, Mnquma, Butterworth	5
Makan Rape Survivor Support	Cacadu, Makana, Grahamstown	4
Joubertina Safe House	Cacadu, Koukama, Humandorp	6
On Eagles Wings Centre	Cacadu, Kouga, Humansdorp	5
Bolotwa Domestic Violence	Chris Hani, Instika Yethu, Confimvaba	3
Khuseleka Support Centre	Chris Hani, Emalahleni, Lady Frere	3
Masikhawulelane Victim Empowerment	Chris Hani	5
Maletswai One Stop Centre	Joe Gqabi, Maletswai, Aliwal North	6
Burgersdorp Safe Home	Joe Gqabi, Aliwal North	4
OR Tambo, King Sabatha Dalindyebo – Mthatha	Mthatha VEP Centre	3
Mthatha One Stop Centre	O R Tambo, King Sabatha Dali	3
Safe Home	Mqanduli	5
Soul Winners Support Centre	O R Tambo, Nyandeni, Libode/ Ngqeleni	4

5.2.4 Northern Province

Name of Shelter	Location	Number of intake
Ethembeni Shelter	De Aar	13
Kimberley Shelter	Kimberley	5
Bopanang Centre	Upington	5
Prinsess Poffadder	Keimoes	5
Colesberg Shelter	Colesberg	5
Bankhara Bodulong White Door	Kuruman	3



5.2.5 Limpopo Province

Name of shelter	Location	Intake/Capacity
Child Welfare shelter for Women and Children	Polokwane	10
Far North Network on Family Violence	Thohoyandou	10
Leka Gape Organization	Lulekani	10
SAVF VEP Modimolle	Modimolle	10
South Africa Vroue Federasie	Phalaborwa	10
Thohoyandou Victim Empowerment	Thohoyandou	10
Tifuxeni Community Counselling Centre	Elim (Waterval)	10

5.2.6 Free State Province

Name of shelter	Location	Intake/Capacity
Bolokanang	Xhariep	11
Philani	Xhariep	7
Tshireletso	Xhariep	12
Siville	Xhariep	6
Serobe (The Nest shelter)	Motheo	16
Thusanang Advice Centre	Thabo Mofutsanyane	8
Child and Family Welfare	Thabo Mofutsanyane	6
Tumahole	Fezile Dabi	10
Goldfields Family Advice Organization	Lejweleputswa	16

5.2.7 Gauteng Province

Area	Name of Shelter	Capacity
Alexandra	Bombani Shelter	30
Ekurhuleni	Mercy Haven	25
Ekurhuleni	AMCARE Hannah House	20
Ekurhuleni	CTC Bethesda House	25
Ekurhuleni	POWA (East Rand)	20
Ekurhuleni	House of Hope (t/a Leratong Crisis Centre)	20
Ekurhuleni	Theodora Ndaba Victim Support Centre	21
JHB Metro	Eldorado Park Women's Forum	12
JHB Metro	Nisaa Institute for Women's Development	21
JHB Metro	Ikhaya Lethemba	100
Pretoria	Beth Shan Shelter	17
Pretoria	Mercy House	21
Pretoria	Mali Martin	35
Pretoria	The Potter House	24



Pretoria	Youth for Survival	25
Pretoria	Re-Bafenyi Victim Empowerment	47
Sedibeng	Lifeline Vaal Shelter	11
West Rand	Are Areng	29
West Rand	Are Areng Nthabeleng Safe Haven	47
West Rand	SAVF Deurgangshuis	24
West Rand	POWA (West Rand)	10
West Rand	WAWA Toekomsrus	20
West Rand	Carol Shaw	60

5.2.8 North West Province

Name of Shelter	Location	Intake per month
Grace Help	Mooinooi in Bojanala District	37
Madikwe Crisis Center	Madikwe in Bojanala district	4
Koketso Family Crisis Center	Schweitzer –Renneke in Dr Ruth Segomotsi Mompoti district	10
Mothutlong Network on violence against women	Madibeng in Bojanala District	4
Thusego Safe House	Moretele in Bojanala District	4
Ventersdorp Crisis Centre/ Good Samaritans	Ventersdorp in Dr Kenneth Kaunda District	4
Kosh Crisis Centre	Klerksdorp in Dr Kenneth Kaunda District	6
Dr Ruth Segomotsi Mompoti Interim One stop Centre	Naledi/ Vryburg Dr Ruth Segomotsi Mompoti District	24
Mafikeng Crisis Centre	Mafikeng town in Ngaka Modiri Molema District	15
Botshabelo Crisis Centre	Mogwase in Bojanala District	10
Stella crisis Centre	Stella in Dr Ruth Segomotsi Mompoti District	

5.2.9 Western Cape Province

Name of shelter	Location	Intake/Capacity
ST Anne's Home	Metro North	84
United Sanctuary Against Abuse	Metro North	69
Sisters Incorporated	Metro South	106
Sizakuenza	Metro South	56
The Safe House	Metro South	38
Athlone House of Strength	Cape Winelands	96
L'Abrie De Dieu Safe House	Cape Winelands	42
Worcester House of Hope	Cape Winelands	51
Siyabonga Huis van Danksegging	West Coast	91



BPW Outeniqua Refuge for Battered Women and their children (Phambili Refuge)	Eden Karoo	128
Carehaven (Salvation Army)	Metro South	121
Noncebo Family Centre Counselling Trust	Metro East	64
Creating Effective Families	Eden Karoo	96
Saartjie Baartman Centre for women and children	Metro South	290
Holy Cross Sisters ST Clare Sanctuary	n/a	n/a

5.3 WHITE DOORS (Safe Spaces of Hope)

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
1. Alfred Nzo, Umzimvubu Mt Frere	Mtshazi Safe Home	3
2. Alfred Nzo, Bizana Ntabankulu	Ubuntu Neighbours Group	2
3. Amathole, Amahlathi, Stutterheim	Ikhwezi Women Support Centre	9
4. Amathole, Mquma, Butterworth	Butterworth Safe Home	5
5. Amathole, Bedford	Umthawelanga Safe Home & Community Based	3
6. Buffalo City, Zwelitsha	Khanyisa Community Based	6
7. Chris Hani, Intsika Yethu, Cofimvaba	Bolotwa Domestic Violence	3
8. Chris Hani, Emalahleni, Lady Frere	Khuseleka Support Centre	3
9. Joe Gqabi District - Burgersdorp	Burgersdorp Safe Home & Community Based	4
10. Joe Gqabi District - Elundini, Maclear	Maclear Community Based Care & Safe Home	3
11. Nelson Mandela Metro	Bet Sheekoom Shelter for Women and Children	10
12. OR Tambo District, Mqanduli	Mqanduli Safe Home & Community Based	3
13. OR Tambo District, Libode	Soul Winners Support Centre	4
14. OR Tambo District, Lusikisiki	Palmerton Safe Home	6
15. OR Tambo District, Tsolo	Tsolo Safe Home & Community Based	5



16. Sarah Baartman, Makana, Grahamstown	Makana Rape Survivor Support Safe House	4
17. Sarah Baartman, Koukama, Humansdorp	Langkloof House of Hope	6
18. Sarah Baartman, Kouga, Humansdorp	On Eagles Wings Centre	6
2. North West		
Brits	Mmakau Safe space/White Door	2

5.4 SUMMARY OF THE SHELTERING SERVICES

PROVINCE	NUMBER OF SHELTERS	NUMBER OF WHITEDOORS	NUMBER OF KHUSELEKA
Gauteng	24	44	01 (Civil Society)
Western Cape	22	-	01 (Civil Society)
Mpumalanga	22	01	-
KwaZulu-Natal	20	10	-
North West	22	01	01 (State Owned)
Eastern Cape	13	146	01 (State Owned)
Northern Cape	08	02	01 (Civil Society)
Limpopo	02	1	01 (State Owned)
Free State	11	01	-
TOTAL	144	206	06



5.5 SHELTERS PER DISTRICTS

The districts without Shelters are: Northern Cape (John Taolo Gaetsiwe and Namaqua), Limpopo (Sekhukhune and Waterberg), Free State (Xhariep), KwaZulu-Natal (Zulu land) and North West (Ngaka Modiri Molema and Dr. Kenneth Kaunda).

5.6 THIRTY (30) GENDER BASED VIOLENCE HOTSPOTS IDENTIFIED

Area/Precinct	Area/Precinct
1. Delft –W Cape, Cape Town Metro	16. Dobsonville – GP, Johannesburg Metro
2. Mamelodi East - GP, Tshwane Metro	17. Bloemspruit - Free State, Mangaung
3. Tembisa - GP, Ekurhuleni	18. Diepsloot – GP, Johannesburg Metro
4. Umlazi - KZN, eThekweni Metro	19. Mitchells Plain – W Cape, Cape Town Metro
5. Empangeni – KZN, King Cetshwayo	20. Ikageng – NW, DR Kenneth Kaunda
6. Nyanga, W Cape, Cape Town Metro	21. Osizweni – KZN, Amajuba
7. Inanda - KZN, eThekweni Metro	22. KwaMashu - KZN, eThekweni Metro
8. Temba – GP, Tshwane Metro	23. Ntuzuma - KZN, eThekweni Metro
9. Khayelitsha – W Cape, Cape Town Metro	24. Kopanong - GP, Tshwane Metro
10. Kwazakhele - E Cape, N Mandela Bay Metro	25. Honeydew - GP, Johannesburg Metro
11. Alexandra – GP, Johannesburg Metro	26. Kraaifontein – WC, Cape Town Metro
12. Moroka – GP, Johannesburg Metro	27. Gugulethu – W Cape, Cape Town Metro
13. Mthatha - E Cape, OR Tambo	28. Orange Farm - GP, Johannesburg Metro
14. Emfuleni – GP, Sediberg	29. Butterworth – E Cape, Amathole
15. Plessieslaer - KZN, UMgungundlovu	30. Bellville – W Cape, Cape Town Metro



6 GENDER BASED VIOLENCE CAMPAIGNS WITHIN THE PROVINCES

Free State

Name of the campaign	Target group	Specific activities that were undertaken
100 Days Challenge Model Pilot - Lejweleputswa	Community	Awareness Campaigns - Information Sessions and Dialogues
Awareness Campaigns - Information Sessions and Dialogues	Men and boys	Awareness Campaign (March) Dialogue : The causes of GBVF and role of Men and Boys in the Prevention of GBVF
365 Days Prevention Implementation Plan	Community Children Men and Boys	Awareness Campaigns Information Sessions Dialogues



Programme Name/theme	Target group	Number of people reached
Victim impact report	Social workers VEP Supervisors and manages	23

North West

Social development in partnership with Muslim aids programme - Orange day campaign	Men, women, youth, LGBTQI+	Educating communities and Handing out pamphlets containing information on GBV and femicides
Social Development in partnership with Rorisang men and youth development - Orange day Campaign	Men, women, youth, LGBTQI+	Empowering children and assisting them to overcome barriers of abuse, neglect and exposed to violence within the family, school and community at large
JB Marks Ventersdorp DSD officials & SAPS observed Orange day	Men, women, youth, LGBTQI+	Information sharing on Sexual abuse
Maquassi hills service point officials observed Orange day	Men, women, youth, LGBTQI+	Information sharing on Sexual abuse
Kgakala crisis centre staff members observed Orange day	Men, women, youth, LGBTQI+	Awareness campaign and handing out GBV and femicides pamphlets
Rekathusa HCBC staff observed Orange day	community	Information sharing on Sexual abuse
Restoring youth dignity funded by DSD - Orange Day campaign	Men, women, youth, LGBTQI+	Awareness campaign conducted at Delekile Khoza Clinic
Thusanang trauma centre SAPS Awareness Campaign on GBV	Learners	Public awareness on gender based violence
DSD in partnership with SAPS, CSOs, NPA, churches, Health & Ditsobotla Local	Community at large Women fellowship, Youth, and stakeholders	Motorcade load hailing Anti GBV, Substance abuse, crime messages



Municipality conducted a prayer Day		Prayer day – addressing Substance Abuse, Crime, Domestic Violence, Rape, Unemployment and Poverty
DSD lead SAPS, NPA, Health & Faith based and community based organization facilitating Community dialogue	Community at large	Community dialogue on GBV, Domestic Violence, gangsterism, Substance abuse, Poverty at Coligny Communities were divided into commissions to dialogue on different mentioned topics.
Dirisanang information and care givers conducted awareness campaign on Child sexual abuse	Learners	School learners both male and female empowered on anti-bullying knowledge
DSD conducted awareness on prevention of Domestic violence in Madibogopan	Men and women	Information sharing on good communication patterns to reduce violence in community
Home of hope Against Women Abuse conducted door to door campaign Makgobistadt	Household	Conduct door to door campaign on GBVF
Botshelo jwa rona dep of education, health, saps community safety and transport management conducted awareness bullying and teenage pregnancy at Setlagole ,Ikopanyeng Secondary school	Secondary school learners	Presentations on teenage pregnancy and bullying by Health, SAPS and the NPO Social worker
Walk on the rights of women started in started at 8h00 in Lonely Park village and ended in Signal Hill were the main event was held	Women, Men & Boys Community at large	DSD and stakeholder departments and CSOs - Observation of Women's month



DSD Launched Ngaka Modiri Molema District Men's forum		
Lerethabetse victim empowerment in partnership with SAPS Awareness on GBV reporting procedure and bullying at Lebogang primary.	Leaners (boys)	Make presentation on GBV and reporting procedure at the police stations
Pre-summit dialogues on pillar 4 of the NSP on GBVF	Dr KK stakeholders, National & provincial DSD	Dialogue on the implementation of pillar 4
DSD, DEDECT, COSATMA, HOME AFFAIRS, SASSA & Dept of Health Awareness campaign on GBV	Community at large	Educate the community about GBVF and services available to the victims of GBVF
SAPS, MMakau Youth Help Desk, Dept of Education & Community Policing Forum - Awareness on Bullying, self-love & Human trafficking	Primary school learners	Presentations and interaction with learners on Bullying, self-love and human trafficking
Phokeng Trauma Centre - Conduct Awareness campaign on Domestic violence, rape & trauma	community	Conduct Awareness campaign
Dr RSM Khuseleka One Stop Centre - Education on GBV & distribution of promotional	Community	Outreach and awareness creation
SAPS, Community Workers, Community Policing Forum Creating awareness on Victim Empowerment	Community	Presentations on available services to the victims of crime.
Amalia Victim Support - GBVF Door to Door campaign	Households in Amalia	Conduct door to door education on GBVF
Dirisanang Information and Care givers - Information sharing on GBV	Community	Presentations on GBV



Dirisanang Information and care givers & SAPS Motswedi - Awareness campaign Kitso ke Lesedi Social Development SAPS, DoH -Awareness campaign	Community	Conduct Awareness campaign on GBV
Madikwe VE support forum in partnership with COSATMA, SAPS, DoJ & CD -Awareness campaign	Community	Creating awareness on GBV

Capacity Building Activities/workshop (

Programme Name/theme	Target group	Number of people reached
National DSD 2 days training on Intersectoral strategy & Psycho Social Policy on 12 & 13 th July 2022	Social workers in Service Points and NPOs	50
National DSD two days training on TIP on the 9 th & 10 th February 2023	DSD social workers	35
Workshop on the National strategic Plan on Gender Based Violence and Femicide 2020 - 2030	Men's forums	30
Workshop on GBVF and National Strategic plan on Gender Based Violence and Femicide 2020 – 2030 from 21 st to 23 rd June	DSD social workers and Social auxillary workers (50 per district)	150
Partnership between DSD & Photo Map – Two weeks training of GBV survivors on Photo shoot and storytelling (from 25 th July – 5 th August 2023)	GBVF Survivors	20
Partnership between DSD & Nyamukara Empowerment- Three months accredited training on Sewing and digital literacy (from 15 th	GBV Survivors	28



August to 15 th November 2023)			
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Western Cape

ONEVOICE United Against Gender- Based Violence campaign	Citizens in the Western Cape	Digital campaign Radiocampaign: interviews on Good Hope FM, Heart FM and Umhlobo Wenene
ONEVOICE United Against Gender-Based Violence Social Media campaign	Facebook, Instagram	Citizens in the Western Cape
Help for Men Campaign - Encouraging men to call the GBVCC to get help overcoming their own abuse/ trauma to break the cycle of abuse	All Men	Digital, out of home, radio, and television adverts. Various screenings of the videos with men's and community groups

Capacity Building Activities/workshop(WC)

Programme Name/theme	Target group	Number of people reached
GBV Educational workshops are conducted through funded organisations including in high-risk communities	Community members - Youth; men; adults	15 589 persons reached

Gauteng

Vosloorus TCC	Men, women, Children	Awareness Campaigns to prevent child abuse, rape and GBV
Tembisa TCC	Men ,Women ,children	Educate on Sexual offences, and gender-based violence



GBV DSD unit, Ekurhuleni	Men, Women and children	Educate on Sexual offences, and gender-based violence
Baragwaneth TCC	Community members	Educate on Sexual offences, and gender-based violence
Lenasia South TCC	Men, women and children	Educate on Sexual offences, and gender-based violence
GBV DSD unit, JHB Metro	Community members	Educate on Sexual offences, and gender-based violence
Mamelodi TCC	Men , women and children	Educate on Sexual offences, and gender-based violence
Laudium TCC	Men , women and children	Educate on Sexual offences, and gender-based violence
GBV DSD unit, Tshwane	Community Members	Educate on Sexual offences, and gender-based violence
NACOSA West Rand	Community members	Educate on Sexual offences, and gender-based violence

Capacity Building Activities/workshop (GP)

Programme Name/theme	Target group	Number of people reached
Men Championing Change	Men	50
Boys Championing Change	Boys and men	62
Restoration and Healing	Women from the shelters	76
Life Skills	Women and girls	136

KZN

Gender based violence awareness walk	100 learners	Placards on the gender based violence displayed during awareness walk
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		from Syjabula High School to kwa Nyusa community Hall
Domestic violence awareness	70 Community Members	Discussions on Domestic violence
Sexual Abuse	Community members	Discussions on the sexual abuse with women and children
Human trafficking	Community members	Explaining what human trafficking is, watching Dear sister DVD, Different type of human trafficking
Gender based violence	Community members	Defining the role of the women in a household
Teenage pregnancy	13-18 years children	Educations on teenage pregnancy and risky behaviors
Awareness and fundraising at City View Shopping	Congregants and public	Bric -a -brac sale of items and handing out GB Pamphlets
Gbv Awareness to school children	Gbv Survivors	GBVF, Substance Abuse, Crime
Radio Interviews on Channel Islam International on Domestic Violence within our communities Awareness and information giving on Domestic Violence	Community listeners	Interactive discussion on Domestic Violence
Preventative programmes on HIV and AIDS, substance abuse and domestic violence	women	Substance Abuse Domestic Violence Discussion on HIV prevention and management
Education and information sharing on legislation related to Gender Based Violence	Women in the shelter	Talks and referrals made to ProBono.Org



Awareness program on GBV	Community Members	Educational talks on GBV						
Awareness Campaign	Community Members	<table border="1"> <tr><td>Human Trafficking</td></tr> <tr><td>Domestic Violence</td></tr> <tr><td>Child Abuse</td></tr> <tr><td>Victim Empowerment</td></tr> <tr><td>Gender Based Violence</td></tr> <tr><td>Elderly Abuse</td></tr> </table>	Human Trafficking	Domestic Violence	Child Abuse	Victim Empowerment	Gender Based Violence	Elderly Abuse
Human Trafficking								
Domestic Violence								
Child Abuse								
Victim Empowerment								
Gender Based Violence								
Elderly Abuse								
Child Protection	Children	Presentations on domestic violence, child abuse and trafficking						
Gender based violence awareness at Dlovinga Hall	women	Awareness talks on Domestic violence, substance abuse, basics of good parenting and mental health.						
Child Protection Week	Children	An awareness talks on Domestic violence and bullying, substance abuse, parenting skills and mental health.						
Youth month celebration	Youth	An awareness talks on substance abuse, teenage pregnancy and mental health.						
GBV Awareness and Prevention programmes	Women	Dialogues on GBV Community Awareness						
Women empowerment- GBV	Women	Presentation Discussion						
Men championing change	Men	Presentation Discussion						
Substance abuse awareness campaigns	Community members	Presentation Discussion						
Rights of people with disabilities	Protective workshop members							
Awareness on Child abuse and rape	Learners							
Dialogue	Community members	Dialogue which focused on causes of low self-esteem to men, importance of knowing your health						



		status, causes of substance abuse and the role of men in preventing substance abuse and GBV
Awareness Campaign	Learners	Awareness campaign on the types of abuse, children's rights & responsibilities, bullying & trafficking
Awareness Campaign	Community members from Dundee, Nquthu, Umsinga, Greytown and Kranskop	Awareness talks on human trafficking, rape, GBV, teenage pregnancy, drugs and bullying
Sensitisation on LGBTQI and Diversity programme	Male staff from the Department of Social Development under uThukela District	Sensitisation on LGBTQI and Diversity programme. The programme was conducted by the District collaborating with LGBTQI health centre.
Awareness on Substance Abuse	Matiwane Community adults and children	Presentation on Substance Abuse Pamphlets and other information material were share
Sports against Drugs	35 Children and 50 Youth	Sports and other recreational activities can deter the use of substances .When youth are occupied with healthy activities there is less boredom
Integrated parenting programme	Foster parents	Beneficiaries benefitted from parental responsibilities and rights programme
Substance abuse awareness	Men, Women, Children and youth in Zwelithsa	Educational talk on substance abuse and drug trafficking Awareness on negative impact of substance abuse on the human



		body the wellbeing of the person and future
Dialogue on Social Crime Prevention for Boys Assembly	Boys	Dialogue on Social Crime Prevention for Boys Assembly conducted at Alfred Duma Local Municipality
Career expo, substance abuse and Crime prevention awareness under Inkosi Langalibalele	High School Children	Career expo, substance and Crime prevention awareness was conducted in partnership with Mnambithi TVET
Albinism awareness campaign	Persons with disability.	Educational talks on albinism
Ukuthwala and human trafficking awareness campaign	Women, men and children	Educational talks on ukuthwala and human trafficking awareness
Crime Prevention awareness	Community members	Talks on Crime Prevention was conducted
Advise desk on GBV at Phoenix Plaza Sahara	Phoenix Plaza	Counselling and distribution of pamphlets
Awareness program on Gender based Violence LifeLine KwaMashu SAPS	Abused women and children The elderly Staff members at the clinic	Change was facilitated by addressing the underlying causes and drivers of violence against women, children, young girls and even men.
Awareness on GBV and Child Abuse	Patients attending the hospital women and males; 60 patients at the Mount Edge combe hospital	To fight against increased numbers of women and child abuse
Intergenerational talk on GBV: Kwa-Mashu Service Office	Kwa Mashu Community Members	conducted awareness programme on GBV. Discussions on their understanding of GBV was conducted. This was done to assess their understanding of this pandemic. Thereafter audience was



		<p>separated into 4 groups and they were given 4 different topics to discuss among their group members. Topics were as follows:</p> <ol style="list-style-type: none"> 1. When does GBV start and how can one detect it? 2. What do you understand about gender and gender roles? 3. How can the community protect and assist victims of GBV? 4. What are the causes of GBV and how can the community work with the stakeholders to decrease these causes? Each group had a scribe and a presenter to report to the audience. 5. Concerns during presentation were noted and were responded to. Later DSD presented on the services that are rendered to victims of GBV. Talk by the representative from Human Rights Commission based on human's rights and emphasize made was on issues of violation of human rights
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Capacity Building activities/Workshop (KZN)		
Programme name or Theme	Target group	Number of people reached
Trauma debriefing workshop	Women and children	50 people
LGBTQIA+ sensitization/diversity training by DSD	Social workers, House mothers	234 officials
Greif Management	Social workers	95 official
Domestic violence Amendment Act	Statutory Department and CBOs	35 people
Substance abuse training	Brother for life and Zazi Club members	30 people
Parenting programme	Women	73 people
Basic counselling training	Civil society	40 people
Yolo	15-24 Male and females	641 people
Chommy	10-14 Males and females	62 people
Legal training	Stakeholders	30 people
Spiritual programme	Shelter clients	23 people
Healing group	Shelter clients	4 people
Grief and bereavement workshop	Shelter clients	6 people
Healing and self-care workshop	Staff and clients at the shelter	60 people
Training of staff on anti-racism	staff	20 people
Support group for women admitted at the shelters	women	5 people
Men and boys programme support group	Men and boys	56 people
Localization of the National strategic Plan on Gender Based Violence and Femicide	GBV stakeholders	50 people
Trauma Management Training	Social workers	20 people



VEPIMS Training	Social workers and Social Auxiliary workers	48 people
Boys Championing Change	Social workers and Social Auxiliary workers	11 people
Re-integrated and after-care strategy	Probation officer	8 people
Training on Amendment child Justice Act	Shelter Social worker, Life-line Social workers	30 people
South African Medical Research Council Stress Management	Residence of Kerr House	15 people
Self-Empowerment through self-Awareness	Residence of Kerr House	15 people
Sexual Offences and Child Justice Act Training	Shelter Social workers, Life-line, DSD and SAPS	20 people
Human right Training	Shelter Social worker, Life-line Social workers	20 people
Economic Empowerment programme	Victims/Survivors of GBV	169 people
Capacity on mandate governing childcare and protection services	stakeholders	40 people
Children Act workshop	Social workers	03 people
PMB Mental health draft policy and procedure concerning protection and safety of the service user	Mental health residential facility staff	60 people
Sexual offences and vetting process by DOJ	DSD and VEP Coordinators	28 people
Training on Victim Impact Report	VEP Coordinators	30 people
Training about the role of trauma Response Team	NERT members	22 people
Skills development programme implemented by Siqalolukutsha funded youth Organization	Community members of Izingolweni	43 people
Orientation by District	Contract Social workers	25 people



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6.1 GENDER BASED VIOLENCE COMMAND CENTRE (GBV CC)

The Gender Based Violence (GBV) Command Centre was conceptualised, developed and implemented as an initiative of the Department of Social Development. The GBV Command Centre provides immediate care and counselling and offers help, hope and the chance of a better life to the many thousands of victims of gender based abuse, even in the remotest and most underdeveloped corners of South Africa. The Command Centre has been in operation since November 2013. Amongst its achievements, it served as a trauma counselling Hotline during the period of mourning for the late former President Nelson R Mandela, to victims of the building collapse which occurred at the Synagogue Church of All Nations in Nigeria, and to the Matric Class of 2014, 2015, 2016 and 2017. It has recently been serving the country through the provision of psychosocial support services to citizens in and outside the borders of South African. The GBVCC has been serving South Africans students who are affected by the impact of COVID-19 in foreigners' countries such as China, Russia and Hungary.

The GBV Command Centre is a comprehensive, integrated system that provides immediate, consistent, coordinated and timely support to victims of GBV. Its services are linked to the services of the SAPS and the Department of Health. The Command Centre will extend its partnership to include other Departments in the JCPS cluster, including the Departments of Justice, Women and the National Prosecuting Service.

The GBV Command Centre uses mobile technology to estimate the location of a victim, assign the closest social worker in the field to the case, record and receive continuous feedback on the case. The GBV Command Centre employs trained social workers/command centre agents who provide immediate counselling to victims and help them to avoid or minimise further exposure to GBV.

The GBV Command Centre utilises three high-level components:

- Inbound and outbound call management.



- Incident logging and management on the GBV Command Centre Information System.
- Mobile workforce management (the field social workers make use of the GBV Mobile Information System). The GBV Mobile Information System works in conjunction with the GBV Command Centre Information System.

When a victim calls the GBV Command Centre from a mobile phone, the caller (with explicit permission) is geographically located, enabling the GBV Command Centre to determine the caller's closest resources (social worker, police station, hospital, safe house). The GBV Command Centre records the particulars and assigns the closest field social worker to the case. Via a specially developed mobile-device application, the information captured by the GBV Command Centre is displayed and the social worker subsequently uses the same application to provide feedback to the Command Centre. This innovative model of social-service delivery offers enormous advantages:

- broadening the base of service delivery to the remotest and most underdeveloped regions of the country
- immediate telephonic counselling
- expediting assistance to victims
- reducing paperwork: the information captured by all the parties displays directly on the mobile applications and the GBV Command Centre software
- Availing real-time functionality to the Department of Social Development, including strategic reporting on trends in specific locations or types of violence, and the demand for social workers in a specific location.

The types of incidents, include the following: Abandoned children, indecent assault, physical violence, rape, verbal abuse stalking, economic abuse, emotional abuse, sexual harassment, forced marriages, forced prostitution, forced abortion, human trafficking, exploitation of domestic workers, bride kidnapping, violence against foreign nationals, grade 12 related queries, intimidation and assault, substance abuse, child neglect, abuse of elderly citizens, family disputes, protection order enquiries, bullying, child custody, Incest etc.

The GBV Command Centre toll-free number is **0800 428 428**. Alternatively, USSD (Please Call Me) ***134*1125#**

- A Skype functionality has been added (Add 'Helpme GBV' to their skype contacts). The Skype capability allows video calling direct to the Command



Centre. Through this facility, deaf clients will be able to communicate and lodge cases of Gender Based Violence making use of sign language.

- An SMS functionality has also been added (SMS '**Help**' to **34632**) for those who are unable to communicate in sign language or who are more comfortable using text to communicate.
- A GBV Website has been developed (**www.gbv.org.za**) for those who wish to contact the centre through the GBV website.
- Further enhancements that will assist persons with different types of disabilities other than hearing impairment will be rolled gradually to ensure that all other disabilities are covered by the Command Centre.

6.1.1 CALL STATISTICS REPORT

This innovative approach supports the conventional social services system, enhances the traditional Department of Social Development counselling process and renders an immediate, expedient and effective service to victims of GBV. The Command Centre has received the following calls from the members of the public:

GBV Command Centre Call Statistics Report

Date	Telephone Calls Received	USSD's Received	SMS's Received	Total
01 APR 2022 – 30 MAR 2023	55617	578	1348	57 543

The USSD and SMS Statistics is from the 1 April 2022 to 26 October 2022, Due to the deployment of the new system by the service provider, from the 26th of October 2022 the channels were inactive



7. PUBLIC EDUCATION AND COMMUNICATION

7.1 GBV: MALE AS A POSITIVE ROLE MODEL CAMPAIGN

DSD National hosted a Men's Forum that was attended by over 150 men. The Forum dealt with specific including issue of gender based violence, abuse of women and children, value and contribution of men in families especially in raising children. The department has targeted 3 districts situated at the hot spots areas to conduct men's dialogues

7.2 GBV Community Dialogues

The Department of Social Development embarked on a number of dialogues in different communities of South Africa. The purpose of the community dialogues is to establish from communities their gender based violence problems observed and experienced; establish whether they know where to access services and promote services provided by different government departments and organisations.

Some of the GBV Community Dialogues were conducted as part of the build-up activities towards the 16 Days of Activism on No Violence Against Women and Children Campaign and others are ongoing activities undertaken by the DSD. These GBV Community dialogues were conducted as follows:

Intervention: Implementation of Social Behaviour Change programmes to influence and sustain positive behaviour

- Boys Assemblies and Men and Boys championing change programmes, an intervention which is implemented under the Takuwani Riime Men's Movement. This initiative is anchored on the belief that achieving gender equality includes transforming unequal power dynamics and improving gender relations between men and women.



- The Safe Space for Men, called The Lounge, is the first of its kind in South Africa in that it gives men and boys an opportunity to hold each other accountable and to play a more active role in our national efforts to combat the scourge of gender-based violence, femicide, HIV, alcohol and substance abuse and many social ills.

8. Dialogues at institutions of higher learning.

The Department conducted the number of integrated campaigns covering issues of Victim Empowerment and prevention of Gender Based violence, Social Crime Prevention and Anti-Substance Abuse.

These campaigns targeted the public in general and the specific focus is also in young people within institutions of higher learning such as public and private universities, universities of technology as well as TVET colleges. In the year under review the following campaigns at the at the below mentioned institutions were conducted:

Institutions of Higher Learning Campaigns:

Campus	Dates	Topic	Venue:
Durban University of Technology	07-04-2023	Webinar	Virtual
Eastern Cape, St Marks Campus	20-04-2022	Exhibition Distribution of Pamphlets and information sharing	St Marks Campus



Campus	Dates	Topic	Venue:
East London Campus	21-04-2022	Exhibition Distribution of Pamphlets and information sharing	Buffalo city Campus
University of Johannesburg	11-05-2022	Exhibition/Presentation	Doornfontein Campus
Western cape CPUT	19-07-2022	Exhibition/ Information sharing	Bellville campus
Western Cape CPUT	20-07-2022	Exhibition/ Information	District six Campus
Eastern Cape	26-07-2022	Exhibition/ Information	John Knox TVET
Free state	13-09-2023	GBV Awareness Campaign	Cafeteria
Tshwane TVET	16-09-2022	Exhibition	Student Centre
Polokwane TUT	07-10-2022	Exhibition	Cafeteria
TOSA TVET, Welkom	03-02-2023	Open day/First Years, Information sharing	Student centre
University of Zulu-land	07&08 -02-2023	Education, dissemination of information ,Awareness on crime prevention ,anti-Substance and Gender based violence	Kwa-Dlangezwa
Orbirt College Mankwe Campus	14-02-2023	Education, dissemination of information ,Awareness on crime prevention ,anti-Substance and Gender based violence	Orbirt College
Nkangala Middelburg	15-02-2023	GBV Awareness Campaign	TVET College
Sol Plaatje University	16-02-2023	Dissemination of information and exhibition	Re-creation centre
Motheo TVET	24-02-2023	Presentation and Dissemination of Information	Kimberly



Campus	Dates	Topic	Venue:
Sefako Makgatho Health and Science University	10-03-2023	Workshop peer councillors, , SRC, University officials	Sefako Makgatho
University of Pretoria	26-04-2023	Presentation and Dissemination of Information	Onderstepoort Campus

8.1 YOLO (You Only Live Once) Programme

It is a social and behaviour change programme targeted towards young people aged 15 to 24 years. It seeks to address risky sexual behaviours with a focus on social and behaviour change. The programme empowered young people with social skills in self- confidence, efficacy and resilience to prevent HIV infections. It also encourages active citizenry and reduce victimization of young people and intergenerational sexual relationships.

DSD appointed Non-profit organizations in all provinces to implement social and behaviour change HIV Prevention programmes. The implementation continues to reach young people in all provinces.

8.2 Human Trafficking (Qaphela!)

The first week of October the Department of social development is observing it as a Human Trafficking Week. The event was meant to create awareness among the taxi commuters, drivers and marshals on the crime of trafficking in persons. The campaign is referred to as Qaphela! Which is a Nguni expression of Watch! or Watch Out!. The Qaphela! Campaign is meant to warn the people about the dangers of trafficking in humans and make the most vulnerable aware of how the traffickers operate. Spreading of information on:

- what trafficking is
- how traffickers of persons operate
- who their main targets are



- what young and old members of the public should do to reduce their vulnerability
- and what government departments, including DSD, do to fight the crime

The campaign took place at the long distance Bosman taxi rank, the GBV Ambassadors and social workers to move in pairs and small groups of about three each to talk to the passengers. As a long distance taxi rank, the destinations include places such as Mafikeng, Tlokwe, Matlosane and Bojanala in the North West, Vhenda, Giyani, Tzaneen in Limpopo, Bloemfontein in the Free State, Nelspruit and Bushbuckridge in Mpumalanga, Transkei in the Eastern Cape and Maseru in the neighboring country of Lesotho.

8.3 Sixteen days of activism

The Department of Social Development Victim Empowerment Programme had planned a service excellence award event to confer certificates of appreciation to their services to victims of crime and violence particularly women and children. This was planned together with a National Shelter indaba.

The focus was on shelters and other victim Empowerment related services provides that renders services to victim of violence and crime within JCPS Cluster such as the SAPS Victim Friendly facilities, white doors/safe spaces of hope and the NPA Thuthuzela Care Centres. The approach was to demonstrate the inter-sectoral approach and collaboration within the JCPS Cluster departments in partnership with the civil society organisations. It was a jointly acknowledgment and recognition of excellent service delivery in supporting and protecting victims of crime and violence. The service excellence awards strengthened the collaboration between government and civil society as service providers realising that their efforts are recognized by government.

8.4 Anti-Substance Abuse Activities

8.4.1 Education and awareness Campaigns:



Commemoration of the International Day against Drug Abuse and Illicit Trafficking

The International Day against Drug Abuse and Illicit Trafficking was commemorated on the 26th of June 2022, at Lavenderhill, Western Cape Province. The 2022 UNODC theme for the day was “*Addressing Drug Challenges in Health and Humanitarian crises*”. The theme means that we need to continue to advocate to protect the right to health for the most vulnerable, including youth and people with drug use disorders, and to tackle the world drug problem with evidence-based approaches for prevention and treatment of substance abuse in times of crises.

The event was commemorated through an interdenominational approach whereby 300 community members attended the event. Since the day was a Sunday, the national theme was: “*My Faith, My Hope against alcohol and drugs*”, which means that there is still hope and faith when addressing issues of alcohol and drugs.

The event was led by the Minister of Social Development, supported by the Deputy Ministers of Police and Cooperate Governance and Traditional Affairs. Both the Minister and the Deputy Minister stresses the importance of concerted effort which is required from stakeholders to combat alcohol and drug abuse.

The UNODC and CDA also supported the event by giving messages of support on how to fight the scourge of substance abuse in the country.

The commemoration of this day will contribute to the attainment of targets in Chapter 10 (Goal 5) of the National Development Plan (NDP) Vision 2030, and NDP, Priority 4: Prevent and reduce the disease burden and promote health which also indicates Prevent and control epidemic burdens through deterring and treating HIV/AIDS, new epidemics, and alcohol abuse.

8.4.2 Education and awareness at Institutions of higher learning

The Department of social development embarked on the Gender based violence, Anti-substance Abuse and social crime prevention campaigns at 22 campuses of the institutions of higher learning and TVET colleges. The primary aim of the campaign is to create an alcohol and Gender based violence free environment, culture and lifestyle amongst student communities in colleges and universities through educational awareness and capacity building programs. The campaign was also to empower students to aspire in a healthy lifestyle.

8.4.3 Anti-Substance Abuse Festival Season Campaign



The Department of social development conducted Anti-Substance Abuse Festive Season Campaign to encourage communities to enjoy festive season period free of alcohol and drug abuse. The activities targeting children, youth, and adults in collaboration with relevant stakeholders in the field of substance abuse.

Some of the activities that were conducted included dissemination of information, education and communication materials at taxi ranks, shopping malls and hotspot areas, holiday program, dialogues, FAS information sessions and outreach programme.

Furthermore, the Deputy Minister of Social Development launched the Anti-Substance Abuse Festive Season Campaign on 7 December 2022 during a dialogue with women at Khutsong Hostel in Katlehong in Gauteng Province. All in all, 11 activations were conducted during the Festive season campaign.

8.4.4 Siyalulama Outreach Programme

Siyalulama Outreach Programme is an outreach programme aimed at taking services to people at substance abuse hot spot areas, being people working and living on the streets, a community or school that is affected by substance abuse with the aim to assist them to reclaim their lives.

During the implementation of this programme, the Department highlights the link between substance abuse and other social related ills which could lead to individuals committing sexual offences.

For 2022/23 financial year, the department was supposed to have conducted Siyalulama Outreach Programme in 3 provinces, however, the Department over performed and successfully conducted the outreach programme in 5 provinces, namely, Orkney (North West), Postmansburg (Northern Cape), Ashdown (Kwa Zulu Natal), Barberton (Mpumalanga), and Wedela in Gauteng.

In all these activities, the link between substance abuse and issues of sexuality were highlighted.

9. OTHER PROGRAMMES AND CAMPAIGNS

9.1 Child Protection Week 2023 Opening and Closing (CPW) opening was held Western Cape and closing in Mpumalanga



Minister Lindiwe Zulu officially Launch the opening in Western Cape, Hout Bay in a Risiha site James House. During this period of (CPW), Government and the key stakeholders in the child protection system put a spotlight on the plight children, talking about the gross violation of children's rights, demonstrating and sharing available services to cushion children from vulnerabilities.

It does not end with the opening and the closing of Child Protection Week, however the department continue to implement the 365 days against women and children, child abuse, neglect and exploitation as a week's campaign is not sufficient to curb the scourge of the violence against women and children

9.2 Child Care and Protection Policy

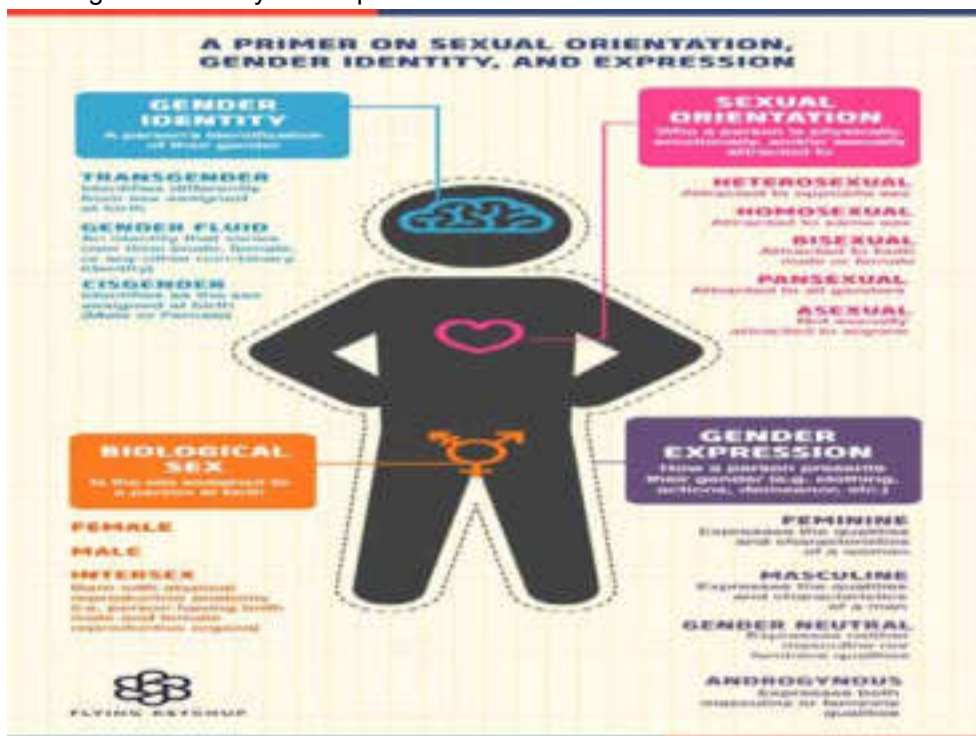
This policy has been developed to articulate the national developmental child care and protection vision and to provide clarity and guidance, as well as the mandate and authority, to ensure the adoption of appropriate quality practices and programmes by all responsible role-players at the scale required to ensure the realisation of the policy vision.

The policy recommits to the adoption of a developmental approach to child care and protection. It seeks furthermore to ensure a unified national response by all responsible role-players to advance the shared developmental child care and protection vision. It seeks to provide the framework, responsibility, and guidance necessary to ensure countrywide harmonised, collective and integrated action by all role-players that advances the country's common developmental child care and protection vision and goals. In so doing, it aims to lay the foundations for a national child care and protection system that will ensure all children, especially the most vulnerable, enjoy equal opportunities to grow and develop to their full potential in safe and secure environments free from violence, abuse, neglect and exploitation.

9.3 Development of documents on violence, child abuse, neglect and exploitation



- Draft protocol documents developed on response to cases of violence against children, abuse, neglect and exploitation (VCANE)
- Infographics on VCANE on identification, roles and responsibilities of service providers and the case flow management.
- Below diagram reflecting the education of children on sexual orientation, gender identity and expression:



10. NATIONAL STRATEGIC PLAN ON GENDER BASED VIOLENCE AND FEMICIDE, 2020-2030

In line with the National Strategic Plan on gender -based Violence and Femicide (NSP-GBVF 2020-2030), the mandate of the Department of Social Development (DSD) is provision of psychosocial services to victims of crime and violence.

The DSD is responsible for implementation of Pillar 4 (Response, Care, Support and Healing) of the NSP-GBVF. The main intervention of the Pillar is: “Strengthening existing response, care and support services in ways that are victim



centred, and survivor focused and trauma informed to facilitate recovery and healing”.

As a lead department, the DSD consulted and approved two policies (Intersectoral Shelter Policy and Policy on provision of psychosocial Services). Both policies are meant to standardise services offered to victims of GBVF. All nine provinces were reached through capacity building on both policies. Stakeholders from the JCPS Cluster have been reached across the country and more stakeholders will be reached with capacity building on the policies.

The Department has successfully implemented the enhancement of response services in the thirty National GBVF hotspots with one hundred (100) GBVF ambassadors and fifty (50) Social Workers deployed to provide psychosocial services in the hotspot areas across the country.

The DSD in partnership with the Department of Women, Youth and Persons with Disabilities have successfully supported the Presidential Summit 02 on GBV and Femicide.

The Department in the financial year under-review, has launched four (04) shelters as part of support and care services to victims of crime and violence. Two of these were launched in a district without a shelter in Free State province. The partnership with the Department of Public Works and Infrastructures has resulted in progress of over fifteen buildings identified in this financial and prepared for more facilities to be handed over as GBV Shelters.

The DSD amongst other implemented the followings interventions and reported on weekly basis:

- ***Improved capacity to response to GBV cases on the ground: 200 social work professionals were appointed***
- ***Funding of CSOs – CARA fund of 100 million were secured to be transferred to CSOs providing services to victims of GBV***
- ***Capacity building – over 200 social workers were training on trauma management and dealing with trauma as well as psychosocial support.***
- ***Social behavioural change – Men as positive role model programmes and men and boy’s assemblies programmes/dialogues were held across the country as part of address the scourge of GBV;***



- **Legislation reform – the Victim Support Services Bills was presented to presented to Cabinet and approved for public comments;**
- **Education and Awareness – Integrated Campaigns covering issues of VEP and prevention of GBV, Social crime prevention and anti-substance abuse in a form of dialogues, workshops, and exhibition were conducted at institutions of higher learning targeting young people/students;**
- **Access to psychosocial support services – the GBVCC continue to operates 24hrs, days a week and 365 day a years for citizens to access the service particularly victims of GBV;**
- **Establishment of shelters – partnership with the Department of Public Works and Infrastructure was established and a number of unoccupied buildings in the Western Cape and Gauteng provinces were handed over to the DSD for the benefit of victims of GBV;**
- **Two policies were developed: Policy on provision of psychosocial services and Intersectoral policy on sheltering services. Both policies are meant to improve services for victims of crime and violence.**

The NSP on GBVF has been developed based on previously existing plans including the POA and setting up the GBV Council to coordinate interventions of various structures. In March 2020 the president launched the country strategy on the fight against GBV being the NSP on GBVF, 2020-2030.

The NSP on GBVF is a strategy of government in the fight against GBV. The DSD has placed a critical role in the development of the strategy. The DSD will continue to lead in the implementation of the strategy in its total whilst leading the pillar 4 on response, care, support and healing in line with the mandate of providing psychosocial social support to victims in the sector.

10. FUNDING OF NATIONAL BODIES

The National Department of Social Development is continuously providing financial support to a number of organisations such as:



- Anti-substance abuse national bodies such as South African National Council on Alcohol and Drug Dependence (SANCA)
- South African Depression and Anxiety Group (SADAG)
- National Shelter Movement
- National Peace Accord Trust
- National Institute for Community Development and Management
- Life Line South Africa

This is to ensure that they complement the services that are currently being rendered by expanding services to the areas which were previously disadvantaged. The above organisations are funded because of their National reach to provide services to victims of crime and violence for example NICDAM is providing psychosocial support through the NERT in emergency situations.

Furthermore, the Department of Social Development was awarded R100 million from the Criminal Assets Recovery Account (CARA) Funds for providing financial assistance to Civil Society Organisations which render services to victims of crime including victims of gender based violence – this is a once off top up. The DSD contracted the National Development Agency (NDA) as implementing partner for the funding of Civil Society Organisations (CSOs) which render services to victims. The call for proposals was advertised and total of 312 CSOs across all nine provinces were recommended for funding. To date a total of 131 CSOs have been verified and funded to the total value of R34, 8 million. The verification process for funding the remaining 181 recommended CSOs is underway and implementation partners (NGOs and CSOs) are included.

11. MONITORING AND EVALUATION

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

11.1 Monitoring of Accredited Diversion Service providers by Quality Assurance Panels



Quality assurance panels have been delegated to provinces in terms of the Judicial Matters Amendment Act 14 of 2014. Thus provinces are responsible for all activities related to monitoring, evaluation and quality assurance of all diversion service providers and diversion programmes that were considered by accreditation teams. The process ensures that children in conflict with the law receive quality service in terms of accredited programmes, which may assist in reducing the rate of crime and re-offending.

11.2 Monitoring and Evaluation

The Department continuously convene various workshops, meetings and consultation with stakeholders. Such engagements serve as platforms to monitor and evaluate the intervention programmes, campaigns and activities that are implemented across the country in an ongoing basis.

12. LAW AND POLICY DEVELOPMENT

12.1 Victim Support Services Bill, 2020

The VSS Bill was presented and approved by Cabinet for gazette for public comments. In summary, the Bill covers amongst others the following:

The gazetted VICTIM SUPPORT SERVICES BILL (VSS) is open for public comment

WHAT IS THE VSS BILL?

The VSS Bill seeks to **fight the scourge of GBV** by putting the victim and their rights at the centre of the criminal justice system and giving the victim the same rights as the accused.



The VSS Bill will be supported by other Government Strategies, including the **National Strategy Plan on GBV and Femicide, (NSP on GBV).**

The VSS BILL will be driven through the four pillars of the NSP ON GBV:



THE CRIMINAL JUSTICE SYSTEM CURRENTLY:

- Puts an emphasis on the rights of the **ACCUSED**.
- Provides various services for accused persons.
- Leaves room for **SECONDARY VICTIMISATION**.



WHAT THE BILL PROPOSES:

- The protection of victims.
- The provision of legal representation for victims.
- The provision of various services for victims.
- The State to carry the legal costs if victims wish to sue the accused for damages.
- The vetting of persons against the Child Protection Register (CPR) and the National Register for Sex Offenders (NRSO).



SUBMIT YOUR COMMENTS:

BY POST: The Director-General, Department of Social Development, Private Bag X901, Pretoria, 0001
VIA E-MAIL: Ms Siza Magangoe on Sizam@dspd.gov.za, or Luyanda Mtshothshisa on LuyandaMt@socdev.gov.za, or Ms Anna Sithole on Annas@dspd.gov.za

Submissions close on 15 September 2020.



13 CHALLENGES / AREAS OF IMPROVEMENT

The Department of Social Development as one of the implementing departments on the Sexual Offences Act, continues with its commitment to implement and report on the implementation. The report above demonstrate that is implementation of SORMA; however, there are still areas of improvement, For example, the details on the implementation of SORMA covering information from all nine provinces in all aspects.

The report is comprehensive however there is more important work undertaken by provinces that is not highlight as they are located closer to service delivery. It is important to highlight that there is good work and initiatives conducted within DSD national and provincial from different programmes of the department but most are still failing to report their activities. Most provinces are also failing to submit their provincial report.

14 CONCLUSION

The DSD will continue with the implementation of SORMA. There various programmes, campaigns and activities to be undertaken in this financial as part of implementation. They include amongst others the development of a court report which will incorporate a victim impact report framework, the various build-up events for 16 days of activism and support to be provided to VEP Shelters across the country and the campaigns to be conducted at institution of higher learning to sensitize learning on the availability of the GBVCC service, the GBV, TIP and LGBTIQ+ issues. There are number of planned activities linked to the implementation of the 365 days Programme of Action on No Violence against Women and Children as part of the implementation of the National Strategic Plan on GBV and Femicide. Surely, all of the above are indicative of the efforts to intensify the fight against sexual offences and related matters in an effort to eliminate all forms of crime and violence against



vulnerable groups, in particular victims of gender based violence and femicide. There is an increase in provision of psychosocial services taking into account the two hundred Social Workers that were permanently appointed across the country focusing on GBV with the assistance from the 100 GBVF Ambassadors, they will be the foot soldiers/ ears and eyes for the Department in the identification of issues and refer them accordingly. The GBVCC has increase its capacity to respond in the new facility that can accommodate more Social Workers to provide containment and trauma counselling. All provinces have established Rapid Response Team to respond to cases of GBV led by DSD VEP coordinators.

OFFICIAL SIGN OFF OF THE DSD ANNUAL REPORT CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007.

.....
Ms Ml Sekawana
 Acting Deputy Director-General: Welfare Services
 Date: 19/07/2023

.....
Mr NPL Mchunu
 Act. Director-General of Social Development
 Date: 19/07/2023



SOUTH AFRICAN POLICE SERVICES

**ANNUAL REPORT: IMPLEMENTATION OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007:
01 APRIL 2022 TO 31 MARCH 2023**

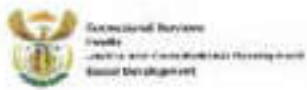


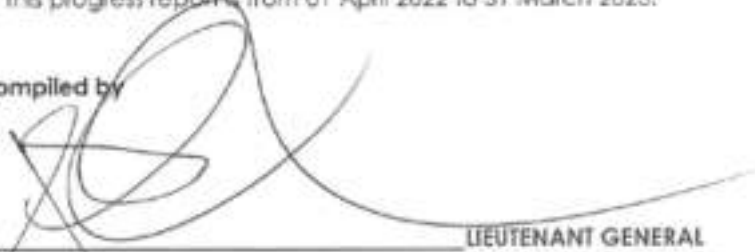
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OFFICIAL SIGN-OFF


It is hereby certified that this 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 2022 to 31 March 2023.

Compiled by



LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: DETECTIVE AND FORENSIC SERVICES
HK SENTHUMULE
2023-07-12

Recommended by



LIEUTENANT GENERAL
DEPUTY NATIONAL COMMISSIONER: CRIME DETECTION
SM SIBUYA

Approved by



GENERAL
NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
SF MASEMOLA (SOEG)

Chapter 1: 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 Department of Justice and Constitutional Development (DoJ&CD). The reporting period is from 01 April 2022 to 31 March 2023.

Chapter 2: Legal Framework

Implementation of Gender-Based Violence and Sexual Offences Action Plan

The SAPS developed the Gender-Based Violence and Sexual Offences (GBV & SO) Action Plan to ensure that gender-based violence and sexual offences are reduced through a coordinated approach by all SAPS disciplines.

The Action Plan is aligned to the National Strategic Plan on Gender-Based Violence and Femicide 2020, the Emergency Response Action Plan on Gender-Based Violence and Femicide (GBVF) 2020.

GBV and SO Action plan consists of 21 deliverables, seven (7) deliverables achieved, ten (10) deliverables shows significant progress, three (3) deliverables shows some progress , one (1) indicate little progress and as of 31 March 2023.

The affected Divisions, Provinces, Components and Sections are required to submit monthly report on the progress regarding their activities and performance indicators as outlined in the SAPS GBV and Sexual Offences Action Plan

Chapter 3: Governance Structures

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

The National Technical Inter-Sectoral Committee for the Management of Sexual Offences Matters (NTISCSO)

The NTISCSO was created to support the Directors-General Inter-Sectoral Committee for the Management of Sexual Offences Matters (DGISCSO) regarding technical and operational matters on the implementation of the Act. The NTISCSO meetings are convened bi-monthly and various implementing government stakeholders and Civil Society Organisations are represented.

National Task Team (NTT) on Gender and Sexual Orientation-Based Violence against Lesbian, Gay, Bi-sexual, Transgender and Intersex (LGBTI) Persons

The purpose of this NTT is to strengthen the protection and enjoyment of the rights of LGBTI persons in the criminal justice system through the joint efforts with the LGBTI community aimed at raising awareness of these rights and the general acceptance of differences based on sexual orientation, gender identity and expression.

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 address the violations when they occur. In this way, the NTT plays a critical role in addressing gender-based violence (GBV), 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 the reporting period the Rapid Response Team (RRT) on LGBTI held no meeting.

SAPS Steering Committee on GBV

The Steering Committee on GBV will enable the SAPS to manage GBV matters in a coordinated and efficient manner. During the reporting period, SAPS Steering Committee on GBV held meetings on 28 April 2022, 19 May 2022 and 19 July 2022, 13 October 2022 and 8 March 2023.

SAPS Inter-Divisional Forum on Crimes against Women, Children and Vulnerable Groups

The Inter-Divisional Forum on Crimes against Women, Children and Vulnerable Groups has been formed, and the purpose of inter-divisional forum is to manage, monitor and evaluate all forms of gender based violence, crimes against women and children, children in conflict with the law and vulnerable groups (the elderly, mentally ill and people with disability). The aim is to provide effective, professional and efficient policing services for vulnerable and marginalized groups.

During the reporting period, SAPS Inter-Divisional Forum on Crimes against Women, Children and Vulnerable Groups held meetings on 11 April 2022, 09 May 2022, 06 June 2022, 20 June 2022, 18 July 2022, 16 August 2022, 13 September 2022, 11 October 2022, 11 November, 07 December 2022, 28 February 2023 and 28 March 2023.

Chapter 4: Physical and Human Resources

Physical Resources

The SAPS continues to make an effort to improve services rendered to victims of sexual offences, by ensuring that victim friendly services are rendered and Victim Friendly Rooms (VFRs) are established at all police stations:

Victim Friendly Services are rendered to reduce secondary victimisation and enable victims to provide details that will assist in the investigation and prosecution.

A VFR is a dedicated room at a police station that provides a space for victims of intimate violence (e.g. sexual offences and domestic violence). The purpose of a VFR is to ensure that the victim's right to dignity and privacy is protected and that they can report, be interviewed and give statements in a private place.

The number of VFRs in the SAPS by 31 March 2023 was 1112. The table below illustrate an overview of the number of VFRs in all provinces:

NATIONAL SUMMARY OF VICTIM FRIENDLY ROOMS										
VFRs located at:	EC	FS	GP	KZN	LIM	MPU	NC	NW	WC	Total per category
Police stations with VFR	162	88	140	159	88	86	77	76	151	1027
Satellite police stations	0	8	1	1	2	1	1	0	22	36
Contact points	0	0	0	0	0	0	0	0	1	1
International Airport	0	0	0	1	0	0	0	0	1	2
FCS Units	2	0	3	10	5	1	2	8	15	46
Railway police stations and coaches	0	0	0	0	0	0	0	0	0	0
Total per province	164	96	144	171	95	88	80	84	190	1112

The figure of 1112 includes park homes delivered to police stations for use as victim support rooms in order to improve the friendly service towards the victims of crime, especially sexual offences and domestic violence.

Establishment of Gender-Based Violence Desk

One thousand one hundred and fifty-nine (1159) police stations established GBV Desks across the country during the reporting period.

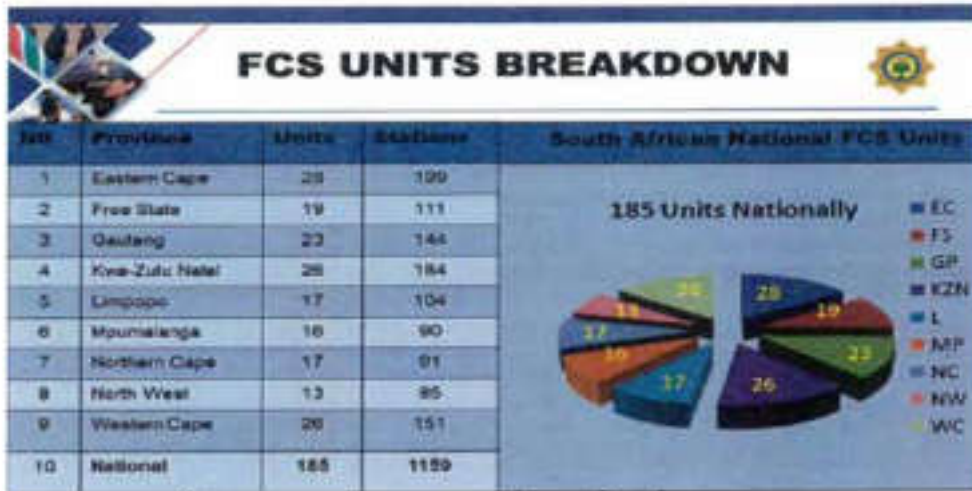


GBV Desk signage of SAPS Ritavi in Limpopo

The purpose of the GBV Desk is to create an engagement platform at police station level for victims and families of GBVF so that the necessary support is provided. This is not necessarily a physical wooden desk, but services that are rendered by a team of members dedicated to ensure that the GBV related matters are dealt with appropriately at police stations without secondary victimisation

Human Resources at FCS Units

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



For the period under review there are 2140 members in the 185 FCS Units that are placed in a cluster model nationwide plus 96 Forensic Social Workers (FSW) who are dynamic and specialize within the FCS field. They focus on the interface between the Legal System and the Social Work functioning of the victim (Children) 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 - 307
	FSW - 10
FREE STATE	FCS - 158
	FSW - 5
GAUTENG	FCS - 515
	FSW - 17
KWA ZULU NATAL	FCS - 340
	FSW - 15
LIMPOPO	FCS - 148
	FSW - 4
MPUMALANGA	FCS - 142

NORTH WEST	FCS - 143
	FSW - 7
NORTHERN CAPE	FCS - 124
	FSW - 5
WESTERN CAPE	FCS - 243
	FSW - 18

Chapter 5: Training and Development: Capacity Building

The SAPS conducted the following capacity-building sessions during the reporting period. The capacity building session included the Criminal Law (Sexual offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No 13 of 2021):

No	Province	Date	Target Audience	No. of delegates
1.	Gauteng	13 October 2022	Members from districts, police stations and provincial office.	50
2.	North West	13 October 2022	Members from districts, police stations and provincial office	30
3.	Mpumalanga	20 October 2022	Members from districts, police stations and provincial office.	50
4.	Western cape	28 October 2022	Members from districts, police stations and provincial office.	61
5.	Limpopo	10 February 2023	Members from districts, police stations and provincial office.	38

Division: Human Resource Development reported the following GBV related training interventions provided to SAPS members during the reporting period: 01 April 2022 to 31 March 2023:

Course description	Trained members	Competent members
First Responder to Sexual Offences	1346	1346
Domestic Violence Learning Programme	8467	8463
Vulnerable Groups/Children Learning Programme	9841	9830
Sexual Offences for Investigations Learning Programme	405	405
Family Violence, Child Protection and Sexual Offences	351	351
Psychological Motivated Crime learning programme	163	163
Resolving of crime LP implementation	649	630
Basic Course in hostage & suicide negotiation	23	23
TOTAL	21 245	21 211

The SAPS developed GBV Desk Guidelines and Functionality Audit Tool and were approved on 26 August 2022. The following table indicates the number of GBV Desk Audited for functionality:

PROV	#Police stations	# Audited	# Functional	#Not Functional	Trained Coordinators Audited	#Percentage Functionality
EC	199	11	5	6	Yes	45%
FS	111	13	11	2	Yes	85%
GP	143	9	4	5	Yes	44%
KZN	184	8	8	0	Yes	100%
LM	104	5	4	1	Yes	80%
MP	90	5	3	2	Yes	60%
NC	91	5	5	0	Yes	100%
NW	85	4	4	0	Yes	100%
WC	151	4	1	3	Yes	25%
TOTAL	1158	65	46	19	Yes	69%

Sixty five (65) GBV Desk Coordinators were capacitated (in-service training) during station visits and auditing of the GBV desks.

Chapter 6: Public Education and Awareness Campaigns

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.

No	Province	Date	Target Audience	No. of delegates
1.	Eastern Cape	17 August 2022	Members from districts, police stations and provincial office.	50
2.	Free State	08 September 2022	Members from districts, police stations and provincial office.	55
3.	Kwa-Zulu Natal	22 September 2022	Members from districts, police stations and provincial office.	40

The SAPS conducted the following public education and awareness campaigns to address GBV at different provinces during the reporting period:


No	Officials involved (public / specific sectors/professional categories)	Description of campaign / activity and date	Target Group (Demand/ supply / both)	Number of persons reached	In collaboration with / partnership
1.	SAPS	2022-04-02 Crime Prevention Ministerial Imbizo: Mahikeng, North West.	Both demand and supply. Youth and community in Mahikeng North	1200	Community-Police Forum and Community at large

		West			
2.	SAPS	2022-07-18 Crime Prevention Ministers Imbizo: Carolina Mpumalanga	Both demand and supply. Youth and community in Carolina Mpumalanga	1200	Community-Police Forum and Community at large
3.	SAPS Community Police Forum	2022-07-18 Crime Prevention Ministerial Imbizo: Knysna	Community at large, Knysna, including NGO's Western Cape	1200	Community-Police Forum
4.	SAPS and Community Police Forum	2022-08-12 Gender Based Violence and Femicide Imbizo: Marburg (Limpopo)	Marburg Limpopo Community at large, both demand and supply	1200	Community-Police Forum and Community at large
5.	SAPS Community Police Forum	2022-08-06 Community Imbizo: Krugeradorp Gauteng	Young People and community at large.	1500	Community-Police Forum and Community at large
6.	SAPS Community Police Forum	2022-08-07 Community Imbizo Kagiso Gauteng	Community members	7500	Community-Police Forum and Community at large
7.	SAPS and Community-Police Forum	2022-09-02 Rural Safety Ministerial Imbizo: Sekhukhune District (Johannesburg)	Community at large in Sekhukhune District	1200	Community-Police Forum and Community at large

8.	SAPS and Community-Police Forum	2022-09-26 Rural Safety Ministerial Imbizo Ca-Crusena	Learners and Community at large in Ga-Crusena Limpopo	1200	Community-Police Forum and Community at large
9.	SAPS Community-Police Forum	2022-09-26 imbizo ya Madoda Khayalitsha	Men of 800 Khayalitsha Western Cape		Community-Police Forum and Community at large
10.	SAPS	2022-11-28 Crime Prevention Imbizo (Hlangeni Kwa Zulu Natal)	Both demand and supply. Youth and community	1200	Community-Police Forum and Community at large
11.	SAPS	2022-11-19 Crime Prevention Imbizo (Zamdela Free State)	Both demand and supply. Youth and community	1200	Community-Police Forum and Community at large
12.	SAPS Community-Police Forum	2022-11-14 Crime Prevention Imbizo (Finetown) Ennerdale	Community at large, in Khayalitsha, including NGO's Western Cape	1200	Community-Police Forum
13.	SAPS Community-Police Forum	2022-10-08 Crime Prevention Ministerial Imbizo Umhlati district Kwa-Zulu Natal)	Young People and community at large.	1500	Community-Police Forum and Community at large
14.	SAPS Community-Police Forum	2022-10-08 Crime Prevention Imbizo (Umbumbulu District Kwa-Zulu Natal)	Community members	1500	Community-Police Forum and Community at large
15.	SAPS Community-Police Forum	2022-11-05 Rural Safety (Toung North West)	Community members	1500	Community-Police Forum and Community at large
16.	SAPS and Community-Police Forum	2022-10-16 Rural Safety Stakeholder Engagement (Kuruman Northern Cape)	Community at large in Kuruman District	1200	Community-Police Forum and Community at large

17.	SAPS and Community-Police Forum	2022-09-07 Crime Prevention Ministerial Meeting (Kanda district)	Learners and Community	1200	Community-Police Forum and Community at large
18.	SAPS Community-Police Forum	2022-10-14 Crime prevention Awareness (Mafikeng)	Community members	500	Community-Police Forum and Community at large
19.	SAPS Community-Police Forum	2023-03-07 Crime Prevention Awareness (West. Jh)	Community at large	700	Community-Police Forum and Community at large
20.	SAPS Community-Police Forum	2022-11-17 Crime Prevention Awareness (Willovale)	Community at large	1200	Community-Police Forum and Community at large
21.	SAPS Community-Police Forum	22-02-2023 Crime Prevention Awareness (Sutherland)	Community at large	500	Community-Police Forum and Community at large
22.	SAPS Community-Police Forum	24-03-2023 Crime Prevention Awareness (Bilthoven)	Community at large	1200	Community-Police Forum and Community at large

During the reporting period other several awareness campaigns were conducted at various provinces on GBV matters and following successes were achieved:

 FCS Awareness Campaigns April – March 2022/2023			
Province	Number of Awareness Campaigns conducted	Number of suspect raids conducted	Number of Arrests
Head Office	6	0	6
Eastern Cape	75	271	376
Free State	99	746	746
Gauteng	361	1438	3255
KwaZulu Natal	222	1133	3276
Limpopo	81	364	274
Mpumalanga	19	976	969
North West	129	818	1806
Northern Cape	141	412	999
Western Cape	268	4962	5186
Total	1381	10251	17481

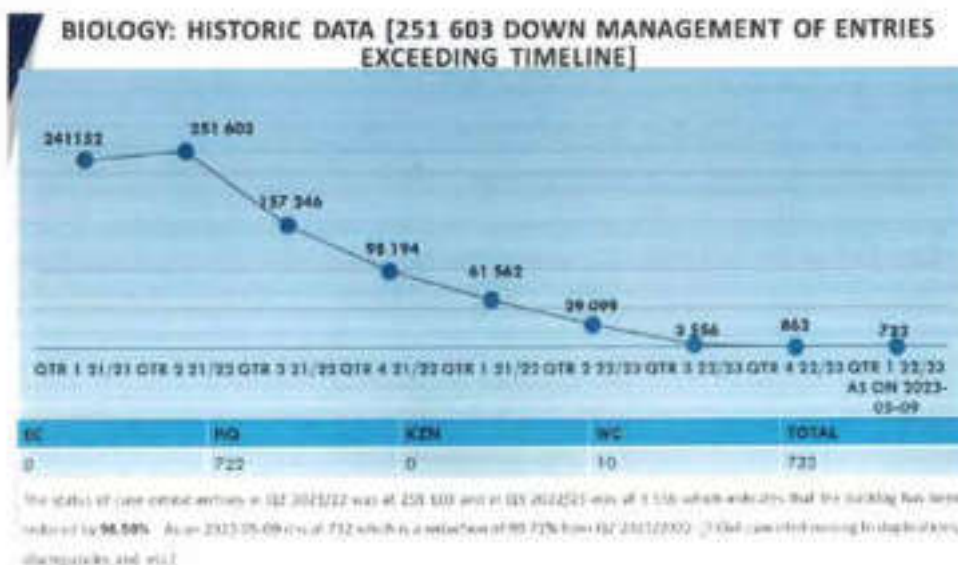


Projects under GBV & SO Action Plan

The SAPS conducted GBV prevention and awareness raising campaigns as follows:

Name of project	Name of place	Date of visits
<ul style="list-style-type: none"> Empower churches to act against Gender-Based Violence 	<ul style="list-style-type: none"> Evangelical Lutheran Church in South Africa (ELCSA) Temba Hammankraal and Miracles Centre Tembisa 	04 September 2022 11 September 2022
	<ul style="list-style-type: none"> Boiketlo Tavern Ikageng, North West Juicy's Shisanyama Ashdown Area Plessieslaer KwaZulu Natal 	26 January 2023 17 Mar 2023

During the reporting period Forensic Science Laboratory has down managed its historical back log by 98.95% from 251603:



During the reporting period Forensic Science Laboratory further established customer centric relationship with NPA that yielded 31259 DNA reports that are GVBF case related and court certain.

SAPS: NPA DNA PROJECT

COURT REQUESTS FOR DNA REPORTS PER PROVINCE	EASTERN CAPE	FREE STATE	GAUTENG-NORTH	GAUTENG-SOUTH	KWA-ZULU NATAL	LIMPOPO	MPUMALANGA	NORTHERN CAPE	NORTH WEST	WESTERN CAPE	TOTAL
PERIOD: AUGUST 2021 TO APRIL 2023	1 797	1 934	1 325	3 756	5 548	2 390	2 073	1 372	2 449	7 424	38 943
TOTAL REQUESTS FOR JULY 2021											1 191
OVERALL TOTAL REQUESTS FOR DNA PROCESSING AS PER COURT PRIORITY											31 259

Chapter 7: Monitoring and Evaluation

During the reporting period, the SAPS conducted combined assurance compliance visits to monitor the implementation of the Act and other programmes related to gender based violence and vulnerable groups at the following police stations:

Province	Police station	Date of visit
KwaZulu-Natal	SAPS Berea	2022-10-17
	SAPS Phoenix	2022-10-18
	SAPS Inanda	2022-10-19
	SAPS Richmond	2022-10-19
Western Cape	SAPS Nyanga	2022-10-24
	SAPS Mitchell's plain	2022-10-24
	SAPS Gugulethu	2022-10-25
	SAPS Khayelitsha	2022-10-25
	SAPS Bellville	2022-10-26
	SAPS Delta	2022-10-26
	SAPS Mfuleni	2022-10-27
North West	SAPS Ikageng	2022-10-13
Gauteng	SAPS Dobsonville	2022-10-03
	SAPS Alexandra	2022-10-04
	SAPS Moroka	2022-10-05
	SAPS Orange Farm	2022-10-06
Eastern Cape	Mthatha FCS Port St Johns	16 to 27 May 2022
Free State	Phuthaditjhaba FCS Mangaung FCS	13 to 24 June 2022
Mpumalanga	Acornhoek FCS Kanyamazane FCS	11 to 22 July 2022
Limpopo	Bela-bela FCS Burgersfort FCS Giyani FCS Groblersdal FCS Lebowatkgoma FCS Lephalale FCS Makhado FCS Modimolle FCS	12 to 16 September 2022

	Mokopane FCS Musina FCS Phalaborwa FCS Polokwane FCS Seshego FCS Thebasimbi FCS Thohoyandou FCS Tzaneen FCS	
Gauteng	Ekangala FCS Germiston FCS Mamelodi FCS Kallang FCS Springs FCS	7 to 11 November 2022 21 to 25 November 2022 6 to 08 December 2022
Free State	Mangaung FCS Seloseshu FCS Welkom FCS Thabong FCS	6 to 17 March 2023
Limpopo	Tzaneen FCS Mokopane FCS Seshego FCS Letbowakgamo FCS PHO SECI	6 to 17 March 2023

Chapter 8: Research and Policy Development

SAPS Component: Research conducted the research titled **"Exploring Policing Best Practices for Gender-Based Violence, Femicide and Sexual Offences in Southern Africa"**.

The fourth phase of the research which is the "Research Report", was completed during the reporting period. The first draft of the research report was submitted to the RSC Office on 10 October 2022 and findings were discussed.

The next step will be to conduct benchmarking on policing of domestic violence as per approved research report within four countries namely Botswana, Eswatini, Lesotho and Namibia. The aim is to understand as to why the cases-related to violent crimes are under-reported and what are the mechanisms or prevention measures or approach that can be considered to increase the number of reported cases.

Chapter 9: Limitations & possible interventions

The identified the following as challenges and possible interventions to improve the implementation of Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007):

Limitations / challenges	Possible interventions
Functional members at the police stations are not receiving in-service training on the Sexual Offences Act.	<ol style="list-style-type: none"> 1. Station Coordinators were advised to implement the SAPS National Instruction 3 of 2008 and the Sexual Offences Act to assist other members during the in-service training. 2. Capacity building sessions to be conducted at all Provinces.

Chapter 10: Conclusion

The SAPS 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 albinism condition and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community 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.

The organization closed the year with the following highlights:

MODUS OPERANDI	SENTENCING
Serial Rapist Lucky Lehloo committed several rapes between the period of 2014 and 2018 by breaking-in houses of the victims, overpower the victims and then rape them. After the rape he would rob them of their belongings and flee the scene. 11 victims between the age of 20 and 73 years. He was charged for rape, robbery and assault gbh	2 life imprisonment for two counts of rape 235 years imprisonment on other charges
The serial rapist Asha Moyo met the victims while they were walking on the street, he would approach them, point them with the firearm and rape them. One victim was raped more than once. 15 victims of which two were minors between the age of 13 and 17, while the other 13 victims were between the age of 18 and 53 years. He was charged for rape, robbery and pointing of firearm.	16 x Life imprisonment for rape counts plus 250 years of imprisonment for robbery and possession of firearm.
The accused Mazibuko Thokozani Prins and his friends entered the home of the victim at night while she was sleeping. They enquired about the whereabouts of her boyfriend and laptop. They then robbed her of her cell phone and instructed her to get dressed. They closed the victim's mouth with a cloth and took her to the nearby stream where they were joined by another man. The suspects took turns raping the victims and then instructed her to bath in the	2 x Life imprisonment for rape plus 55 years imprisonment

<p>stream in order to remove their DNA from her. In other incidents the accused overpowered the victims and continued to rape them. One victim was a minor 18 years and the other two victims were between 19 and 28 years old</p>	
<p>The accused Tshisikhawe Divhuwo raped the victims and threatened that he will kill them if they tried screaming. One victim was a minor 16 of age and the other five victims were between the age of 20 and 33 years.</p>	<p>Life imprisonment, plus 207 years for rape and kidnapping</p>
<p>The accused Makamu V Jafta On 2016-08-02 at about 14:00 at Xikundu Village. The victim was on her way from school going home, a person came across her and grabbed her. He overpowered her and then raped her. In the second incident the accused had the same modus operandi and raped another minor victim. The third incident the accused had a skewer driver and grabbed a lady that was looking for wood overpowered and rape her. Two victims were minors age 13 and the one victim was 25 years old</p>	<p>75 years imprisonment for rape</p>
<p>It is alleged that the accused Vhromu Given was terrorising women and girls at Vuwani policing area, the accused was following the victims robbed them of their cell phone and further raped them. The suspect was linked on DNA on several cases and was found guilty on all charges. Victims were between the age of 15 and 25 years</p>	<p>4x Life imprisonment plus 135 years imprisonment for rape and robbery</p>

DEPARTMENT OF HEALTH





Report on the implementation of the Criminal Law Amendment Act (Sexual Offences and related matters) No 32 of 2007

April 2022 to March 2023



DIRECTOR GENERAL
HEALTH
REPUBLIC OF SOUTH AFRICA
PRETORIA

Private Bag 9028, PRETORIA, 0001, D-AB Kuno Building, 1112 Youstman Rd, Pretoria Townships 201-JB, Pretoria, 0197, Tel (012) 280 8000
P.O. Box 2875, CAPE TOWN, 8002, 103 Parliament Towers, Room 515, Palm Street, CAPE TOWN, 8000 Tel (021) 461 2062 Fax (021) 461 0984

Advocate Doctor Mashabane
Director-General
Department of Justice and Constitutional Development
Private Bag x 81
PRETORIA
0001

Dear Colleague

**DEPARTMENT OF HEALTH ANNUAL REPORT ON THE IMPLEMENTATION OF
THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS)
AMENDMENT AT 32 OF 2007 2022/2023**

The National Department of Health wishes to submit its annual report on the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, for the reporting period of April 2022 to March 2023.

Regards


DR SSS BUTHELEZI
DIRECTOR-GENERAL:HEALTH

DATE: 16/05/2023

1. OVERVIEW

The Department is a signatory to the National Strategic Plan for Gender Based violence and Femicide. This area incorporates the prevention and management of survivors of sexual violence in our health facilities. Our strategy in the management of gender-based violence is deeply embedded in Clinical Forensic Medicine performed by the Department within the Criminal Justice System.

Our interventions therefore focus on implementation of preventive programmes and harnessing approaches to facilitate integration and deepen impact as articulated in the NSP for GBVF. Some of the areas the Department of Health is focusing on are articulated in the outcome table below.

OUTCOME: Gender Based Violence and Femicide eradicated in South Africa 				
Interventions	Indicators	Baseline	Targets	Progress reported
Implement Gender-responsive planning, budgeting, monitoring and evaluation and gender auditing	Number of health sector Annual Performance Plans incorporating gender-responsive planning, budgeting, monitoring and evaluation and gender auditing	Gender-responsive planning, budgeting, monitoring and evaluation and gender auditing strategy approved by Cabinet in 2019	10/10 by 2024	<p>The NDoH MTSF 2019 - 2024 contains a number of gender-specific targets on Women's Health. Examples include maternal mortality ratio, PMTCT, pre-natal and antenatal care services, Sexual Reproductive Health Services, couple year protection rate, ART treatment.</p> <p>The NDOH prepares and submits bi-annual progress reports on the self-assessment monitoring tool in compliance to implementation of the Gender Responsive Planning, Budgeting, Monitoring, Evaluation and Auditing Framework (GRPBMEAF)</p>
Strengthen the delivery capacity of South Africa to roll out effective prevention programmes	% of Community Health Workers trained in Gender Based Violence and Femicide (GBVF) prevention and doing prevention work	100% by 2024	Implemented continuously and reported bi-annually	<p>Community Health Workers in all 9 Provinces were trained in creation of awareness, prevention and advocacy on GBVF</p> <p>The Mental health component for all age and gender groups was integrated in the training manual and programmes for CHWs</p>
Harness approaches to prevention that facilitate integration and deepen impact as articulated in the GBVF NSP	<p>Substance abuse (drugs and alcohol) interventions integrate GBV prevention component</p> <p>SRHR awareness and HIV prevention interventions integrate GBV prevention component</p>	<p>Integrated GBV prevention and substance abuse interventions implemented</p> <p>Integrated SRHR, GBVF & HIV prevention services delivered</p>	From April 2020 to March 2024	<p>GBVF prevention integrated into substance abuse interventions.</p> <p>Monitoring review, training and best practice meetings for facility, sub-district and district managers.</p> <p>Training of implementers and champions.</p> <p>MCWH: Sexual & Reproductive Health & Rights Framework (Module 13) developed.</p> <p>Adolescent and Youth Health Services (AYFS)</p>

The Department of Health play a pivotal role in dealing with adult and child survivors of rape and/or other sexual assaults by developing an integrated and coordinated process which serves two main functions:

- Providing for the case of the victim - both physical and psychological.
- Collection of medico-legal evidence for the successful prosecution of the perpetrator in the criminal justice system.

A health practitioner is legally bound to report any case of physical, psychological, or sexual abuse on children which comes to their attention.

The Department of Health continues to provide access to proficient medico-legal examinations to gather evidence for the prosecution of cases. Health care professionals are trained to ensure that they provide service that are sensitive to the plight of sexual assaults of sexual violence and related offences. They are also trained to give correct and proper evidence to the courts when summoned. The Department of Health ensures that continuous training of professional nurses takes place.

During this reporting period, the Department provided training both physical and virtual to address the sexual, health and reproductive rights of women and children, post exposure prophylaxis including the focus on sexual violence and related offences management.

Several dialogues and mass communication campaigns were conducted to educate the public in the prevention of Gender based violence using a radio talks and round tables. During this reporting period those indicators that the Minister of Health is mandated to report on such as designation of facilities, provision of postexposure prophylaxis have seen improved including service delivery.

2. LEGAL FRAMEWORK

2.1 Acts, Regulations, National Directives, and Instructions

The Constitution of the Republic of South Africa Act, 108 of 1996 provide for the rights of access to health care services, including reproductive health and emergency medical treatment.

The Department of Health activities are regulated and aligned to the following Acts:

- The National Health Act (61 of 2003) (Government Gazette, 2003) states that the relevant member of the Executive Council in Provinces must ensure that national policy, norms, and standards are implemented in his or her province and must, in accordance with national policy, provide forensic clinical medicine and related services and control the quality of all health services and facilities.
- Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 32, 2007 is the law under which sexual offences are now prosecuted.
- The Criminal Procedure Act, Act 51 of 1977, Sections 2124(a) and 2128(a) provides for establishing the cause of non-natural deaths.
- The Child Care Act, 74 of 1983 provides for the protection of the rights and well-being of children.
- The Regulations relating to the rendering of Clinical Forensic Medicine Services which have been drafted in terms of the National Health Act, 2003 (Government Gazette, 2003) defines clinical forensic medical services and persons authorised to conduct these examinations. The Regulations also presents requirements in terms of reporting and the protection of records.
- The Domestic Violence Act, 1998 (Act No 116 of 1998) (Government Gazette, 1998), which aims to afford victims of domestic violence the maximum protection from domestic abuse. Furthermore, the law introduces measures to ensure that the relevant organs of the State give full effect to the provisions of the Act, thereby conveying that the State is committed to the elimination of domestic violence.

2.2 Policies

In South Africa, Sexual Reproductive Health Rights are enshrined in section 27 of the Constitution, which states that “everyone has the right to access health care services, including reproductive health care”.

The South African National Integrated Sexual and Reproductive Health and Rights Policy, 2019 (SRHR Policy 2019) creates the conditions under which South Africans can enjoy quality SRH across their lifespan.

The policy consolidates several clinical and policy guidelines on various aspects of SRHR.

- including the National Contraception Clinical Guidelines.
- National Clinical Guidelines for Safe Conception and Infertility.
- National Guidelines for Implementation of Choice on Termination of Pregnancy.
- the Sexually Transmitted Infections Management Guidelines.
- National Clinical Guidelines for Cervical Cancer Control and management.
- National Clinical Guidelines for Breast Cancer Control and management; and the
- Guidelines on the Management of Post-Exposure Prophylaxis (PEP) in Occupational and Non-Occupational Exposures.

In addition, reference is made to other documents that advance adolescent health and that address underserved and key populations with a focus on the reduction of gender-based violence. These documents include the

- National Adolescent and Youth Health Policy.
- National HIV Testing Services (HTS) Policy.
- National Strategic Plan for HIV, TB and STIs.
- Department Basic Education National Policy on HIV, STIs and TB.
- Prevention and Management of Learner Pregnancy in Schools.
- South African National LGBTI HIV Plan; and
- the South African National Sex Worker HIV Plan.

This policy attempts to unify SRHR services, unifying the inseparable link between sexual health, human rights, individual autonomy, and reproduction. The implementation of the policy for various programs in health is facilitated by the separate guidelines that anchor this policy document.

Objectives of the SRHR Policy is to:

- Equip all people to make informed decisions about their SRHR and ensure that their SRH rights are respected, protected, and fulfilled.
- Increase the quality of and access to comprehensive and integrated SRHR care and treatment services across all life stages.
- Ensure access to respectful and non-judgemental SRHR services for priority groups.
- Strengthen the health system to deliver integrated SRHR services at the lowest feasible level in the health care system.
- Promote multi-sectoral engagement and shared accountability for sustainable and rights-based service delivery.

The SHRH guidelines complement the following laws and policies that apply to sexual offences in South Africa:

- National Directives and Instructions on Conducting a Forensic Examination on Sexual assaults of Sexual Offence Cases in Terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (issued by the Department of Health)
- National Instruction 3/2008: Sexual offences (issued by the South African Police Service)
- Regulations on services for victims of sexual offences and compulsory HIV testing of alleged sex offenders (issued by the Department of Justice and Constitutional Development)
- National Instruction 2/2012: Victim Empowerment (issued by the SAPS)
- The Victims' Charter.

2.3 National Development Plan 2030 Vision

The SHRH policy and guidelines also articulates the narrative for SRHR and seeks to harmonize the coordination and service delivery for a comprehensive SRHR program in South Africa. It is yet another crucial pillar towards achieving the National Health Strategy and contributes to the country's socio-economic development as set out in the National Development Plan.

The SRHR policy advocates keen attention and inclusion, including.

- all adolescents,
- young women and girls,
- sex workers,
- LGBTQI+,
- migrants,
- people with disabilities,
- young men and male partners of women seeking SRHR services, and
- sexual assaults of sexual violence. By calling attention to the spectrum of needs of the population, iterating the resources and guidance available within SRHR, prioritizing essential areas of SRHR service delivery, and illustrating comprehensive care, quality care is championed.

The Health Sector is also responding to the National Development Plan (NDP) sets out nine (9) long-term health goals for South Africa.

Five of the NDP goals relate to improving the health and well-being of the population, and the other four deals with aspects of health systems strengthening. Some of the key areas that Health Sector must respond to in terms of the NDP and related to the prevention of Gender Based violence and Femicide are:

- Reduced injury, accidents, and violence by 50 percent from 2010 levels. Violence and injuries forms one of the four components of the quadruple burden of disease that South Africa and GBVF is escalated by intentional injuries due to interpersonal violence.

3. GOVERNANCE

The department collaborates with other departments within

- National Strategic Plan (NSP) on Gender-Based Violence and Femicide (GBVF) with the Departments of Women and Social Development, Higher Education through Higher Health, South African Police Service (collection of DNA samples and provision of rape kits to health facilities).
- Department of Justice and Constitutional Development through Child Justice Inter-Sectoral Team.

- Department of Justice and Constitutional Development Sexual Assault and Related offences inter-sectoral committee
- Criminal Justice System (CJS) for training and integration of trained health professionals in designated health facilities including those designated as Thuthuzela Care Centre's (TCCs).
- Coordinate with the Clinical Forensic Medicine and Post Exposure Prophylaxis Units at Provincial Level.
- The South African Police Service at both designated facilities and collection of DNA evidence that is analyzed at the Forensic Science Laboratory

4. PHYSICAL AND HUMAN RESOURCES

4.1 Physical Resources

The Minister of Health is compelled under the Criminal Law (Sexual Offences and Related Matters) Amendment Act No. 32, 2007 to establish and designate public health facilities for the provision of post exposure prophylaxis (PEP), as well as the application of compulsory testing of alleged offenders for HIV.

The Department is facilitating community interventions that promote social connectedness and healing. The Department in collaboration with Department of Justice and Correctional Service, National Prosecuting Authority (NPA) and the Department of Social Development collaborate within Thuthuzela Care Centers (TCCs) which are also based within health facilities.

The Department of Health has established 269 designated health facilities for the management of sexual assaults, some of which are TCCs, table 1 below.

Table 1 Designated Public Health Facilities by year and Province

Province	2020	2021	2022
Eastern Cape	09	09	09
Gauteng	27	27	27
Free State	33	33	33
Kwa- Zulu Natal	37	37	37
Limpopo	36	36	37
Mpumalanga	30	30	30

Northern Cape	28	28	27
Northwest	30	30	30
Western Cape	46	46	46
South Africa	279	279	279

Source: Provincial data

The plan to extend these services to Community Health Centres (CHCs) as identified in the previous report is still in process. This includes all Community Health Centres which operate for 24 hours to alleviate the burden for referral to hospitals.

Designation of health facilities depends on several issues such as appropriately trained health professionals, adequate space, and infrastructure to manage sexual assaults of sexual assault including proper equipment/technology, proper integration of services (health, prosecuting, police, and social development), access and readiness of the facility to deal with such sexual assaults, this is to prevent secondary victimization of sexual assaults.

No additional health facilities were designated for this reporting period.

4.2 Human Resources

All designated health facilities should at least have one (1) Forensic professional nurse every day supported by other professional nurses trained in the management of sexual violence of sexual assaults. There are adequate health professionals in this service, however the issue of recognition of trained professional Diploma forensic nurses has been a challenge. This has now received attention with the South African Nursing Council (SANC). The following is progress made since the previous report.

- The SANC has since listed the Forensic Nurses Specialist as a postgraduate p
The competencies for this programme were developed and are currently published on the SANC website.
- The competencies for this programme were developed and are currently published on the SANC website.
- The UFS Forensic Nurse Specialist programme is 80% ready and awaiting the final publication of the postgraduate diploma regulations, before it can be submitted to SANC for their consideration.
- The postgraduate diploma regulations were published in 2021.

- University of Pretoria have submitted their Forensic Nursing programme to SANC and is in the early stages of consideration.

4.2.1 Debriefing of Personnel

Management of sexual violence and related offences in health falls under clinical forensic medicine. Forensic trained nurses manage this area of work. Forensic Medicine is practiced at all levels of care including primary health clinics, specific trauma clinics, district, regional hospitals, as well as in Trauma and Violence Clinics. The debriefings are done at regular intervals as part of team support. Table 8 below indicates number debriefings done for health professionals.

There is no information reported on the debriefing personnel.

5. TRAINING AND DEVELOPMENT

5.1 The Department of Health Training focuses on the following:

- Provision of trauma counselling and support to the victim in a private counselling room.
- Explanation of how the medical examination will be conducted and which clothing items might be taken for evidence.
- Obtaining written consent from the victim that allows the doctor to conduct the medical examination (SAP 308).
- Conducting the examination when the victim is calm and ready for the procedure.
- Ensuring that the victim is supported by a female nurse or counsellor in the examination room.
- Conducting a detailed forensic examination and collect evidence as per the instructions in the Sexual Assault Evidence Collection Kit (SAECK).
- Carefully complete medical and medico-legal documents and make photocopies of the J88, SAP 308 and SAP 212 (medico-legal document) for future references.
- After the medical examination is conducted, provide the victim with a comfort pack (including soap, facecloth, toothpaste, and brush, etc.)
- Offer the victim a bath or shower to refresh herself/himself.

- Replace the clothing items collected for purposes of medico-legal evidence such as underwear and other essential items.
- Offer the victim of HIV counselling and testing.
- Collect samples for all prescribed laboratory tests.
- Arrange follow-up visits, treatment, and medication for Sexually Transmitted Infections (STIs), HIV and AIDS prevention.

5.2 For this reporting period the following training took place as follows:

- In October 2022, a 2-day PEP training with the provincial PEP coordinators from all 9 provinces and clinical experts to review training slides and IEC materials was held.
- 31 January 2023 – PEP training was done for 60 healthcare workers in Ehlanzeni district, Professional nurses from PHC facilities.
- 07 February 2023 – PEP training conducted for 60 healthcare workers in Gert Sibande district.
- 14 February 2023 – PEP training conducted for 60 healthcare workers in Ekangala district.

5.3 National and Provincial Departments of Health capacity building initiatives

- Youth Managers have been trained to implement Adolescent and Youth Health Services (AYFS) Youth Zones has been established.
- Training and support of community health care workers to deliver GBVF prevention interventions is ongoing.
- The Department developed the Health Sector Drug Master Plan which provides a comprehensive package of substance use control measures for the entire public health continuum- from primary prevention and risk reduction to early intervention, treatment, care, recovery, rehabilitation, and social reintegration; grounded on the principles of equity, social justice, and human rights.

5.4 Establishment of Youth panel of health professionals:

- A network of young health professionals across SA engages with young people through social media, on community radio and in their own communities and now through mobile unit engagement (November 2022).
- This is supported and managed by a small team of doctors who have recently completed their community-service.

Table 2: Number of health professionals trained by year and Province.

Province	2020	2021	2022
Eastern Cape	0	95	0
Free State	0	115	0
Gauteng	0	11	0
Kwa-Zulu Natal	0	121	0
Limpopo	0	0	0
Mpumalanga	0	39	0
Northern Cape	0	83	0
Northwest	0	49	0
Western Cape	0	25	0
National Ndoh	0	2872	180
Total	0	3410	180

Source: National and Provincial data

6. PUBLIC EDUCATION

The Department of Health uses several mechanisms to educate the public about gender-based violence including the prevention and management of sexual violence and related offences. This is also done by campaigns, imbizo and print media communication. The following was achieved for period 2022/23 reporting period:

6.1 Public Awareness and Education

a) Youth awareness and outreach campaign

- “Ke Ready” Campaign - Communication with a strong youth identity:
- The “Ke Ready” campaign creates a neutral, unbranded space for engagement by young people.

- It is driven through youth and via community radio, social media, and face-to-face engagement.
- It respects the space for young people to engage in their own way.
- Dialogues and engagements are held across a range of media and community platforms, facilitated both nationally and locally with NGO partners. The content generation is by young people:

b) Outreach to youth:

- Through Provincial Departments of Health, the programme is increasing outreach to young people in schools, institutions of higher learning as well as social venues for out-of-school youth.
- Youth engagements and dialogues, action marches against illegal abortion, and promotion of healthy lifestyles were conducted.

c) ZikhalaKanjani National Youth HIV Prevention Communication Campaign

- This campaign was launched in June 2022, to guide implementation of youth HIV prevention communications intervention including GBV.

The Departments of Health took part in the following campaigns, events, and activities and the following GBVF awareness and outreach activities were conducted:

d) National Campaigns

The Deputy Minister of Health Dr S Dhlomo launched the following Campaigns:

- A National Youth HIV prevention Strategy and Campaign in Malumulele on the 30 June 2022. Campaign was a direct response to the alarming rates of HIV infection, school dropouts, teenage pregnancy, illegal abortions, gender-based violence.
- A Sexual Reproductive Health Campaign on the 22 August 2022, in Kwa Maphumulo Town Hall, iLembe District KwaZulu-Natal Province
- A Sexual Reproductive Health Campaign in Bloemfontein on the 25 August in Bloemfontein. The campaign is part of the Department of Health's ongoing programme targeting young people to raise awareness about the importance

of access to health services by young people, especially sexual reproductive health services which include contraceptives which are key to prevent sexually transmitted infections, unplanned pregnancies, and unsafe termination of pregnancy. The event was held at the Motheo TVET College, Bloemfontein, Free State Province

Eastern Cape

- Child protection week
- The MEC for Health for the Eastern Cape joined thousands of people at a gathering on December 10 at OR Tambo House for the unveiling of the first GBV (gender-based violence) memorial wall in the Eastern Cape.
- The wall is being built right next door to the City Municipality building, Myezo Park in Mthatha district in the Eastern Cape, in memory of the victims in the ongoing epidemic of violence against women and children in South Africa.

Free State

- Child protection week
- 16 Days of activism against GBVF
- The MEC was part of the Sexual Reproductive Health Campaign in Bloemfontein on the 25 August in Bloemfontein.

Gauteng

- Child protection week
- The Gauteng Department of Health Clinical Forensic Medicine Services together with South African Police Services and the Departments of Social Development and Community Safety, held a campaign to end violence and abuse against women and children at Tembisa, Ekurhuleni on Thursday, 08 December 2022, this was part of the 16 days of activism against GBV.
- The campaign formed part of the 16 Days of Activism for No Violence Against Women and Children which aims to call on all sectors to be held accountable for their actions and contributions towards the fight to end GBV as well as to offer preventative, curative and rehabilitative services for survivors.

Limpopo

- Child protection week
- Health MEC Dr Phophi Ramathuba launched the 16 Days of Activism Against Gender Based Violence on the 26 November 2022 in Vhembe District in partnership with the Old Mutual, the Collen Mashawana Foundation and the Department of Sports & Culture. With the theme "Unite! Activism to end violence against women and girls".

Mpumalanga

- Child protection week
- 16 days of activism against GBVF.

Northern Cape

- Child protection week
- Department of Health participated in the 16 Days of Activism against GBV that was led by Deputy Minister of the Department of Forestry, Fisheries and the Environment, Ms M Sotyru on the 09 December 2022, in Warrenton, Magareng Local Municipality, Northern Cape.

Northwest

- Child protection week
- The Northwest Department of Health led by MEC Madoda Sambatha commemorated the "16 Days of Activism for No Violence against Women and Children Campaign" in the Dr Kenneth Kaunda District under the theme: "Socio-economic Rights and Empowerment to build Women's Resilience against gender-based Violence and Femicide. Connect, Collaborate, Contract!"
- This was held on the 28 November 2022 at the Methodist Church, Old Location, Tswelelang (Wolmaranstad).

7. NATIONAL REGISTER OF SEXUAL OFFENDERS(NRSO):

In terms of section 50(7) of the Criminal Law (Sexual Offence and Related Matters) Amendment Act, 2007 read with Regulation 15(4), "the Director-General: Health must, in the prescribed manner and within three months after commencement of

this Chapter, forward to the Registrar the particulars referred to in terms of section 49 of every person, who, at the commencement of this Chapter, is subject to a direction in terms of section 77(6) or 78(6) of the Criminal Procedure Act, 1977, as a result of an Act which constituted a sexual offence against a child or a person who is a mentally disabled and the Registrar must forthwith enter those particulars in the Register”.

The situation in this regard has not changed. Compliance with Section 50 (7) (a) by the Director General: Health about historical information of State patients who historically committed sexual offenses is not possible (is impractical) as the Court Orders submitted to the Department do not indicate the details of victims and it is outside the mandate of the Department to determine the details of victims of sexual offense by the State patients. The challenge is therefore with historical information.

8. MONITORING AND EVALUATION

8.1 Research

None reported.

8.2 Health Information

The National Department of Health is using the District Health Information System for routine data collection on Gender-based violence from all public health facilities monitoring the sexual assault cases seen at health facilities as well as the number of sexual assaults who have been offered with Post Exposure Prophylaxis.

The DHIS collects two indicators namely:

- Sexual Assault new
- Sexual Assault cases offered PEP.

There are other systems that collect data on the following indicators which we have been reporting on:

- Number of designated health facilities for the management of sexual assault and related acts
- Number of comfort packs supplied.

- DNA test conducted on perpetrators. This indicator will provide a link between evidence collected by health professionals, DNA analysis done by the SAPS Forensic Science Laboratory on the evidence collected and number of convictions determined through results or outcome of DNA analysis.

Table 3: New Sexual assaults seen at health facilities from April 2022 to March 2023 by Province

Province	April	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	Total
Eastern Cape	269	332	258	307	285	285	414	334	547	329	269	307	3936
Free State	83	134	120	166	131	125	142	97	139	156	99	106	1498
Gauteng	280	340	222	365	412	457	387	349	408	309	273	257	4059
KwaZulu-Natal	386	452	396	389	411	439	477	430	510	475	395	455	5215
Limpopo	259	215	182	187	193	260	326	252	313	260	222	246	2915
Mpumalanga	143	183	140	132	187	155	219	156	228	158	141	144	1986
Northern Cape	40	27	22	32	34	37	40	35	54	43	18	40	422
Northwest	133	131	89	112	139	179	160	139	160	133	135	120	1630
Western Cape	243	231	204	253	244	258	335	343	389	307	233	248	3288
South Africa	1836	2045	1633	1943	2036	2195	2500	2135	2748	2170	1785	1923	24949

Source: DHIS data

Figure 1: Percentage of new sexual assaults seen at health facilities from April 2021 to March 2022 by Province

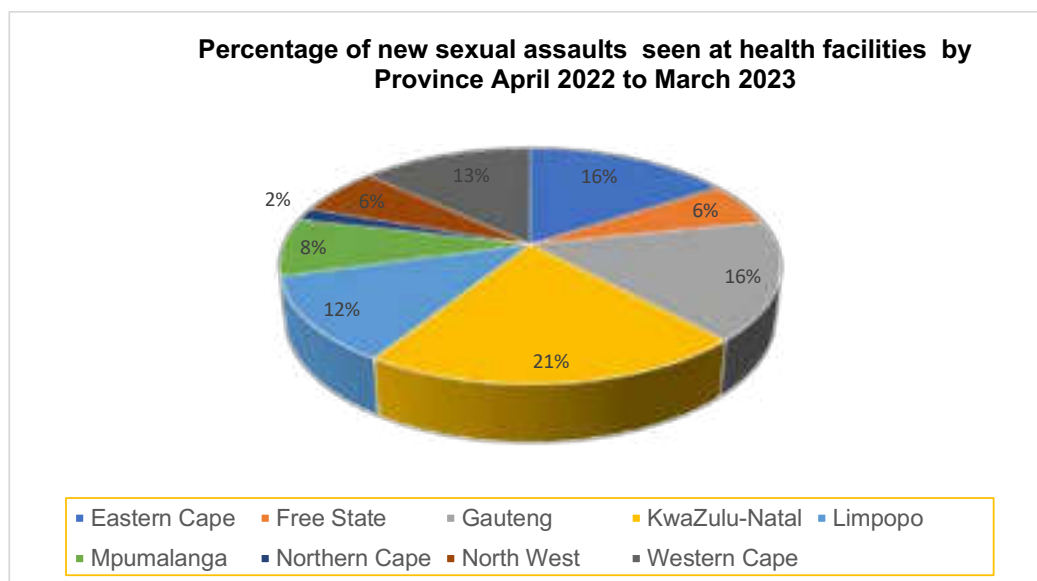


Table 3 and Figure 1 above indicate that KwaZulu Natal health facilities saw the highest number of new sexual assaults followed by Gauteng and Eastern Cape same proportion, followed by Western Cape then Limpopo, Mpumalanga, Northwest, and Free State similar proportion and then Northern Cape.

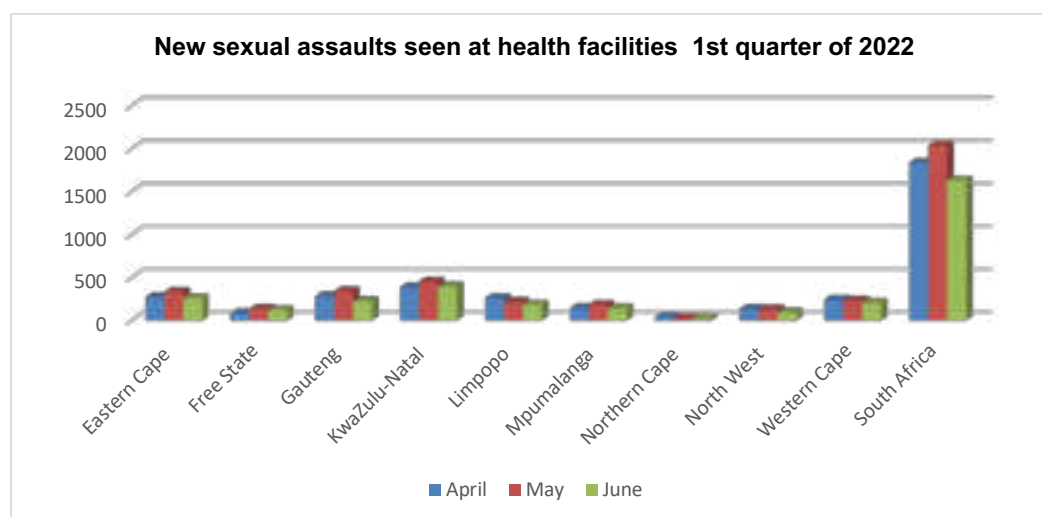
Table 4 and 5 including Figures 2,3,4,5 below indicate numbers of survivors who accessed health facilities by quarter. In quarter one (1) KZN saw a high number of survivors followed by Gauteng, Eastern Cape, Western Cape, Limpopo, Mpumalanga, and the rest. However, in quarter two (2) KZN and Gauteng are slightly similar with Gauteng slightly higher in September. However, provinces follow the same pattern. In quarter three (3) although KZN is seeing more survivors than the other provinces, Eastern Cape saw slightly higher survivors than KZN and Gauteng in December.

Table 4: New sexual assaults seen at health facilities quarter1 &2 in 2022 by province.

Province	April	May	June	Total	July	August	Sept	Total
EC	269	332	258	859	307	285	285	877
FS	83	134	120	337	166	131	125	422
GP	280	340	222	842	365	412	457	1234
KZN	386	452	396	1234	389	411	439	1239
LP	259	215	182	656	187	193	260	640
MP	143	183	140	466	132	187	155	474
NC	40	27	22	89	32	34	37	103
NW	133	131	89	353	112	139	179	430
WC	243	231	204	678	253	244	258	755
SA	1836	2045	1633	5514	1943	2036	2195	6174

Source: DHIS data

Figure 2:



In quarter four(4) KZN generally saw more survivors,however Western Cape also saw slight increase in January including Eastern Cape that shows a pattern of increase in January and March.

Figure 3:

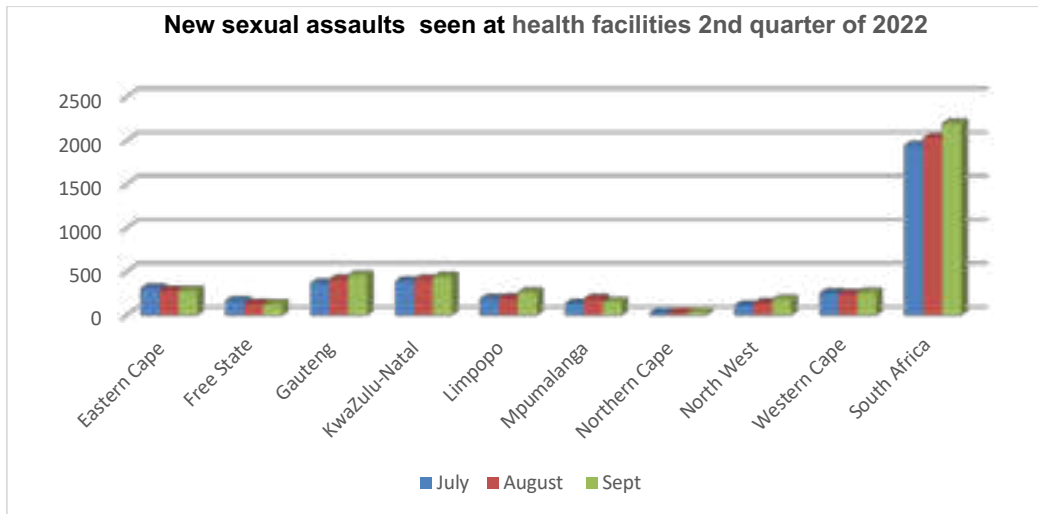


Table 5 New sexual assaults seen at health facilities quarter 3&4 in 2022 by Province.

Province	Oct	Nov	Dec	Total	Jan	Feb	March	Total
EC	414	334	547	1295	329	269	307	905
FS	142	97	139	378	156	99	106	361
GP	387	349	408	1144	309	273	257	839
KZN	477	430	510	1417	475	395	455	1325
LP	326	252	313	891	260	222	246	728
MP	219	156	228	603	158	141	144	443
NC	40	35	54	129	43	18	40	101
NW	160	139	160	459	133	135	120	388
WC	335	343	389	1067	307	233	248	788
SA	2500	2135	2748	7383	2170	1785	1923	5878

Source: DHIS data

Figure 4:

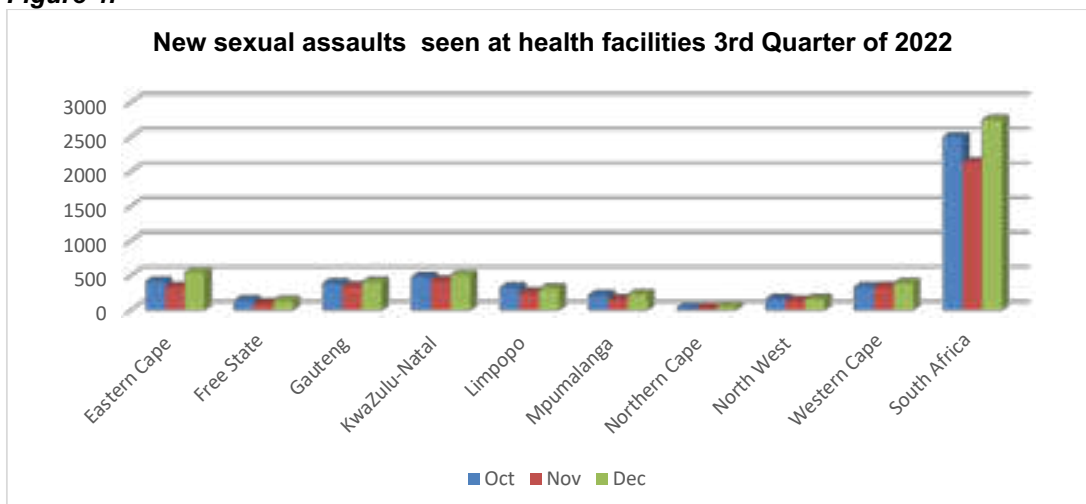


Figure 5:

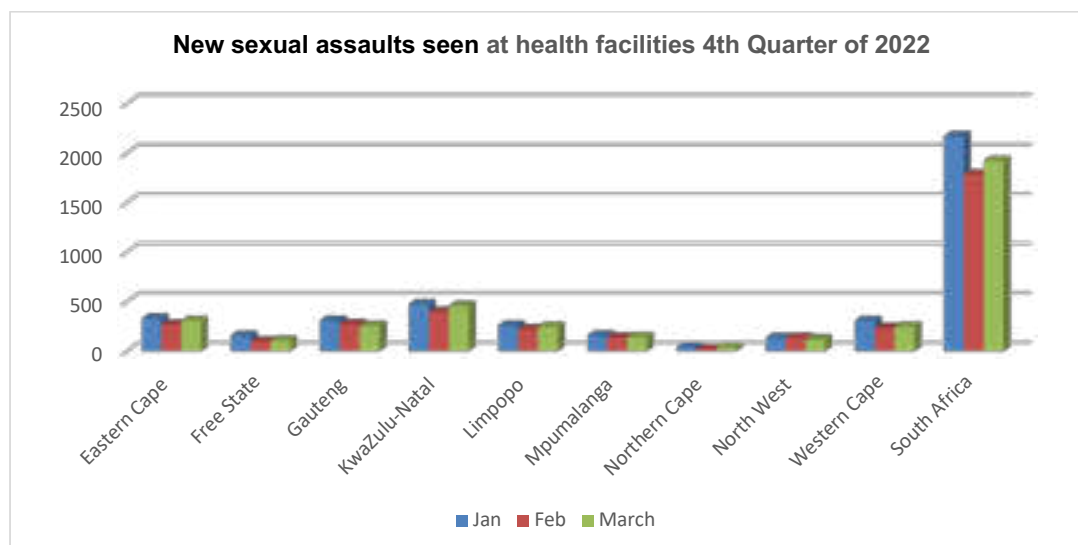


Table 6 below indicate trend data from 2020 to 2022. KZN has seen an enormous decrease in 2022 compared to the other 2 years despite still having the overall high numbers as a total. Figure 6 trend show that KwaZulu Natal saw the highest number of sexual assaults in the health facilities predicting further increase for the Western Cape, Northwest, and Gauteng in particular.

Table 6: Number of new sexual assaults seen at health facilities 2020 to 2022.

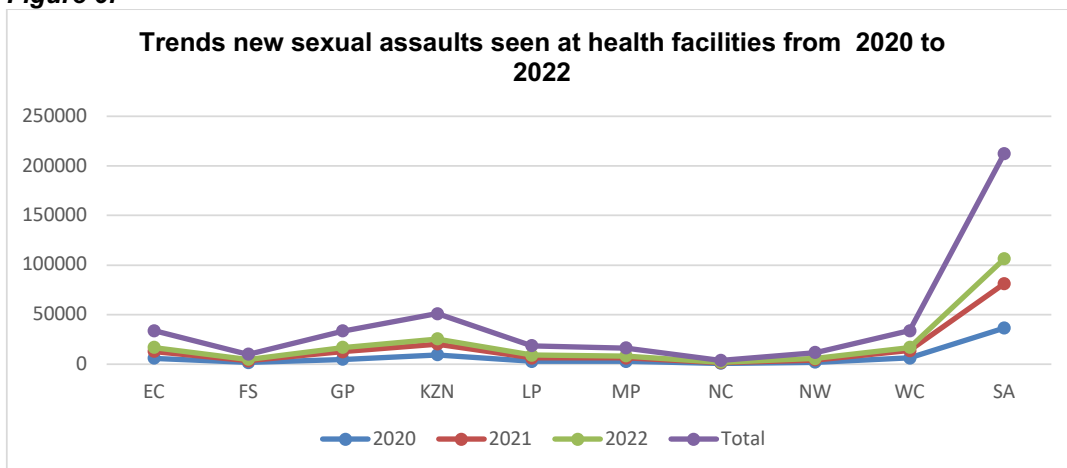
Province	2020	2021	2022	Total
EC	5862	7125	3936	16923
FS	1681	1770	1498	4949
GP	4877	7799	4059	16735
KZN	9289	10915	5215	25419
LP	2965	3366	2915	9246
MP	2840	3362	1986	8188
NC	736	744	422	1902
NW	1952	2236	1630	5818
WC	6164	7435	3288	16887
SA	36366	44752	24949	106067

Source: DHIS data

Provision of Post exposure prophylaxis is one of the indicators the Minister of Health must report on in terms of the prevention and management of sexual assault and related offences. The Department of Health provides the antiretroviral (ARV) HIV prevention interventions as reflected in table below. This also form part of management of survivors of sexual assaults and related offences. These prevention

interventions are based on the post Exposure prophylaxis Policy and guideline indicated below.

Figure 6:



ARV based HIV Prevention Interventions

PEP, PrEP and ART are different kinds of ARV medications that are given at different times for the management of exposure to HIV.

Prevent HIV		Manage HIV
 PEP Post-Exposure Prophylaxis	 PrEP Pre-Exposure Prophylaxis	 ART Anti-Retroviral Treatment
ARV medication taken by HIV-negative persons After exposure to HIV within 72 hours for 28 days	ARV medication taken by HIV-negative persons Before HIV exposure to prevent HIV infection	ARV medication taken by people Living with HIV to reduce viral load and increase CD4 count

Post Exposure Prophylaxis Policy and Guideline

Provision of post exposure prophylaxis forms part of the integrated services provided by the Department of health amongst other programmes. All health facilities must provide PEP. However, some facilities do not report as they should.

Table 7: New sexual assaults who received PEP from April 2022 to March 2023

Province	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	Total
EC	269	332	258	307	285	285	414	334	547	329	269	307	3936
FS	83	134	120	166	131	125	142	97	139	156	99	106	1498
GP	280	340	222	365	412	457	387	349	408	309	273	257	4059
KZN	386	452	396	389	411	439	477	430	510	475	395	455	5215
LP	259	215	182	187	193	260	326	252	313	260	222	246	2915
MP	143	183	140	132	187	155	219	156	228	158	141	144	1986
NC	40	27	22	32	34	37	40	35	54	43	18	40	422
NW	133	131	89	112	139	179	160	139	160	133	135	120	1630
WC	243	231	204	253	244	258	335	343	389	307	233	248	3288
SA	1836	2045	1633	1943	2036	2195	2500	2135	2748	2170	1785	1923	24949

Source: DHIS data

Table 7 above indicate numbers of survivors who received PEP in health facilities from April 2022 to March 2023 were high in KZN, followed by Gauteng, Eastern Cape, Western Cape and then Limpopo, Mpumalanga, Northwest, Free State and then Northern Cape.

Figure 7 below highlights the proportion of the survivors who received PEP compared amongst provinces, and still indicate the same pattern as above, with KZN seeing high proportion, followed by Gauteng for all the months, except for July, August, and September where proportions between the two provinces seem to be similar.

Figure 7:

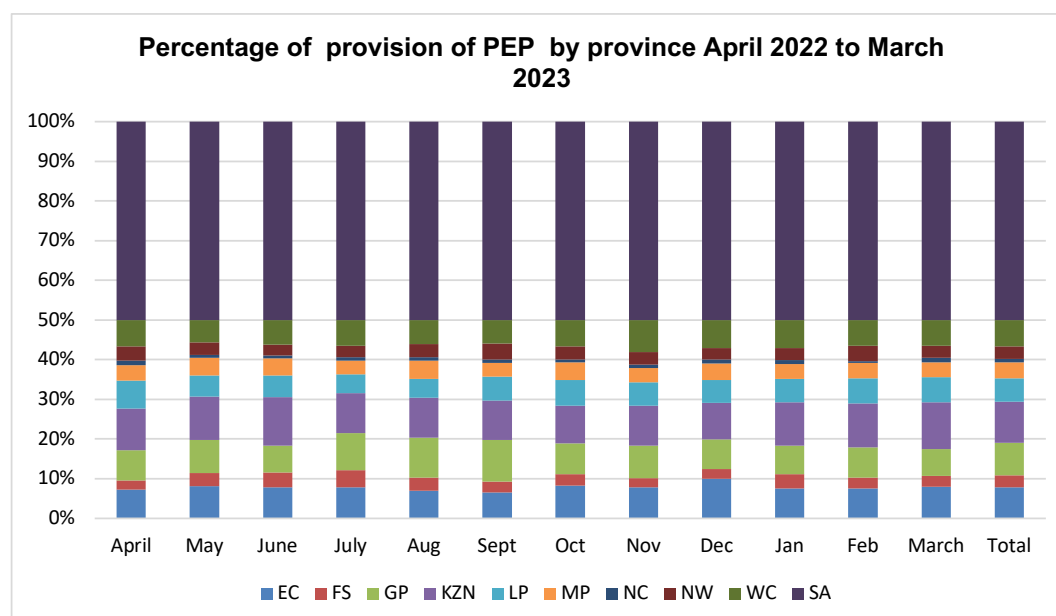


Table 8: New sexual assaults who received PEP quarter1 & 2 in 2022 by province.

Province	April	May	June	Total	Aug	Sept	Oct	Total
EC	269	332	258	859	285	285	414	984
FS	83	134	120	337	131	125	142	398
GP	280	340	222	842	412	457	387	1256
KZN	386	452	396	1234	411	439	477	1327
LP	259	215	182	656	193	260	326	779
MP	143	183	140	466	187	155	219	561
NC	40	27	22	89	34	37	40	111
NW	133	131	89	353	139	179	160	478
WC	243	231	204	678	244	258	335	837
SA	1836	2045	1633	5514	2036	2195	2500	6731

Source: DHIS data

Tables 8,9 and Figures 8, 9, 10 and 11 indicate data on provision of PEP by quarter for the reporting period.

Figure 8:

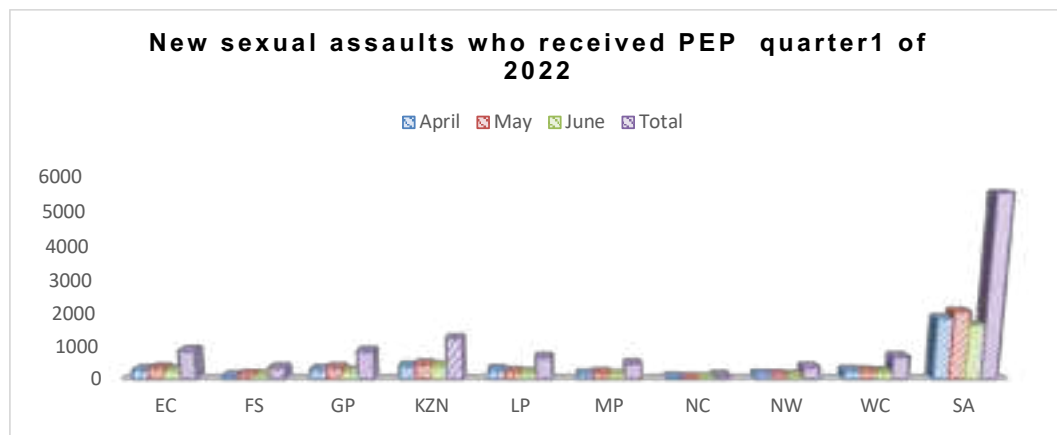


Figure 9:

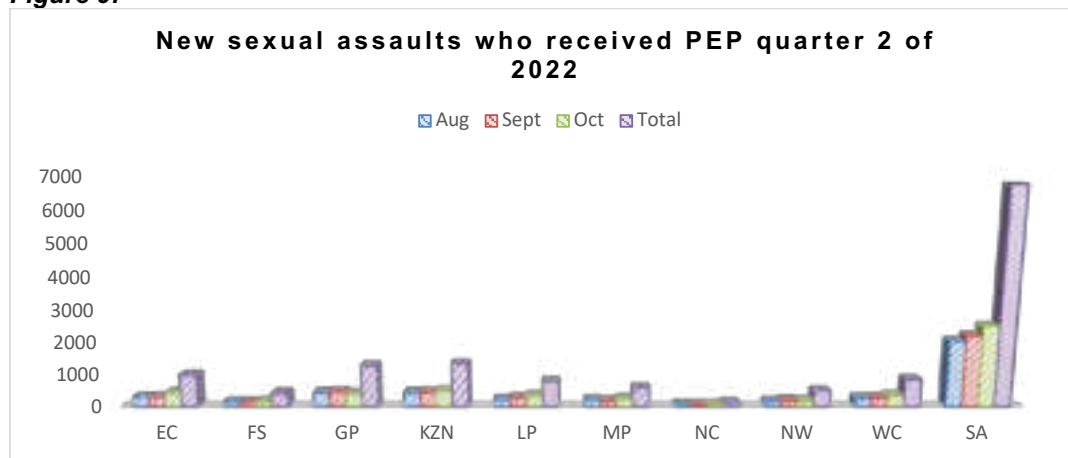


Table 9: New sexual assaults who received PEP quarter 3 & 4 in 2022 by province.

Province	Oct	Nov	Dec	Total	Jan	Feb	March	Total
EC	414	334	547	1295	329	269	307	905
FS	142	97	139	378	156	99	106	361
GP	387	349	408	1144	309	273	257	839
KZN	477	430	510	1417	475	395	455	1325
LP	326	252	313	891	260	222	246	728
MP	219	156	228	603	158	141	144	443
NC	40	35	54	129	43	18	40	101
NW	160	139	160	459	133	135	120	388
WC	335	343	389	1067	307	233	248	788
SA	2500	2135	2748	7383	2170	1785	1923	5878

Figure 10:

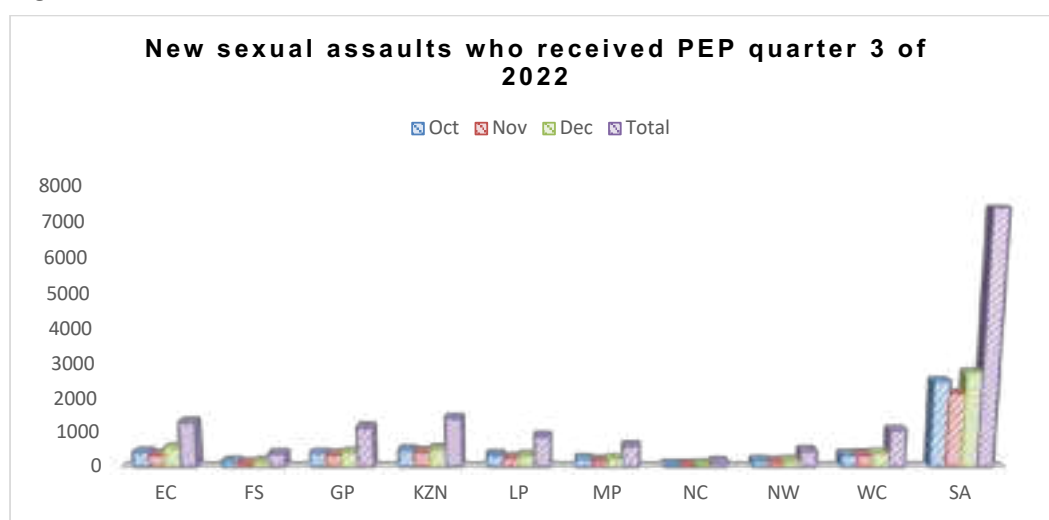


Figure 11:

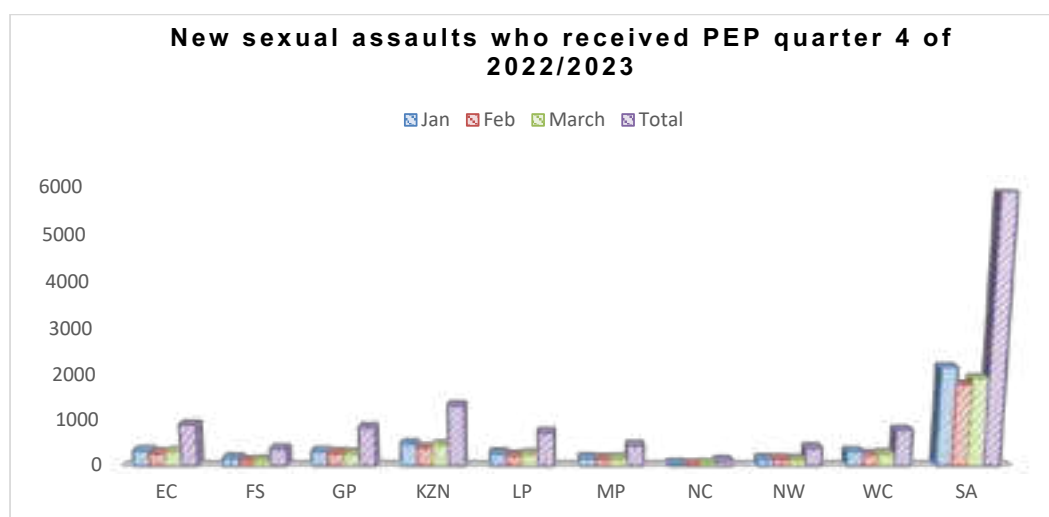


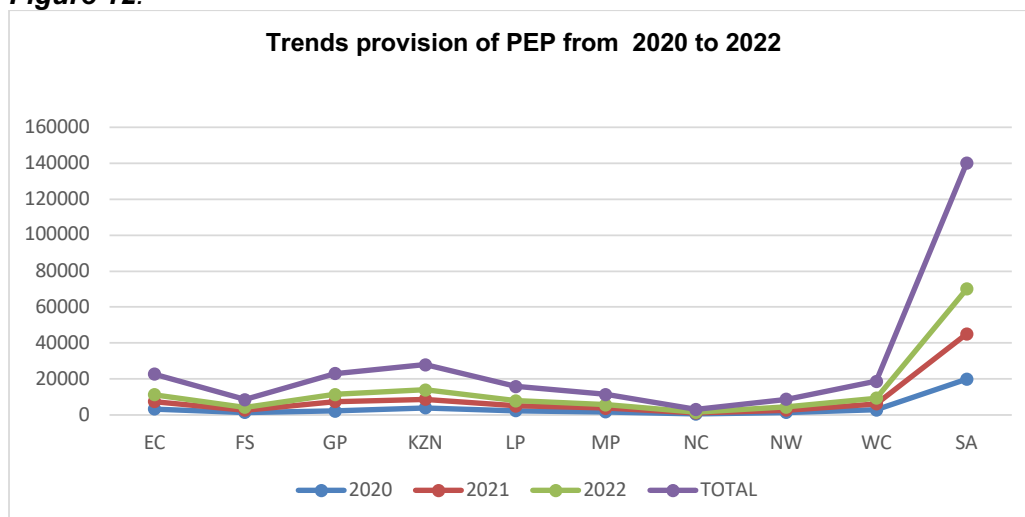
Table 10 and Figure 12 below indicates trends in the provision of PEP for a three (3) year period commencing 2020 to 2022. Provision of PEP is higher in KZN followed by Gauteng, Eastern Cape, Western Cape, Limpopo, Mpumalanga, Northwest, Free State and then Northern Cape. This indicator is also to be interpreted with caution late presentation to health facilities by some survivors.

Table 10: Number of new sexual assaults who received PEP in health facilities 2020 to 2022.

Province	2020	2021	2022	Total
EC	3396	3989	3936	11321
FS	1342	1413	1498	4253
GP	2126	5302	4059	11487
KZN	4001	4755	5215	13971
LP	2370	2678	2915	7963
MP	1773	1977	1986	5736
NC	590	546	422	1558
NW	1425	1302	1630	4357
WC	2895	3217	3288	9400
SA	19918	25179	24949	70046

Source: DHIS data

Figure 12:



Collection of DNA samples

Collection of DNA samples is done by nurses and doctors who have been trained and have ability to do this. The importance of DNA in sexual assault management cannot

be over emphasised. DNA evidence plays a key role in aiding the Criminal Justice System to convict perpetrators of sexual violence. Our trained health professionals understand and know the importance of the collection of evidence including packaging it and sealing it properly and sending it for examination to the Forensic Science Laboratory.

The Department of Health has made major strides with the efforts of specially trained health professionals to ensure proper collection and preservation of DNA evidence and increase the likelihood that the perpetrator of a sexual assault will be found. For the reporting period only 22 DNA samples were collected for analysis. Table 11 below indicates that five (5) provinces reported on this indicator and four (4) did not report at all.

Table 11: Number of perpetrators tested for, DNA by year and Province

Province	2020	2021	2022
EC	-	-	-
GP	54	79	22
FS	0	2	-
KZN	0	0	0
LP	0	0	0
MP	-	-	0
NC	0	2	0
NW	0	0	-
WC	-	-	-
SA	54	83	22

Source: Provincial Doh

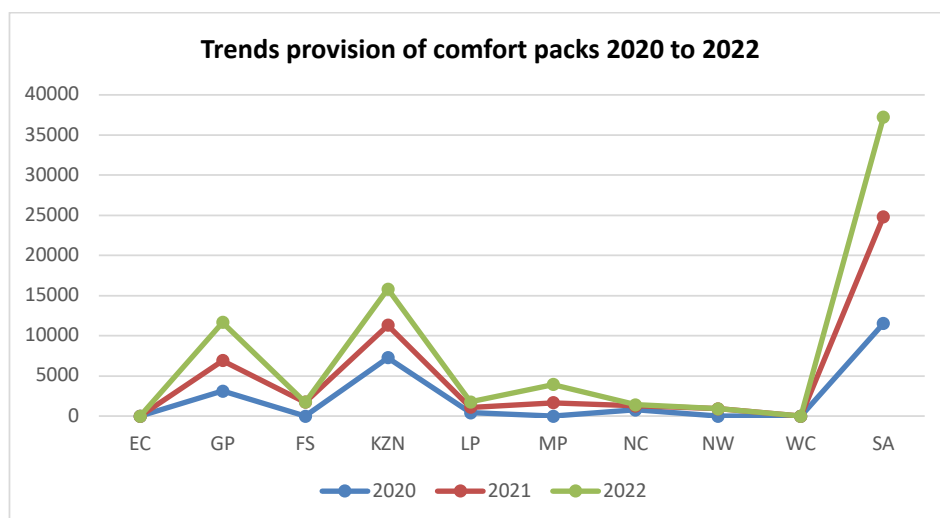
Table 12: Number of comfort packs provided by Province, by year.

Province	2020	2021	2022
EC	-	-	-
GP	3116	3784	4766
FS	-	1740	-
KZN	7246	4048	4520
LP	412	670	670
MP	-	1640	2276
NC	751	510	146
NW	-	908	-
WC	-	-	-
SA	11525	13300	12378

Source: Provincial Doh data

Table 12 and Figure 13 below show number of comfort packs offered to survivors at our health facilities from 2020 to 2022. This is done in support of both women and children's survivors, and these are provided by our health facilities in the first few hours of trauma. Each survivor is offered a comfort pack. Comfort packs are necessary to soothe and comfort a survivor of sexual violence during the time they must wait at our health facilities for the processes of examination, evidence collection and treatment. Information reported for 2022 is for five (5) provinces only.

Figure: 13



9. LIMITATIONS AND POSSIBLE SOLUTIONS

- Coordination and reporting on time are still a challenge as required on a quarterly basis.
- Some Provinces do not report on information that does not appear in the National Indicator dataset (NIDS) or the District Health Information System (DHIS) as reflected in the gaps in some of the indicators. Although a special template has been designed and shared with the provinces in this regard.
- This area does not have capacity at the National Department of Health and there is a process to beef up this functional area.

10. CONCLUSION

The Department of Health wishes to present this report for the fiscal year 2022/2023 financial year. The content of the reports highlights some of the achievements including challenges during the reporting period. The report also highlights some of the milestones reached and acknowledges that there has been under reporting on some indicators however we have also seen an improvement in reporting provinces that did not report before.

As the department we take the care and support of survivors of sexual assault and related offences as a key prevention and management programme which is embedded within the human rights and sexual reproductive rights of women. We are also a signatory of Childrens Rights and the National Strategic Plan for Gender based violence and Femicide.

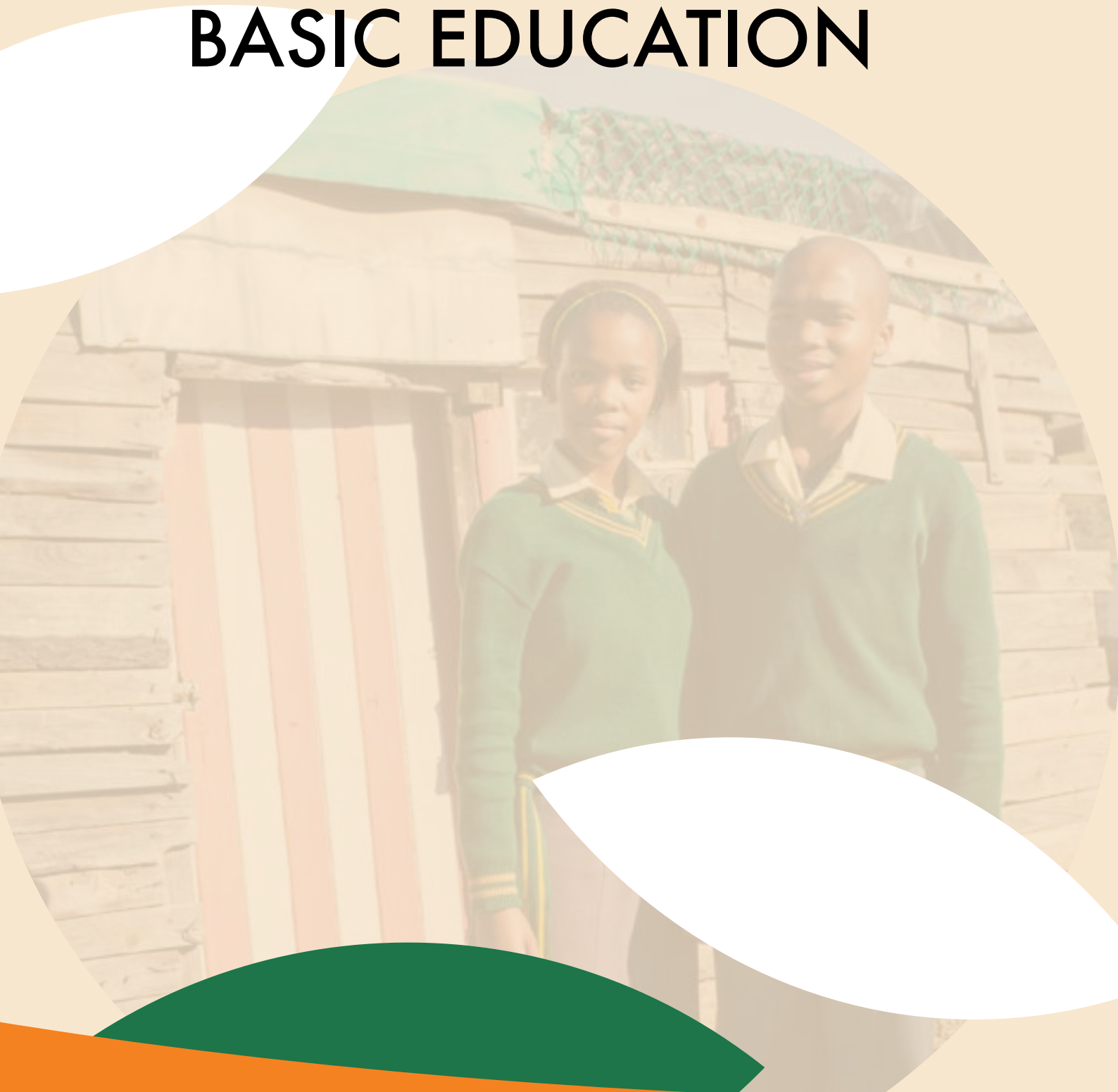
We have also institutionalised the prevention of GBVF as indicated in the outcomes we wish to achieve. Our focus as health is to ensure that survivors access proficient medico-legal examinations and gather accurate data and evidence for the prosecution of cases.

We wish to acknowledge the role of the South African Nursing Council for making strides in processes to fastrack the recognition of a Diploma in Forensic Nursing as a post graduate qualification, which will aid us in keeping the Forensic trained professional nurses within the Clinical Forensic Medicine discipline in our health facilities.

We wish to acknowledge the intersectoral collaboration from all key government departments and partners and the role of the National Strategic Plan of Gender based violence and Femicide in escalating the response and that as a department we will also improve our reporting.

I therefore present the Department of Health annual report on the implementation of the Criminal Law Amendment Act (Sexual Offences and related matters) No 32 of 2007 as amended for the period 1 April 2022 to 31 March 2023.

DEPARTMENT OF BASIC EDUCATION



OFFICIAL SIGN OFF

DEPARTMENT OF BASIC EDUCATION REPORT ON THE IMPLEMENTATION OF CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007 (SORMAA): ANNUAL REPORT FOR THE PERIOD 01 APRIL 2022 TO 31 MARCH 2023

The Department of Basic Education (DBE) is fully committed to the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (SORMAA) and will continually assist the process as far as possible. This report reflects the progress, achievements and limitations on the implementation of the Act from 01 April 2022 to 31 March 2023.

APPROVED BY:



MR HM MWELI
DIRECTOR-GENERAL
DATE: 05/06/2023



LIST OF ABBREVIATIONS AND ACRONYMS**Adolescent Girls and Young Women (AGYW)****African Christian Democratic Party (ACDP)****Agape Youth Movement (AYM)****Aids Foundation South Africa (AFSA)****Beyond Zero (BZ)****Comprehensive Sexuality Education (CSE)****Care and Support for Teaching and Learning (CSTL)****Centre for Justice & Crime Prevention (CJCP)****Department of Basic Education (DBE)****Department of Justice & Constitutional Development (DOJ & CD)****Department of Social Development (DSD)****Early Unintended Pregnancies (EUP)****Education Development Centre (EDC)****Education, Training, Science Technology and Innovation (ET-STI)****Employment of Educators Act (EEA)****Enrichment Education (EnrichED)****Further Education and Training (FET)****Gender Based Violence (GBV)****Government to government (G2G)****Heads of Education Departments Committee (HEDCOM)****International Convention Centre (ICC)**

Inter-Ministerial Committee (IMC)

Learner Support Agents (LSAs)

Learning and Teaching Support Material (LTSM)

Legal Aid South Africa (Legal Aid SA)

Life Orientation (LO)

Media in Education Trust Africa (MIET Africa)

Medium Term Strategic Framework (MSTF)

National Association of Child and Youth Care Workers (NAACW)

National Council of Provinces (NCOP)

National Education Collaboration Trust (NECT)

National Education Policy Act (NEPA)

National HIV/AIDS community of Southern Africa (NACOSA)

National School Safety Framework (NSSF)

National Strategic Plan (NSP)

Operational Performance Excellence and Coordination (OPEC)

Professional Assault Response Training (PART)

Provincial Education Departments (PEDs)

Psychosocial Support (PSS)

Scripted Lesson Plans (SLPs)

Social Inclusion and Equity in Education (SIPE)

School Based Support Teams (SBSTs)

School Governing Body (SGB)

School Management Teams (SMTs)



Socio Economic Impact Assessment (SEAIS)

Sexual Offences and Related Matters Amendment Act 32 of 2007 (SORMAA)

South African Council of Educators (SACE)

Southern African Development Community (SADC)

South African National Aids Council (SANAC)

South African Police Service (SAPS)

South African Schools Act (SASA)

Sexual Orientations, Gender Identities, Gender Expressions and Sex Characteristics (SOGIESC)

Sexual Reproductive Health and Rights (SRHR)

Swiss Agency for Development and Cooperation (SDC)

Training of Trainers (ToT)

United States Agency for International Development (USAID)

United States of America (USA)

Wits Reproductive Health Institute (WRHI)



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CHAPTER 8: LIMITATIONS, POSSIBLE INTERVENTION AND CONCLUSION



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 half yearly and annual reports on the implementation of the Act from various government departments and other state agencies. The DBE is the custodian of school going age children, it becomes mandatory for the DBE to give its annual report, but also offer a half yearly update as requested. The report will cover 7 thematic areas;

The report covers 7 thematic pillars stipulated by DoJ & CD:

- I. **Legal framework** which broadly covers legislation that prevents sexual offences from occurring in the country and schools in particular.
- II. **Governance structure** deals with the governance structures that are led by the department in preventing sexual violence including the structures that it participates in.
- III. **Physical and Human Resources** refers to improvements made to the resourcing of both financial and human capacities to ensure the scope of the work related to sexual offences is undertaken.
- IV. **Training and Development** involves training and capacity building for learners, educators and governance structures in schools in the prevention of sexual violence.
- V. **Public Education** focuses on raising awareness in the prevention of sexual violence and support for the implementing remedies for reported cases of sexual offences.
- VI. **Law and Policy Development** covers the legislative or policy development done by the DBE during the reporting period on sexual violence.



VII. **Research Interventions** refers to research conducted by DBE in relation to preventing sexual offences.

Each department responds according to what is relevant as prescribed by its mandate.



CHAPTER 1: LEGAL FRAMEWORK

1.1 The National Education Policy Act (NEPA) 27 of 1996

The NEPA inscribes into law the policies, the legislative and monitoring responsibilities of the Minister of Basic Education, as well as the formal relations between national and provincial authorities. It lays the foundation for the establishment of the Council of Education Ministers, as well as the Heads of Education Departments Committee (HEDCOM), as inter-governmental forums that would collaborate in the development of a new education system. The NEPA therefore provides for the formulation of a national policy in both the general and Further Education and Training (FET) bands policies for, *inter alia*, curriculum, assessment, language, and quality assurance. The NEPA embodies the principle of cooperative governance, elaborated upon in Schedule 3 of the Constitution.

1.2 The South African Schools Act (SASA) 84 of 1996

Section 8 of the South African Schools Act provides that a School Governing Body (SGB) of a public school must adopt a Code of Conduct for learners, 'after consultation with learners, parents and educators of the School'. Section 8(4) stipulates that all learners attending a school are bound by the Code of Conduct of that school. Section 8(3) further provides that the Minister may establish guidelines for the consideration of SGB's in adopting a Code of Conduct. Pursuant to this provision, 'Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners' were published in 1998. Section 8 of the Act stipulates that the Code of Conduct referred to in 8(1) must:

- (a) inform learners of conduct that is permissible and conduct that is prohibited;
- (b) advise learners on the grievance procedures, and
- (c) follow due processes during disciplinary hearings.



Sections 8(7)-8(9) of SASA makes provision for the use of an intermediary if a learner testifies in disciplinary proceedings and if it appears to the SGB that a learner may suffer undue mental stress during a disciplinary hearing. Section 9 of SASA sets out the due process provisions in instances where a learner is suspended or expelled.

1.3 Children's Act 38 of 2005

In terms of section 110 (1) of the Children's Act, there is a duty to report if there are reasonable grounds to believe that a child has been abused in a manner causing physical injury, sexual abuse or deliberate neglect. According to the section, the report may be made to either a provincial Department of Social Development (DSD), to a child protection organisation or to the SAPS. However, the Criminal Law Sexual Offences and Related Matters) Amendment Act 32 of 2007, to be discussed later, requires all sexual offences to be reported to the South African Police Service (SAPS) in terms of section 54. Failure to report under this section is considered a criminal offence. Section 305 (1) (c) states that a person is guilty of an offence if that person fails to comply with Section 110(1). Educators are included (among many other professionals) in the list of persons who bear the duty to report sexual abuse.

The DSD has, in terms of Chapter 7 (section 111) of the Children's Act, implemented the National Child Protection Register. In terms of section 126 of the Act, employers offering services which allow access to children must, before employing a person, establish from the Registrar of the National Child Protection Register whether or not the potential employee's name is listed in Part B of the Register. In terms of section 120 of the Act, the Register contains the names of people who have been found unsuitable to work with children by the Court or any forum established or recognised by law in disciplinary proceedings concerning the conduct of people.



1.4 The Employment of Educators Amendment Act 76 of 1998

In terms of the Employment of Educators Act (EEA), section 17(1) stipulates that if an educator is alleged to have behaved in a disgraceful, improper or unbecoming manner, commits sexual or any other form of harassment, he or she must be charged by their employer for misconduct. The EEA states that if the misconduct is also a criminal offence, separate, additional proceedings will occur. Having a sexual relationship with a learner of the school where an educator is employed, is considered a serious offence in terms of the Act and warrants dismissal. The Act furthermore provides that educator commits misconduct if he/she, while on duty, conducts himself or herself in an improper, disgraceful or unacceptable manner.

1.5 South African Council of Educators (SACE) Act 31 of 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 of 2007 details the following:

An Educator

- 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.

When a breach of this Code of Professional Ethics occurs, anyone can directly lodge a complaint with the SACE, including parents and educators.

1.6 Outcome 1 of the National Development Plan 2030

The Department of Basic Education reports on the Medium Term Strategic Framework (MSTF) which details the provision of quality basic education.



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

The psychosocial wellbeing of learners from early childhood to higher education is a central condition underpinning 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.



CHAPTER 2: GOVERNANCE STRUCTURES

2.1 National Strategic Plan on Gender Based Violence and Femicide (NSP GBVF)

This is the country response to the GBVF scourge and DBE participates in it through its pillars. DBE is playing a critical role within pillar 2: (Prevention & Restoration of Social Fabric) & pillar 3: (Protection, Safety and Justice.) It is also important to mention that in all of the pillars DBE plays a contributory and a supportive role.

2.2 The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 Of 2007

In terms of section 54 of the Act, every person has a duty to report knowledge of a sexual offence committed against a child and knowledge, reasonable belief or suspicion of a sexual offence committed against a mentally disabled person (section 54 (2)(a)). The report must be immediate, and made to a SAPS official. Failure to report under this section is considered a criminal offence (Section 54 1(b)) and punishable with a fine or imprisonment of 5 years or both. If an educator has a sexual relationship with a minor (under 18 years of age) at any school, the case must also be forwarded to the SAPS for investigation and the educator must be dismissed.

The DBE is part of the committee that monitors the implementation of SORMAA. Quarterly meetings are held where reports are shared on how each department responds to sexual offences.

2.3 Gender Based Violence (GBV) Task Group in Young Women & Girls Campaign

The DBE participates on this task team established and led by SANAC particularly on the work around girls' empowerment.



2.4 Department of Basic Education (DBE) Involvement in the Southern African Development Community (SADC)

2.4.1 Care and Support for Teaching and Learning (CSTL) Framework

This is a SADC initiative which is a comprehensive, coordinated, multi-sectoral response to addressing barriers to learning and development that are preventing children from realising their right to education. It aims at strengthening systems, partnering, integrated package of care and support and legal and policy mandate.

The DBE Participate in the SADC Inter-Ministerial, Steering Committee and sharing meetings.

2.5 Action Group on Violence Prevention and Child Protection

Through the partnership between DBE, GIZ, UNICEF, Media Monitoring Africa (MMA) and Agape Youth Movement (AYM), there has been a number of advocacy and awareness raising through a series of webinars on different topics in support of violence prevention and child protection.



CHAPTER 3: PHYSICAL AND HUMAN RESOURCES

The Psychosocial Support directorate in the Department of Basic Education is Developing Psychosocial Standard Operating Procedures (SOPs) for addressing Substance Abuse and the research and writing of the SOPs commenced in the first quarter of 2022/23.

3.1 Placement of and orientation of Learner Support Agents (LSAs)

A total of **1014** LSAs were placed in schools through the DREAMS initiative, DBE Psychosocial Support, EDC, WRHI, USAID and G2G during the 2022/23 financial year. A total number of seven (7) provinces were capacitated as Master Trainers of Psychosocial Support and Lives Training during a Training of Trainers (ToT) conducted by DBE. The training of Trainers reached twenty-three (23) officials and fourteen (14) DREAMS District Managers (DDMs) placed in the 15 DREAMS Implementing Districts. These seven (7) training sessions were conducted successfully in Eastern Cape, Free State, Gauteng, KwaZulu Natal, Limpopo, Mpumalanga and Western Cape.

The focus of the workshop was to train LSAs placed in 15 DREAMS implementing districts on the PSS Guidelines and LIVES to strengthen linkages and referral to health, care and support services. Through DREAMS, the department contracted and capacitated 138 LSAs on the provision of first-line in-school support to learners needing health, care and support services. Furthermore, selected and built the capacity of seventy-three (73) AGYWs as DREAMS ambassadors to strengthen peer mentorship.

3.2 Development of the PSS Online Training for Care and Support Assistants (CSAs) in the Presidential Youth Employment Initiative (PYEI):

The Directorate collaborated with Ecubed on the conversion of the existing Guide for LSAs and Schools on Providing Psychosocial Support to Learners. The material is expected to go live as soon as the Chief Director and the PYEI Program Manager give their approval. The material assists CSAs to understand and have practical integration on the following: Psychosocial support concepts, its relevance in basic education including policy mandate, common psychosocial issues in schools, CSA roles, collaboration with the SBST and Stakeholders.



CHAPTER 4: TRAINING AND DEVELOPMENT

4.1 School based HIV and Sexuality Education Programmes

a) *HIV and AIDS Life Skills Education*

In order to accelerate progress to HIV prevention, the Global Prevention Coalition developed a Road Map for HIV Prevention 2025, Getting on track to end AIDS as a public health threat by 2030 has been developed. The presentation was setting the scene in accordance with the United Nations Programme on HIV and AIDS (UNAIDS) aim to end the AIDS epidemic by 2030 and prevent nearly 28 million new HIV infections and 21 million AIDS-related deaths respectively. In this regard, the development of business plans for the 2023/2024 financial year will have to consider the approach to contribute to the achievement of these goals by the end of 2025.



On 31 March 2022, the Director-General (DG) approved 9 provincial HIV and AIDS Life Skills Education business plans for the 2022-2023 financial year. The approved business plans were submitted to the National Treasury on time. Following the DG's approval of the business plans, the first tranche of the provincial allocation was transferred to all 9 provinces on 14 April 2022. Subsequently, the DBE and provinces engaged in the Annual Performance Evaluation of conditional grants for the 2021/2022 financial year, a requirement of the Division of Revenue Act (DoRA). The Grant Management Directorate leads the Annual Performance Evaluation, including submission of the consolidated report to the National Treasury.



b) Monitoring of Health Promotion programmes

A total of 78 schools, 5 provinces and 6 districts reached during the monitoring visits have been conducted in this 2022/23. The school monitoring visits were conducted as part of the build-up activities towards World AIDS day Commemoration, LSA placements in schools, implementation of the national measles vaccination campaign and deworming campaigns respectfully. Identified learners received health services from various service providers including the Department of Health (DoH), DBE, USAID and GDE reaching a further overall of 1087 learners were through the deworming campaign.

An audit assessment was conducted on 21 – 27 July 2022, in the fifty-six (56) schools of the Johannesburg South Education district to check the availability of the Comprehensive Sexuality Education (CSE) Scripted Lesson Plans (SLPs), educators trained on CSE, and physical verification of Learner Support Agents (LSAs).

c) Comprehensive Sexuality Education (CSE) related activities

In this 2022/23 Financial Year, the Department of Basic Education (DBE) successfully implemented the planned activities established to strengthening the implementation of Comprehensive Sexuality Education (CSE) in the schools and to ensure that educators have the necessary skills, knowledge and support for teaching CSE using the Scripted Lessons Plans during Life Skills and Life Orientation classes. **Comprehensive Sexuality Education (CSE)** has the annual target to reach 500 000 learners through the Sexuality Education Scripted Lesson Plans (SLPs) and Sexual Reproductive Health (SRH) services through the support of the Determined, Resilient, Empowered, AIDS-free, Mentored, and Safe (DREAMS) and Adolescent and Young People (AYP) Programme. During this period, a total of **294 970** have been reached, where DREAMS **reached 233 849 learners** through the **SLPs** and the **AYP reached 61 121 learners** with a package of health and social services against a target of **58 907**.

- 1. Training of Educators on CSE:** A total of **354** educators were reached during the CSE SLPs training, targeting Grade 12 educators from 19 G2G supported secondary schools as well as educators from KwaZulu-Natal (Ugu); Eastern Cape (Buffalo City

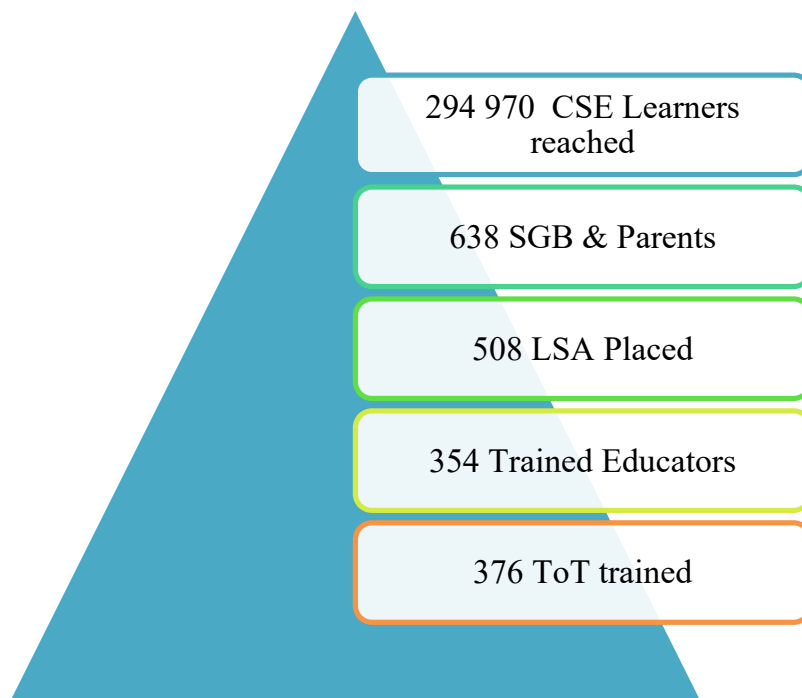


Municipality); and Western Cape (City of Cape Town). The DBE further, successfully printed Educator Guides for Grades 4 –12 on the SLPs for the 56 schools in the Johannesburg South Education District.

- 2. A Training of Trainers (ToT)** conducted in the Nine Provinces reached **376** provincial and district officials from School Health, Teacher Development, Quality, Promotion and Standards (Circuit Managers), School Administration (School Management and SGB) Directorates. Through the Government to Government Project, a total of four (4) CSE Parent Sensitisation Workshops were conducted in Johannesburg South district, reaching **638** parents. the AMAZE CSE videos were successfully launched by the Deputy Minister on 25 October 2022.

On 03 – 08 October 2022, officials from Health Promotion Directorate and Curriculum GET and FET attended the UNESCO CSE Regional Training in Nairobi, Kenya. The aim of the training was to improve the content and delivery of Corporate Social Responsibility (CSR) in the region through capacitation of curriculum experts in developing a curriculum that responds to exact requirements of adolescent and young people.





3. Adolescent Girls and Young Women Programme:

The Global Fund Adolescent and Youth Programme has been put on hold pending finalisation of the in-school modality by SANAC, DBE and the CCM. Consequently, there was no in-school reach reported during the OPEC meeting on 17 August 2022. However, in October 2022, seventy-three (73) AGYWs were capacitated as DREAMS ambassadors to strengthen peer mentorship.

d) DBE participation in the 4th Annual USAID Global Health Partners Meeting:

The DBE submitted abstracts on Country Ownership in Action – Implementing a Government-to-Government assistance through the Education Sector in South Africa and strengthening the implementation of the CSE through the DREAMS initiative in South Africa to the 4th Annual USAID Global Health Local Partners Meeting. Both abstracts were approved for oral and poster presentation respectively. The presentations were



conducted on the 4th Annual USAID Global Health Partners Meeting from the 14 – 18 November 2022.

e) DBE Policy on the Prevention and Management of Learner Pregnancy in schools:

The orientation on the DBE Policy on the Prevention and Management of Learner Pregnancy in Schools was conducted for 9 provinces reaching district and provincial officials within the Health Promotion and Psychosocial Support directorates respectively. The Department further supported the Representative Council of Learners (RCL) Engagement conducted by MB Teen in Mamelodi to create an awareness on the DBE Learner Pregnancy Prevention Policy reaching 40 RCL Members and fourteen 14 COSAS members. The DBE Policy on the Prevention and Management of Learner Pregnancy in schools Advocacy Workshop has been conducted on 31 January 2023 in Northern Cape reaching eighty (80) officials. Symposium on the discussion of the roles of different directorates in addressing learner pregnancies in schools was held in Gauteng Province on the 28 February 2023 reaching two hundred (200) officials.

A total of three (3) workshops were conducted in the Eastern Cape on 20 July 2022; KwaZulu-Natal on 21 July 2022; and the Free State province on 22 September 2022 with the aim to outline the LPPM policy; seek buy-in for implementation; and strengthen collaboration and support for the implementation of the LPPM policy. The LPPM Provincial Dissemination Workshop to accelerate the implementation of the policy in provinces was co-hosted by DBE and North West PED on 08 November 2022. Consequently, 7 provinces have been completed. Furthermore, in November 2022, the DBE in collaboration with UNICEF and MIET conducted an inception meeting on the development of the DBE Policy on the Prevention and Management of Learner Pregnancy in schools Implementation Guide. The Implementation Guide is still at the draft format. A total number of **607 participants** were reached in all 9 provinces.



4.2 Psychosocial Support (Trauma Support)

4.2.1 Monitor and support of district officials on the implementation of trauma support skills

The R2 approach to resilience supports education sector to build resilience by strengthening the rugged (psychological) qualities that all learners have and by assisting them with access to resources that they need in order to overcome adversity. Participants included GDE, DSD, Global Fund partners, REPSSI, SADAG, Childline, several postgraduate students and supervisors from the University of Pretoria.

During the workshop, facilitators used examples to illustrate the contextually sensitive value of ruggedness and resources to learner resilience. Participants identified the ruggedness and resource (R2) factors that will be key to an intervention kit to champion the resilience of South African learners. The University of Pretoria is adapting the existing manual to incorporate inputs from the DBE and partners. The approach is intended for implementation in Northern Cape during the 2022/2023 financial year.

Monitoring of Resilience sessions implementation was conducted for seven (7) schools in Sarah Baartman District and the trainings took place in 1 district in Eastern Cape and Northern Cape. The following schools were monitored:

Name of School	District/location	Date
1. Kuyasa combined school	Sarah Baartman-Ndlambe Circuit. Port Alfred	16 August 2022
2. Mtyobo combined school	Sarah Baartman- Ndlambe Circuit, Port Alfred	16 August 2022
3. Archie Mbolekwa primary school	Sarah Baartman- Joza, Grahamstown	17 August 2022
4. CM Vellem Primary	Sarah Baartman- Joza, Grahamstown	17 August 2022



5. Makukhanye Primary school	Sarah Baartman- Bantu Holomisa, Jeffreys bay	18 August 2022
6. Jeffreys Bay Comprehensive	Sarah Baartman- C-Place, Jeffreys Bay	18 August 2022
7. Humansdorp Secondary School	Sarah Baartman- Arcadia, Humansdorp	19 August 2022

The DBE further conducted a two-day Resilience workshop in November 2022 at Kimberley, Northern Cape province. First day of the workshop was attended by 10 provincial and district officials, and the second day was attended by 22 LSAs. These were followed by **Change Agents for Teaching and Learning (ECATL)** training on the Guide for LSAs and Schools on Providing Psychosocial Support to Learners in Free State province reaching **24 ECATL** officials and 1 provincial official.

Monitoring and support of Master Trainers: Monitoring and support was provided to Master Trainers during their training of LSAs in their respective provinces reaching a total of **356 LSA**. See diagram below:

Province	District	Date	Number of LSAs attended
Gauteng	Sedibeng and City of Johannesburg	24-26 October 2022	132
KwaZulu-Natal	Mkhanyakude	19-21 October	84
Western Cape	City of Cape Town	24-26 October	21
Mpumalanga	Gert Nsibande, Nkangala and Ehlanzeni	24-26 October	119



4.2.2 The Guide for Learner Support Agents and Schools on Providing Psychosocial Support to Learners

A number of common psychosocial issues in these schools were identified, these are, depression or the risk thereof, substance abuse, sexual violence, behaviour problems and learner pregnancy, which appear to be an issue across the schools monitored. All visited schools have an SBST, meetings are not as regular as they should be. Some conduct meetings and do not submit a signed report to the principal. In some instances, the coordinator is the only one actively working with the LSA. Furthermore, the schools have identified a number of local NGOs and use them to address some of their psychosocial support challenges. Other NGOs reach out to schools in line with their organizational mandate. Monitoring of the implementation of the **Psychosocial Support Guide** was conducted for the following **30 schools**:

DISTRICT	NAME OF SCHOOL MONITORED	DATE OF VISIT
Johannesburg East	1. Maphutha Secondary	27 July 2022
	2. Umqhele Comprehensive	27 July 2022
	3. Alexander high school	28 July 2022
	4. Minerva High	28 July 2022
Johannesburg Central	5. Vuwani Secondary	03 August 2022
	6. Reasoma Secondary	03 August 2022
	7. Sekano Ntoane Secondary	04 August 2022
	8. Mapetla High	04 August 2022
Johannesburg North	9. Diepsloot secondary	10 August 2022
	10. Diepsloot 3 high school	10 August 2022
Johannesburg West	11. Kelokitso Comprehensive	24 August 2022



	12. Forte Secondary	25 August 2022
	13. Siyabonga High	25 August 2022
Sedibeng East	14. Lekoa Shandu Secondary	19 July 2022
	15. Ratanda Secondary	20 July 2022
	16. Kgoro ya Thuto Secondary	20 July 2022
Sedibeng West	17. Jordan Secondary School	21 July 2022
	18. Mopholosi Secondary School	21 July 2022
	19. Lebohang Secondary School	22 July 2022
	20. Tsolo Secondary School	22 July 2022
Motheo	21. St Mary's Primary School	18 January 2023
	22. Matla Primary School	18 January 2023
	23. Olympias Primary School	18 January 2023
	24. Matlafalang Primary School	18 January 2023
	25. Legae Secondary School	17 January 2023
	26. Tsoseletso High School	17 January 2023
	27. Rutang Primary School	17 January 2023



	28. Sehunelo Secondary School	17 January 2023
	29. Dibeng sa Tsebo Primary School	16 January 2023
	30. Seithati Primary School	16 January 2023

a) Two Virtual Trainings of all District Officials on the Psychosocial Support Guide:

Two face-to-face training sessions on the Guide on providing psychosocial support to learners were conducted for two districts: including Motheo District in the Free State province, on 24 - 26 August 2022 at Kopano Nokeng (Bloemfontein). The Directorate received a Memo from Director General's office regarding Botebo- Tsebo Secondary School's issues which emanated from the Sedibeng Presidential DDM imbizo which took place on the 12 August 2022 in Sedibeng. Psychosocial Support was among the issues raised in this Imbizo. A meeting was conducted with the District team, the school's principal and the School Based Support Team's Coordinator on 12 September 2022, at Botebo-Tsebo Secondary School in Sedibeng West District. Each member was allocated a role to play as a way to support the school, DBE was to train LSAs who are going to provide additional support to the school. The training was conducted as follows 22 – 23 September 2022, at Sedibeng West District offices, reaching 42 of LSAs reaching in this reporting cycle.

b) DBE-Childline SA Partnership

The DBE continues to manage the partnership with Childline SA. The Childline SA is an affiliation of nine provincial Childline offices. The National Office, based in Durban, plays a supportive, co-ordinating and capacity-building role to the provincial offices. Among many other services, Childline SA offers a 24-hour operational helpline/ call centre for children for seven days a week.



Reports have been received from Childline up to the month of April 2022. From these reports, it is evident that entry into schools is critical, as the cases identified indicate the need for Childline to provide direct support at school level. A submission for Childline entry in schools has been approved by the DG.

4.3 The National School Safety Framework (NSSF) & Protocol for Managing & Reporting of Sexual Abuse and Harassment in Schools Training

4.3.1 GBV Prevention work with WITSRHI

In support of DBE on violence prevention, digitisation of National School Safety Framework with its tools; Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools as well as the Protocol Dealing with Incidences of Corporal Punishment has been completed. The purpose is to develop capacity within DBE to be able to better deal with school safety. This digitisation is an online training targeting school level.



4.3.2 The Prevention and Management of Corporal Punishment in Schools: The Department of Basic Education (DBE) issued a circular on the banning of corporal punishment in all schools. The circular served as a reminder to the sector that corporal punishment is banned in schools and harsh action will be taken against educators found guilty of practising corporal punishment. Furthermore, the DBE released a short video by the Deputy Minister on all social media platforms, reiterating the position of the department on the prevention of corporal punishment and the use of positive discipline as the alternative to maintaining respectful and law abiding behaviour in and outside of the classroom.

4.3.3 Inter-departmental Campaign on the Prevention of Violence, Bullying, Corporal Punishment, Gender-Based Violence, Learner Pregnancy, Drugs and Substance Abuse

The DBE and its partners, including the South African Police Service (SAPS), the Departments of Social Development (DSD), Home Affairs (DHA), Health (DoH), Communication and Digital Technologies and Justice and Constitutional Development (DoJ & CD) held a meeting to reflect on the roll-out of the Multi-Departmental Campaign on the Prevention of Violence, Bullying, Gender Based Violence, Corporal Punishment and Drugs and Substance Abuse in schools, which was rolled out in the previous financial year. This meeting enabled the participants to prepare for the ongoing roll-out of the same campaign in the current financial year 2022/2023. The Multi-Departmental Campaign will be hosted in the following provinces: North West, Free State, KwaZulu-Natal, Eastern cape, Western Cape and Northern Cape.



The DBE together with its partners, involving the SAPS, the Departments of Social Development (DSD), Home Affairs (DHA), Health (DoH), Communication and Digital Technologies (GCIS) as well as the Department of Justice and Constitutional Development (DoJ&CD) rolled out the fourth edition of the Inter-departmental Campaign in the North West province in Dr Kenneth Kaunda District at the Vaal Reef Technical High School from 10 – 19 August 2022 and in Eastern Cape, Nelson Mandela and Sarah Baartman Districts from 21 February – 09 March 2023.



The Campaign raised awareness of various community and school-level challenges which negatively affect teaching and learning such as bullying, gender-based violence, learner pregnancy, drugs and substance abuse, as well as poor management and governance.



The Campaign comprised of **23 precursor** events reaching a total of **4559 learners**.



Below is the schedule of the activities:

ACTIVITY	RESPONSIBILITY	DATE/TIME	Education District	VENUE	PARTICIPANTS
Online Safety Awareness	DBE: School Safety, FILMS & Publications Board.	10 August 2022 12:00-14:00	Dr Kenneth Kaunda District	Vaal Reefs Technical High School	150 Learners 21 Officials (Vaal Reefs Technical High School, DBE, NWED, FPB)
Early Childhood Development	DBE: Early Childhood Development	11 August 2022 09:00-15:00		Vaal Reefs Technical High School	90 ECD Practitioners
Learner Pregnancy	DBE: QLTC & Health Promotions, DSD, DOH, NGOs	12 August 2022 12:00-14:00		Nkang-Mahlale Secondary School	114 Learners 25 Officials (DSD-DR KK Kaunda District, DBE; School Safety, QLTC, Love Life, NWED QLTC,



				Communications, School Enrichment, and Security Services
Psychosocial training	NECT, QLTC	12 August 2022	Laerskool Noord Rustenburg	50 Religious Leaders
Academic Excellence	DBE: QLTC, Ikamva Youth Organisation	13 August 2022 09:00-12:00	Thembalidanisi Primary School Potchefstroom	63 learners 16 Officials (Ikamva Youth Organisation, DBE: School Safety, QLTC, Community Safety Forum)
Dialogue on Bullying & Substance Abuse	DBE: QLTC & School Safety, DSD, SANPARKS, SAPS, Love Life Correctional Services	16 August 2022 12:00-14:00	Vaal Reefs Technical High School	100 Learners 18 Officials (DSD-DR KK Kaunda District, DBE; School Safety, QLTC, Love Life, NWED QLTC, Communications and Security Services)
Assembly address by Ex-Offender	Department of Correctional Services DBE: School Safety, QLTC	17 August 2022	Vaal Reefs Technical High School	500 learners 10 Officials (DCS, DBE School Safety, NWED QLTC, School Safety)
Development of Self Workshop	DBE: Social Cohesion, DOVE, NYDA	17-18 August 2022 12:00-14:00	Vaal Reefs Technical High School	123 Learners on (17 August 2022) 50 learners (18 August 2022)
Training on the Protocol on the Management & Reporting of Sexual	DBE: Social Cohesion, School Safety & QLTC, NPA, DOJ	18 August 2022 10:00-14:00	Vaal Reefs Technical High School	103 Officials (DBE: Social Cohesion, QLTC, School Safety, NWED QLTC,



Abuse/ 3 GBV legislation					EMGD/IGSS Security Services, NPA, SACE, DSD, SAPS, NGOs, School QLTC Coordinators, School Safety Coordinators)
Mental Health for Matrics	DoH/DSD DBE: QLTC, SIPE	21 February 2023	Sarah Baartman	Grahamstown Nombulelo High School	102 Learners 35 Officials from DBE, ECDoE, DSD
Assembly awareness of Social Services	DSD DHA DBE: QLTC, SIPE	22 February 2023	Sarah Baartman		1100 learners (whole school)
Dialogue on substance Abuse & Bullying	DBE: QLTC, School Safety, DSD	22 February 2023	Sarah Baartman	Humansdorp High School Humansdorp	99 learners 35 Officials: DBE, ECDoE, SAPS, DSD
Assembly awareness of Social Services	DSD DSRAC Transport and Community Safety	22 February 2023	Sarah Baartman		986 learners (whole school)
Meeting with Local Government, Nelson Mandela Bay Metropolitan Municipality	DBE: QLTC & School Safety/ CoGTA/ Local Councilors/DSD/ Correctional Services / DHA	23 February 2023	Nelson Mandela	ST Thomas Secondary	20 Officials: Nelson Mandela Metropolitan Municipality, DBE, ECDoE
Learner Pregnancy Awareness	DBE: QLTC & School Safety/ DSD/ DoH	23 February 2023	Nelson Mandela	Sophakama SS	87 learners 20 Officials: DBE, EC DoE, DoH

Sports, Arts & Culture, ICT Career Day	DBE: School Safety, QLTC, Social Cohesion and Equity in Education directorates, Google and DESRAC	24 February 2022	Nelson Mandela	Ikhwezilomso SS	212 Learners 17 Officials: DBE, EC DoE, DESRAC
NSSF Training Workshop	DBE: School Safety/ QLTC	02-03 March 2023	Buffalo City	Mandla Makhupula Building East London	34 National & Provincial Officials, School Safety & QLTC directorates and District Coordinators
Dialogue on Drugs & Substance Abuse, Bullying & Gangsterism	DBE: QLTC, School Safety SAPS and Masifunde NPO	06 March 2023	Nelson Mandela	Hillside SS	94 learners 14 Officials: DBE, ECDoE, SAPS, Masifunde
Online Safety Awareness	Films Publications Board/ Dpt of Communications	07 March 2023	Sarah Baartman Humansdorp Town	Nombulelo High School	101 Learners 17 Officials: DCDT, FPB, DBE & EC DoE
Mental Health for Matrics	Nelson Mandela University DBE: School Safety	07 March 2023	Nelson Mandela	St Thomas Secondary	120 Matric Learners 10 Officials
Cybersecurity awareness for teachers and parents	Dpt of Communications/ Films Publications Board	08 March 2022	Nelson Mandela	Kwa Zakele Secondary School	20 Educators and 7 officials: DCTDT, DBE, ECDoE
Assembly awareness on Social Services/Motivation	DoH/DSD DBE: QLTC, SIPE, School	08 March 2023	Nelson Mandela	Soyise P.S	608 learners (Whole school)



	Safety, Social Cohesion				
Training on the Protocol on Management of Sexual Abuse & Training Workshop/ 3 GBV legislations	DBE: Social Cohesion, QLTC-DEF & DoJCD/ SACE	09 March 20023	Nelson Mandela	ST Thomas SS	70 SMT and SGB from surrounding schools and officials from DBE and ECDoE

The main event of the Campaign took place on both the 19 August 2022 at Vaal Reef Technical High School and 10 March 2023 in Nelson Mandela District, Saint Thomas Secondary School. It was attended by the following dignitaries: Deputy Minister of Basic Education, Dr M.R Mhaule; Deputy Minister of Correctional Services, Mr N.P Holomisa; the Deputy Minister in the Presidency, Ms P Kekana; the Head of Department of North West Department of Education (NWDoE), Ms S.M Semaswe and the District Mayor of Dr Kenneth Kaunda District, Cllr N Num; the Head of the Department of Eastern Cape Education Department, Mr. M Qwase and the Provincial Deputy Chairperson of the House of Traditional Leaders, Mr. K Matanzima, and the MMC for Constituency Services, Mr. R. Kayser, from the Nelson Mandela Metropolitan Municipality.

A total number of **1673** learners attended the event. These learners were drawn from 108 schools, emanating from all the districts in the North West province, namely Dr Kenneth Kaunda, Ngaka Modiri Molema, Dr Ruth Mompati, Bojanala Districts, Nelson Mandela District and Baartman District. Officials from the DBE, Eastern Cape DoE, partner departments, and civil society organisations, as well as local SGB members were present at the event. A further eighty-four (84) members were in attendance including officials from the DBE, NWDoE, sister departments, civil society organisations, members of SMTs and SGB associations and community members.

The DBE and the North West Education Department convened a meeting involving the staff of Vaal Reefs Technical High School on 14 and 15 January 2023. This meeting was in response to the recommendation emanating from the report on the Inter-Departmental Campaign on Violence Prevention, which was spearheaded by the Deputy Minister of



Basic Education. The Vaal Reefs Technical High School was underperforming and experiencing serious safety, management and governance challenges. As a result, the Deputy Minister requested the DBE to work with the provincial education department to intervene.

The meeting was attended by the entire staff of Vaal Reefs Technical High school including School Management Team (SMT) members, teachers, administrative assistants and groundsmen, as well as School Governing Body (SGB) members. The DBE was represented by officials from the Office of the Deputy Minister, EMDG, School Safety, Curriculum, MST and e-Learning, QLTC and Health Promotion Directorates. The province and district were represented by officials from IGSS, QLTC, School Safety and School Funding, as well as the Office of the District Director and Security Management.

At the meeting teachers ventilated their concerns and spoke openly about divisions amongst staff, teacher favouritism by the principal, and a lack of transparency on finances which they saw as negatively impacting on the performance of the school. Senior officials from the DBE supported the mediation process by sharing presentations on how to improve the effectiveness of the management and governance in the school (this included role clarification of the SMT and SGB). The staff also received presentations on curriculum rationalisation, in particular the Three Stream Model and the funding models for technical high schools. Presentations were also made to address ways of preventing of violence and bullying in the school. Members of the meeting were taken through how to effectively implement the NSSF and the operations of the SGB's School Safety Committee.

4.3.4 School Safety Community Imbizo: The Department and its partners, including the South African Police Service (SAPS), Gauteng Department of Education (GDE) and the City of Johannesburg Municipality convened a School Safety Imbizo at Ivory Park in Gauteng, at Bonwelong Primary School on 10 September 2022. The Community Imbizo was attended by the Minister of Basic Education, Ms A.M Motshekga, and the MEC of Education in Gauteng, Mr Panyaza Lesufi. The Imbizo was also attended by 167 officials, which included officials from the DBE, GDE, members of School Governing Bodies



(SGBs), School Management Teams (SMTs), ward councillors, civil society organisations and Ivory Park community members. The following ten critical challenges were raised:

- I. Drugs and Substance abuse by learners;
- II. Burglary and theft of school infrastructure;
- III. Lack of effective psychosocial support in schools;
- IV. Undocumented learners;
- V. Poor classroom management by some teachers;
- VI. Lack of sports activities in schools and the community;
- VII. Ineffective SGB members;
- VIII. Lack of adequate support from the Police;
- IX. Ineffective support from District officials;
- X. Lack of adequate school infrastructure.

The Quality Learning and Teaching Campaign (QLTC) committee comprising of key stakeholders representing School Safety, Social Cohesion, Sport and Enrichment, School Governance and Infrastructure, relevant partner departments and civil society organisations committed to developing an integrated plan to address the above challenges. The plan is expected to be presented to the Minister in a follow-up meeting envisaged to take place before the end of the current financial year.

4.3.5 Support the implementation of Disaster Risk Reduction Management Planning in Schools for Learners with Special Educational Needs

This is a multi-stakeholder collaboration between the Department, the National Disaster Management Centre (NDMC), SANTAM and various municipalities. In the quarter under review, training was conducted in Mopani and Capricorn Districts in Limpopo on 8 August



2022. The training involves assessing risks in the school environment and foreseeing their mitigation. The training reports are available. A plan is in place to conduct training sessions in the remaining districts within the current financial year. The Department of Basic Education (DBE) partnered with the National Disaster Management Centre (NDMC) and SANTAM Insurance to implement disaster risk reduction in schools, the first assignment in achieving this was to design a risk assessment tool that was successfully piloted in Free State province. The programme is intended to yield the following benefits:

- Schools to proactively assess their risks.
- Early detection and reporting of disaster-related incidents in schools.
- Improved understanding of risks in schools by the Principal, School Governing Bodies (SGBs), learners, as well as the DBE national, district and provincial officials.
- Reduction in loss of lives and property when a disaster occurs.
- Positive building compliance behaviour.
- The DBE to plan better on how to address such risks to save lives and preserve infrastructure.
- The NDMC to plan appropriate educational campaigns.

The Mpumalanga province training of provincial, district officials, and schools on the implementation of the risk assessment tool, took place from 24 – 25 October 2022. The training targeted officials from School Safety, Infrastructure, Inclusive Education, Special Schools, Provincial/ District Disaster Management Centres as well as Municipal Fire Chiefs. These officials are expected to support schools in conducting assessments as well as developing reports for consolidation at district and provincial offices. The next phase of the programme will be in the following provinces: Northern Cape, Eastern Cape, and Limpopo, during the last quarter of the reporting financial year. The remainder of the provinces will be concluded in the next financial year.



4.3.6 Manage a Collaborative Protocol with SAPS on Crime and Violence Prevention and Coordination of the implementation of Junior Commissioner at Districts

The DBE participated in the review and development of the National Youth Crime Prevention Strategy at an engagement held in KwaZulu-Natal on 23 July 2022. The strategy seeks to ensure that structures are established at local levels to implement programmes that develop youth including learners, to prevent them from committing crimes. In the period under review, the National Junior Commissioner competition was postponed by SAPS due to changes within SAPS management. SAPS is committed to confirming a new date for the competition in due course.

4.3.7 Capacity building session of district officials on the Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools

As part of the systemic response to the growing scourge of school-related gender-based violence (SRGBV) as it pertains to sexual abuse and harassment, the DBE continues to use the Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools in informing and capacitating district officials through the district developmental model. The following were the topics that were discussed:

- The legal and policy framework regarding prevention and reporting of sexual violence and harassment in South Africa as it pertains to children.
- The age of consent and sexuality of children as it applies to the Sexual Offences Act in South Africa.
- The understanding of the obligations for reporting and management of sexual abuse and harassment of learners in schools as guided by the Protocols.
- And how they intend to cascade the information to School Principals, School Management Teams, and School-Based Support Teams.



Workshops undertaken in this financial year 2022/23 are as follows on 09 April 2022, at Mamelodi City of Tshwane, 21 April 2022 at Rekgaratlile Secondary school, on 15 June 2022 at Kwa Thema Skills schools, in Limpopo, Polokwane on 29 September 2022, on 27 October 2022 with key stakeholders and media and Eastern Cape, Nelson Mandela Bay District, Gqeberha on 09 March 2023. The purpose of the engagements is for relevant officials and partners to cascade the information to their constituencies on the prevention of gender based violence and learner pregnancy.

An overview of sexual abuse and harassment was also shared as most early and unintended pregnancies are experienced by children under the age of 18 years of age. Discussions were held on creating an enabling environment for prevention of violence, the implementation of the Prevention Provision through access to Sexual Reproductive Health Services in Schools, care, counselling and support provision, impact mitigation, Learner Pregnancy Prevention and Management Policy awareness. Over 111 educators and officials were reached in these workshops and engagements.

4.3.8 Online Safety

The DBE has collaborated with the **Film and Publication Board (FPB)**, the Departments of Social Development (DSD) and Communication and Digital Technologies (DCDT), the South African Police Service (SAPS) as well civil society **to commemorate Safer Internet Day** under the theme **“together for a better internet”**. The purpose was to advance children’s rights and promote well-being and respond to the needs of children to better understand how to reduce the risk of harm while still enjoying the affordances of online platforms which provide access to learning, creative play and recreation. There is a great effort required to raise awareness of parents and learners and sensitise them to the positive and negative sides of internet use and the emergence of Artificial Intelligence platforms such as ChatGPT. This work is also supported in the continued implementation of the lesson sets prepared for grades 8 to 12 on Online Safety in South African High Schools in partnership with Google and the Western Cape Department of Education.



4.4 Care and Support for Teaching and Learning (CSTL) Framework Revision and Foundation Workshops:

The CSTL Pillar lead workshop was convened on 05 May 2022 as a consultative process to discuss areas of revision for the CSTL Framework and accompanying Handbook. Both the Framework and Handbook were developed over a decade ago, and with the evolution of the schooling eco-system, requires that it be revised to ensure it continues to meet the contextual demands and evolving nature of educational barriers. Inputs were provided by the relevant pillar leads and consolidated to inform the revision of the two documents.

The CSTL framework is being reviewed to ensure it is fit for purposes in a post-COVID-19 educational context. The CSTL framework has ten pillars that promote multi-sectoral support for child-wellbeing. The Department hosted the second CSTL Pillar workshop with the officials responsible for leading each of the pillars. The CSTL Pillar leads workshop was convened on 23 August 2022 and deliberated on the process for effecting possible changes to parts of the CSTL framework and its accompanying Handbook. The Framework and Handbook were developed over a decade ago and with the evolution of the schooling eco-system, require to be revised to meet the demands and educational barriers of the current schooling context. Inputs were provided by the relevant pillar leads



and consolidated to inform the revision of the two documents.



During the third quarter, a district development model was initiated, in the quest to develop and re-train officials and stakeholders on the CSTL Framework and its accompanying Handbook. The purpose of the workshops was to incrementally work towards transforming schools into inclusive centres of learning, care, and support. The workshops were conducted in the Eastern Cape province on 18 and 20 October 2022; North West province on 15 and 17 November 2022, and with Western Cape Province on 14 March 2023 a total reach of 14 districts benefitting from the training. A total number of 290 participants were trained from three provinces. The remaining provinces will be trained in the next financial year.

4.4.1 Care and Support for Teaching and Learning (CSTL) framework revision:

CSTL Research Programme: The CSTL Research Programme meeting was hosted at the University of KwaZulu–Natal (UKZN) on 10 August 2022 and in Gauteng at the University of Johannesburg on 24 February 2023. Participating universities include



UKZN, the University of Johannesburg, University of Limpopo and the University of Western Cape. The purpose of the programme is intended to grow the empirical evidence related to school-based care and support and grow the knowledge and practice of stakeholders that are committed to ensuring learners have access to a range of services to improve their quality of life and towards support the attainment of improved learning outcomes.

4.4.2 CSTL Southern African Development Community (SADC) Technical Committee Meeting: On 11 August 2022, CSTL SADC Technical Meeting was convened in KwaZulu–Natal, to reflect on various items, including the SADC Ministerial Meeting, held in June 2022. The meeting was convened at an opportune time as the Secretariat to the meeting was also tasked with the responsibility to launch the **Child and Youth Agency Framework**, which was endorsed by Ministers of Education in the SADC region; South Africa intends including the Child and Youth Agency Framework as an addendum to the revised CSTL Conceptual Framework. On 24 November 2022 the committee meeting was convened again with the Education Ministries Technical Meeting to discuss, among others; the proposed amendments to the CSTL annual reporting template, learner pregnancy and the Child and Youth Agency Framework. Furthermore, the meetings are intended to share best practices and strengthen the implementation of CSTL across the SADC region.





4.4.3 EnrichEd Hub: The Hub is a collaborative space wherein the provision of services and access to educational information is made available to all ABC Motsepe SASCE participants at the SASCE National Championship, which is hosted from 28 June 2022 to 01 July 2022. The EnrichEd Hub includes exhibitions by various stakeholders, a variety of SETAs providing information and material to secondary school learners transitioning to higher education. The following sister departments also provide services at the championship: The Department of Home Affairs (DHA) on birth and ID Registration; the Independent Electoral Commission (IEC) on new voter registration; and the Department of Health (DoH) on youth-friendly health services. The Violence Prevention Forum also support the EnrichEd space by sharing violence prevention information with participants.



CHAPTER 5: PUBLIC EDUCATION

5.1 Girls and Boys Education Movement (GBEM) Online Dialogues

Through the work of repurposing the GBEM into the Representative Council of Learners (RCL) for a stronger peer education machinery in schools, training was conducted for TLOs and LSA to support peer education programming in schools. A total of 40 Teacher Liaison Officers (TLOs) and Learner Support Agents (LSAs) were capacitated to support peer activities such as the Girls and Boys Education movement in schools from Five (5) provinces, that is, Eastern Cape, KwaZulu Natal, Gauteng, North West, and Mpumalanga, attended a planning meeting at DBE. The meetings include repurposing G/BEM into Representative Councils of Learners (RCLs) in schools in order to institutionalise peer education intervention in schools and strengthen prevention methods to address barriers to schooling and in educational settings.

From 14 to 16 September 2022, a workshop was held on repurposing the focus of youth in schools under the leadership of RCLs and the purpose was advocating for the review and effective transformation of education systems to achieve children's agency utilizing the SADC Policy Framework on Care and Support for Teaching and Learning (CSTL). Provincial coordinators from Social Cohesion, Governance as well as QLTC directorates were in attendance along with civil society organisations who are committed to supporting spaces for the development of learner agency.

Furthermore, Camps were held in 3 provinces; Gauteng from 29 to 31 July, in Limpopo from 05 to 07 August and in the Free State province from 12 to 14 August 2022. This is a continuation of empowerment of learners through edutainment and seeks to change behaviour and social norms that drive gender-based violence in schools, it focuses on raising awareness among learners and capacitates their sense of personal well-being whilst building their understanding of resiliency. The camps for learners are delivered using an edutainment approach, keeping them intrigued and engaged while they are learning critical skills and receiving reliable knowledge in an entertaining way.



5.2 Constitutional Values in Education and Gender Based Violence (GBV) Dialogues

A total of 239 participants, learners, teachers, and officials attended the engagements sessions on 22 July 2022 at Jet Nteo High School, Sedibeng West District, Gauteng Province and 08 October 2022 at Freedom Park. An opportunity to engage in discussions with legal experts on various legal career advisors that aims at promoting and protecting human rights the importance of Constitutional values in education together with the promotion and the Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools.

5.3 Intergenerational Dialogues

These sessions were held in Limpopo, Capricorn District as a safe space created between the young and old to freely share their thoughts, ideas and interact constructively on different topics that relate to gender equity and social justice. Leadership and its implications in schools were discussed. The focus was on the RCLs and other class representatives on how they should positively contribute to the governance of their schools and the promotion of inclusive, safe learning spaces in their schools.

5.4 Olivenhoutbosch High School Gender Inclusion Event

The event was held on 21 May 2022. The Social Cohesion and Equity in Education Directorate supports work on gender-diverse populations and supports adolescent and youth agency. This is one of many schools that are involved in activities at school that enables gender inclusivity. The school had its first learner led LGBTQA+ school pride.



5.5 The Gender-Responsive Pedagogy Toolkit for Early Childhood Education Master Training

The training was undertaken in the Eastern Cape, the focus was on understanding the toolkit and how to cascade the delivery of the toolkit to districts. The DBE continues with its prevention drive to engage different stakeholders that are expected to assist in combating the scourge of Gender Based Violence and Femicide (GBVF) in communities. This toolkit redresses the negative impact of harmful gender norms as these are delivered through incidental socialisation in the early years of children's schooling. The toolkit equips participants to unlearn such negative habits of mind and behaviour and relearn gender norms that support all children to reach their full potential without fear or favour related to their gender or sex characteristics.

The DBE is continuing with the phased-in implementation and promotion of gender responsive pedagogies in the Early Childhood Education (ECD) through funding support from ETDP – SETA; to date, training has been conducted in five of the nine provinces, namely North West, Free State, Eastern Cape, Northern Cape and KwaZulu-Natal. This training empowers practitioners and educators with relevant knowledge and skills in **gender responsive play-based pedagogy**. Going forward with modest funding the DBE aims to extend the training to pre-service students in TVET colleges that offer ECD training. The Department of Higher Education Science and Innovation are a key partner in the identification of these colleges; and both departments will collaborate to capacitate and resource the progressive development of ECD practitioners.

5.6 The Domestic Violence Amendment Act Webinar

The DBE is participating in a series of informative sessions led by the DoJ&CD. The sessions are critically important as they share relevant and up-to-date information about the Domestic Violence Amendments Act; while this particular webinar provided an overview of changes for Clerks of the Court.



5.7 Report on the draft directives on Domestic Violence Act 14 of 2021

The DBE has submitted the report on the draft directives on Domestic Violence Act 14 of 2021 to both Parliament and the National Council of Provinces as stipulated by the Act. The purpose of the directives is to support the implementation of the amended Act in dealing with matters of domestic violence. By virtue of the fact that educators are in close contact with learners, they need to be capacitated in understanding the implications of the Act and its impact on their work functions and responsibilities toward promoting social justice in schools.

5.8 The THARI Programme

Through the impact of a multi-sectoral approach towards the protection of children and women against violence, this programme was undertaken in the Free State, Botshabelo on 09 September 2022. This is a collaboration of the DBE with the Cyril Ramaphosa Foundation. The programme contributes to the eradication of violence within communities by significantly contributing to school safety, school enrichment and support to families, so as to make a real difference to the wellbeing of children faced with intersecting vulnerabilities. Participants comprising parents, educators, community-based organisations, academics, and learners attended the workshop.

5.9 Menstrual Hygiene Programme

The DBE is in collaboration with The United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) to promote good menstrual health that breaks the silence, raises awareness and changes negative social norms related to menstruation. Boys are a key target audience so that they can understand and become enablers of empathetic menstruation hygiene and psychosocial support. This collaboration is an example of community advocacy in celebration of World Menstrual Health using radio platforms to raise awareness.



5.10 COMMEMORATIONS OF HISTORIC EVENTS AND SIGNIFICANT ANNIVERSARIES TOWARDS ADDRESSING HUMAN RIGHTS, SCHOOL RELATED GENDER BASED VIOLENCE (SRGBV) AND OTHER RELATED MATTERS:

- Freedom Month:** The DBE in collaboration with the IEC, on 22 April 2022 commemorated and launched the **Schools Democracy Week** in Rekgarathile High School, in John Taolo Gaetsewe District encouraging and attracting youth to participate in electoral activities; and more specifically, to register and exercise their constitutional and democratic right to vote. Learners were engaged to fully understand their contribution and the role their vote plays in the wider spectrum of activities that secure human rights, democracy and nation-building.
- Africa Month:** On 16 May 2022, the Ministerial commemoration of Africa month was held at Hosea Kekana High School, Tshwane North District. The commemoration was aimed at educating and raising awareness among the citizens and learners on why South Africa must continuously **reaffirm support for the Africa Union's Agenda 2063**, and commit the country to play its role within the African Union (AU). This commemoration contributes toward ending discrimination in all its forms including xenophobia.
- Youth Month:** On 18 June 2022, the Ministerial Youth Month commemoration was held at Leban Mothlabi Comprehensive school, Gauteng West district. The commemoration intended to address societal issues through an intergenerational dialogue between learners and esteemed guests from different educational sectors. Additionally, the Deputy Minister on 19 June 2022, engaged the Assemblies of God youth in a motivational talk aligned to the theme: **Ensuring Sustainable Livelihoods for Our Youth**. The talk addressed several issues such as poverty alleviation and how the Church can make a positive contribution to the lives of young people. The motivational talk was aimed at young people and encouraged them to access opportunities to further their education.



- **Mandela Day:** On 25 July 2022 the Mandela Day commemoration was hosted at Sedibeng West District, Gauteng Province. The focus was on creating a platform for the Honourable Minister of the DBE to engage with the learners, educators, parents and community members on the establishment of schools of specializations and the introduction of coding and robotics, while also promoting school food gardening initiatives in collaboration with stakeholders. These efforts are intended to uphold servant leadership through the promotion of the legacy of the late President Nelson Mandela and Mama Charlotte Maxeke. Both of these leaders were selfless and serve to remind all of us that when we rise we must take others with us and care for those less fortunate than ourselves.



CHAPTER 6: RESEARCH INTERVENTIONS

In April 2020, the monitoring tool was amended to include Social Cohesion and Equity in Education and Sport and Enrichment programmes. These programmes together with the NSSF form part of the monitoring of Social Inclusion and Partnerships in Education (SIPE) Chief Directorate programmes. SIPE programmes are aimed at ensuring safe schooling environment, prevention of Gender Based Violence (GBV), human rights education and encourage learner participation in school sports and enrichment activities such as reading clubs. The purpose of the conducting monitoring of these programmes is to identify gaps, good practice and provision of support to provincial and district Departments of Education. In supporting districts to monitor the implementation of the NSSF, Social Cohesion, Sport and Enrichment programmes, **75 districts across 9 provinces**, were monitored during the reporting period under review. Printing and Distribution of National School Safety Framework manuals, the DBE, in collaboration with UNICEF, printed and distributed **27 000 NSSF manuals** to all nine provinces

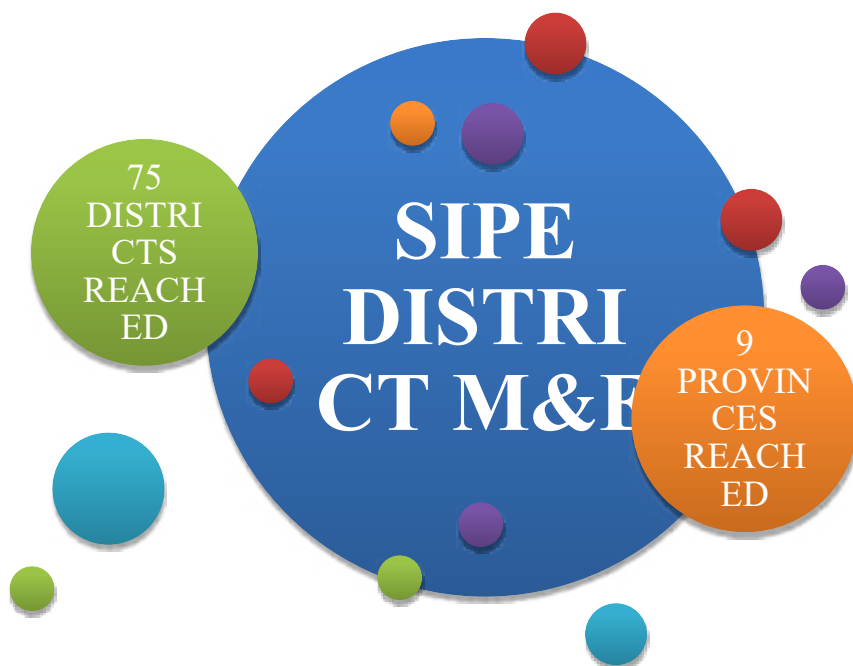


Figure 3: SIPE M&E Overview



CHAPTER 7: LAW AND POLICY DEVELOPMENT

7.1 THE PROTOCOL FOR THE MANAGEMENT AND REPORTING OF SEXUAL ABUSE AND HARASSMENT IN SCHOOLS

The purpose of the Protocol for the management and reporting of Sexual Abuse and Harassment is to provide schools, districts and provinces with standard operating procedures/guidelines when addressing allegations of sexual abuse and harassment, and to 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 provision of the requisite support to learners.

These protocols 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 DBE to identify, intervene, report and provide support to all learners who are sexually abused or harassed in schools, 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.

7.2 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.

7.3 POLICY ON THE PREVENTION AND MANAGEMENT OF LEARNER PREGNANCY IN SCHOOLS

The Learner Pregnancy Policy has been presented to Cabinet, the requisite documents were submitted to the Secretariat. In the latter, The Policy was finalised and approved by Cabinet for gazetting on 29 September 2021. The Policy was subsequently gazetted on 03 December 2021.

7.4 Guidelines for the Social Inclusion of Sexual Orientation Gender Identity X

The SOGIESC Guidelines intend to provide a guiding framework for schools in protecting the human rights of all learners with a particular focus on learners whose sexual orientation, gender identities, expression and sex characteristics are different from the dominant heteronormative and cisgender mainstream population.

The draft document on the guidelines for the Social Inclusion of SOGIESC in schools has been circulated to all relevant stakeholders and has been approved by the CEM on the 6 May 2022. National consultation workshops with the 75 education districts are set to take place between July 2022 – March 2024. Consultations have conducted in Eastern Cape, North West, Free State, Western Cape and Gauteng. The remainder of the provinces will be convened in the new financial year 2023/24. The Guidelines have presented to South African Principals Association (SAPA), the Independent Principals Association of South Africa (IPASA).





The stakeholders that participated in these consultations included without limitations, Gender/ Special Program/ Transformation officials; Values in Education officials; QLTC official; Education Management, Governance and Development officials; Teacher Union representative(s); Chapter Nine Institutions; Provincial Commission for Gender Equality (CGE); Provincial Commission for Human Rights and South African Human Rights Commission (SAHRC); Civil Society Organisations; Department of Justice and Constitutional Development; South African Council of Educators (SACE); Labour Relations; Officials responsible for Comprehensive Sexuality Education.



CHAPTER 8: LIMITATIONS, POSSIBLE INTERVENTION AND CONCLUSION

The DBE continues in improving on its Monitoring & Evaluation component especially where it concerns dealing with reports in schools' sexual offences, School Related Gender Based Violence (SRGBV), SOGIESC inclusion in schools. However, the key limitations in these endeavours is lack of sufficient funding to actively address these issues. Thus, the department sought various partnerships with experts in the field of Human Rights, child safety, SOGIESC experts and violence prevention. Additionally, the DBE strengthened its peer education model to include learners that were lawfully elected by other learners to represent them, these are Representative Learner Council (RCL) as well as Learner Support Agents (LSAs) to provide a safer and inclusive space at schools that will allow the learners to be able to voice out their challenges and further discuss how they can report discrimination and violence at schools.

There are fields that have been captured on some of the Monitoring & Evaluation systems such as South African School Administration Management System (SASAMS) are currently being modified along with the school exemplar code of conduct to ensure that schools are guided on how to practice as safer and inclusive zones. This was encouraged by a number of cases that have brought to the DBEs attention where learners are bullied and others taking their lives because of maltreatment in schools. Especially, to the learners that identified with SOGIESC. All learners belong to schools thus, the DBE will ensure there is no bullying, violence and discrimination of learners in spite their background, race nor age. In order to prevent SRGBV the schools should be inclusive and recognise all types of learners that exist in the schooling environment and ensure equal respect, protection, love and education.





DEPARTMENT OF HIGHER EDUCATION AND TRAINING



Department of Higher Education and Training
Annual Report on the Implementation of the Sexual
Offences and Related Matters Amendment Act,
(Act No. 32 of 2007)
01 April 2022-31 March 2023

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1. Introduction

The Department of Higher Education and Training (the Department) is a co-opted member of the Directors-General Inter-sectoral Committee on the Management of Sexual Offences Matters (DG ISC-SO) and the National Technical Inter-sectoral Committee on the Management of Sexual Offences Matters (NT ISC-SO).

This annual report by the Department responds to the obligation to report progress of the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act (SORMA) (Act 32 of 2007) to the Department of Justice and Constitutional Development (DOJ&CD).

The Department is responsible for all post-school education and training (PSET) institutions, including public universities, technical and vocational education and training (TVET) and community education and training (CET) colleges. It further oversees all private Higher Education Institutions (HEI), private colleges, skills development providers, Sector Education and Training Authorities (SETAs) and entities reporting to the Department.

This report covers the following areas focusing on Gender-based Violence and Femicide (GBVF): legislation and policy stakeholder coordination, institutional implementation (including capacity building, training, public awareness, and communication), and legislation policy development.

2. Legislation and Policy

The Department is subjected to the national legislative framework that governs the country, such as:

2.1 The Constitution of the Republic of South Africa, 1996

In relation to GBV, the following provisions of the South African Constitution (Act No 106 of 1996) apply to the PSET institutions:

- **Section 9:** Everyone is equal before the law and has the right to equal protection and benefit of the law. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth. No person may unfairly discriminate directly or indirectly against anyone;

- ◆ **Section 10:** Everyone has the right to human dignity and the right to have their dignity respected and protected;
- ◆ **Section 12(1):** Everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either private or public sources; and
- ◆ **Section 12(2):** Everyone has the right to bodily and psychological integrity, which includes the right: to security in and control over the body; and not to be subject to medical and scientific experiments without their informed consent.

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

This legislation dealing with sexual violence against both adults and children sets out comprehensive definitions for a range of sexual offences, from flashing to rape. It also directs the Department's participation in the Director-General Inter-Sectoral Committee on Sexual Offences (DG ISC-SO) as well as the operational level in the National Technical Team for ISC-SO. The two structures are coordinated by the DOJ&CD and assign duties to the Department in relation to sexual offences.

2.3. Domestic Violence Act (Act 116 of 1998)

The Domestic Violence Act (Act 116 of 1998)'s relevance to the PSET system extends beyond institutions as education and training spaces, to student residences and often, students are living together even in intimate relationships in private residences, and these may develop into abusive relationships covered through this Act.

2.4. Post-School Education and Training Legislation

The Department has passed a series of White Papers, Policy Frameworks and Acts aimed at combating all forms of discrimination, in line with the Constitution (Act 108 of 1996) of the Republic of South Africa.

The *Higher Education Act (Act No 101 of 1997)*, the *Continuing Education Act (Act No 16 of 2006)* and the *Skills Development Act (Act No 97 of 1996)* lay the foundation of non-discrimination and equality among all people in the PSET system. It provides the legislative grounding for PSET policies.

The Continuing Education Act (Act No 16 of 2006) requires TVET and CET colleges to adopt disciplinary codes that address any form of unfair discrimination, violence, and harassment, especially of a sexual nature. College Councils are required to develop

strategic plans that address gender and other forms of inequality. They also need to ensure there are measures that guarantee the safety and security of students, lecturers, and support staff.

The *White Paper on Education and Training* (1995) acknowledges the skewed gender relations in many education institutions, including the most senior, social relations among students, and between staff and students, which exhibit sexism and male chauvinism. Sexual harassment of 'girl and women students and women teachers [lecturers]', as well as acts of violence against women, are common in many parts of the education system both on and off campus and must be addressed. From 1995, there is strong continued focus on improving equity in relation to gender, race and disability.

The *White Paper 3, A Programme of Transformation of Higher Education* (1997) states that supporting a democratic ethos and a culture of human rights through education programmes and practices conducive to critical discourse and creative thinking, cultural tolerance and humane, non-racist, non-sexist social order, is an element of the education system's transformation. It strongly objects to incidents of rape and sexual harassment on campuses and urges institutions to develop internal policies in this regard.

The contribution of education to social justice is also recognised in Chapter 2 of the *White Paper for Post-School Education and Training* (2014). It states that the objectives of the PSET system are, in particular, in improving access and success for those groups whose race, gender or disability status had previously disadvantaged them, as well as to create a socially inclusive society in the institutions with no discrimination based on, among other things, gender. It emphasises the role of the Department in building a fair, equitable, non-racial, non-sexist, and democratic South Africa. It also commits the Department and the PSET system to gender equality and a safe teaching and learning environment.

Similarly, the national educational policy mooted in the 2006 Continuing Education and Training Act for TVET and CET colleges see the PSET system as contributing to both the personal development of individual students, as well as the broader development of society, including through the advancement of democracy and rights.

In addition, the Department published the ***Policy Framework for the Realisation of Social Inclusion in the PSET System (2016)*** (Social Inclusion Policy Framework) in 2016. The Social Inclusion Policy Framework calls on PSET institutions to 'ensure that institutional policies include social inclusion mechanisms that are guided by principles of substantive equality that aim to remove all barriers that perpetuate and create inequalities in society.' It makes it mandatory for PSET institutions to develop policies eliminating sexual harassment, including by setting standards and guidelines for dealing with offenders and implement these policies in a progressive way.

The Policy Framework to address Gender-based Violence in the Post-School Education and Training System (2020) (GBV Policy Framework), creates an enabling environment for the eradication of GBV and instils the respect, protection, promotion and fulfilment of human rights. The GBV Policy Framework intends to assist PSET institutions to prevent GBV on and off campus, empower students and staff to address GBV, address the occurrences of GBV and provide a monitoring instrument to the Department to assess the implementation of the GBV Policy Framework.

The approval of this Policy Framework was one of the indicators specified under the key intervention on strengthening the delivery capacity of South Africa to roll out effective prevention programmes under Pillar 2 of the National Strategic Plan on Gender-Based Violence and Femicide (2020) (NSP-GBVF). The NSP-GBVF identifies the Department as a key strategic partner and one of the lead departments for Pillar 2.

The GBV Policy Framework is currently being implemented in institutions and contributes to the following activities of the NSP-GBVF:

- Change behaviour and social norms that drive GBV with key groups using a variety of approaches;
- Challenge and transform toxic masculinities driving GBV perpetration;
- Harness approaches to prevention that facilitates integration and deepen impact; and
- Restore human dignity, build caring and safe communities that is responsive to individual and collective trauma.

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Following the publishing of the GBV Policy Framework, Higher Health assisted the Department to develop protocols and guidelines on the implementation of the policy framework. These protocols and guidelines provide further guidance to institutions on what to do in different circumstances, and what the role of each person/official should be. Six protocols were developed in total, and of particular importance are three, namely:

- Implementing Protocol on Campus Safety and Security Minimum Standards;
- Protocol on Staff and Student Relationships; and
- The Protocol on Rape and Sexual Assault.

3. Governance Structure

The Department participated in the following structures during this reporting year:

3.1. National Technical Inter-sectoral Committee on the Management of Sexual Offences and Related Matters

This is a multi-stakeholder structure charged with implementing and monitoring the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007). During the reporting period, the Department participated in the NT ISC-SO meetings held on 12 May, 28 July, and 8 September in 2022 as well as 30 March and 11 May in 2023.

3.2. National Strategic Plan for Gender-Based Violence and Femicide

The Department continues to participate in activities and structures that are involved in the implementation of the NSP-GBVF following its finalisation in 2020. Such activities include submission of monthly reports and the involvement in the collaborative structures for the implementation of the NSP and actively contributing to the outcomes of Pillars 2, 3, 4 and 6. On 1 and 2 November 2022, the Department together with the implementing agency, Higher Health, participated and contributed in discussions during the 2nd Presidential Summit on Gender-Based Violence and Femicide which was themed: *'Accountability, Acceleration and Amplification'*.

4. Stakeholder Co-ordination

The PSET System is a complex system consisting of different institutions at different levels as well as different entities. Therefore, stakeholder co-ordination is necessary to ensure that all elements of the system work together harmoniously to address GBVF generally and sexual offences specifically. The following structures have been formed at different levels and they are used as vehicles to disseminate information, allow for

discussions and sharing of good practices. They can also be viewed as learning communities.

4.1. National Social Inclusion Forum (NSIF)

The NSIF is a coordinating and consultative body that allows the Department to consult with key stakeholders on matters pertaining to social inclusion and for stakeholders to share information about their interventions (including research), on social inclusion in the PSET system. The NSIF interrogates the Social Inclusion Policy Framework and acts as a structure that guides the review of the policy framework. It therefore addresses blind spots that may not have been anticipated at policy development.

4.2. Transformation Managers' Forum (TMF)

This forum consists of Transformation Managers of all public universities, was established as a community of practice by Universities South Africa (USAf) and meets quarterly to coordinate transformation across institutions. This forum was created to promote inter-institutional information sharing, engagement as well as collaboration on issues of common interest.

Common Campaign Days are held in August and are driven by Transformation Managers. These assist universities to be intentional about their themed activities as well as to share best practices and programme ideas.

HERS-SA is a non-governmental organisation dedicated to the advancement and leadership development of women in higher education and works with higher education institutions to support their gender equity agenda. These webinars continue to provide Transformation Managers with thought provoking discussions that inspire them and give them confidence to continue with the transformation agenda in their institutions.

4.3. Student Support Services Managers (SSS)

The chance of a student succeeding academically in TVET colleges is increased when there is holistic student support from the institution. Student Support Services (SSS) has been established in all TVET college campuses and such services advocate for a holistic student-centred approach that seeks to increase the chances of success and employability of students. These include inter alia, assisting students in making programme and subject choices, enabling students' access to financial aid, addressing accommodation of students with disabilities, and providing academic, emotional and social support.

Prevention of GBV is one of the activities undertaken by this forum. Through the monitoring activities of the SSS, students that are at risk of GBV are referred to external service providers for attention.

4.1. Regional Gender-Based Forum

Following the publication of the GBV Policy Framework, the institutions in the Free State province decided to form a regional GBV forum so that they can encourage and support each other to address GBV and femicide in a more serious manner. One of the observations they made was that inter-iversity sexual violations go unnoticed and transgressions unpunished. The initiative was taken by the University of Free State (UFS), and it includes Central University of Technology (CUT), Maluti TVET College, Motheo TVET College, and Sol Plaatje University (SPU) which is based in the Northern Cape.

Since its inception, this forum has been meeting virtually once a term, sharing best practices and planning awareness programmes together. Members of this regional forum are also participating and contributing to the Provincial Programme of the Implementation of the NSP. The Department has shared information and provided support to this forum.

5. Institutional Implementation – HIGHER HEALTH

Higher Health implemented several activities to raise awareness and empower youth with appropriate information to help them understand and prevent GBV from occurring. In addition, interventions that address structural factors within the system were put in place during this reporting period.

Many female students, students from the LGBTQI population and other vulnerable students still endure the most of social and economic inequalities that place young South Africans at an elevated risk of GBV, intimate partner violence (IPV), crime, etc. The Department's health, wellness, and development agency for the PSET sector, also known as HIGHER HEALTH, continually works with South African universities and TVET colleges to implement resources and infrastructure to prevent and respond to sexual and gender misconduct, assault, and rape.

HIGHER HEALTH is the implementation arm of the DHET to implement a **comprehensive and integrated programme** promoting health and wellbeing of students across South Africa's public universities and TVET colleges and provide on-campus support to PSET institutions in **7 PRIORITY AREAS**:



5.1. GBV Dialogues with the Deputy Minister and Minister of Higher Education, Science, and Innovation

During the month of August 2022, the Department, led by the Deputy Minister of Higher Education, Science and Innovation, Mr Bull Maramele, in collaboration with HIGHER HEALTH, hosted a series of dialogues called Youth GBV Assemblies at various TVET College campuses. The purpose of these dialogues was to raise awareness, mobilise youth to take a stand against GBV with the goal of creating safe spaces within the PSET sector.



On 15 August 2022 – the Youth GBV Assembly was held at Waterberg TVET College in Thabazimbi and on 19 August 2022 – it was held at Capricorn TVET College, Potokwane Campus. The MEC of Health, Dr Phophi Ramathuba, joined the Deputy Minister and the Chief Executive Officer (CEO) of HIGHER HEALTH, Prof Ramneek Ahluwalia, in addressing the students and responding to their concerns.

Deputy Minister Maramela, in his keynote address, highlighted the gravity of the GBVF issue among the youth and emphasized the need for collective action. He stressed the importance of involving young people in decision-making processes and called for a comprehensive approach encompassing education, advocacy and relevant policies and procedures within the institutions. Some recommendations that emanated from these dialogues were that there should be:

- Increased efforts to improve access to support services for GBVF survivors, including counselling, referral to legal aid when the need arises, as well as referral to healthcare centres, legal aid, and healthcare. Collaboration between government departments and Non-Governmental Organisations (NGOs) is key to achieving this;
- Enhanced youth-centred empowerment initiatives should be established to provide resources, skills training, and educational programs aimed at fostering personal development, confidence, and resilience among young people;
- Increased awareness activities about sexuality education and relations, focusing on consent, healthy relationships, gender equality, to prevent GBVF and challenge harmful norms; and
- Increased efforts to encourage reporting mechanisms, ensuring that survivors feel safe and supported when reporting incidents of GBVF.

During these sessions, HIGHER HEALTH also provided capacity building for institutional GBVF response teams, student and staff leadership, campus security and maintenance officers.

The Department through HIGHER HEALTH, on 22 August 2022, hosted a GBVF roundtable. This was held at the Constitution Hill in Braamfontein. The Minister of Higher Education, Science and Innovation, Dr Blade Nzimande, addressed the audience. The Minister emphasised the need for education to empower both males and females to get rid of stereotypical gender norms that reinforce patriarchy. He emphasised that

emancipation should not be just theoretical but must also have practical and concrete programmes. He committed to lead from the front by engaging Trade Union leaders, student leaders, and Vice-Chancellors and college principals, as well as all leaders whose young males are to prioritise the involvement of boys and men in the struggle for gender equality.

During this session, survivors of GBVF, a TVET College student and a university student as well as a reforming perpetrator, shared experiences that highlighted the barriers and complexities in responding to GBVF.



A panel consisting of activists, survivors, and a reforming perpetrator, DGE, as well as members of the campus protection society of Southern Africa (Comprosa) during the Ministerial Roundtable engagement held at Constitution Hill on 22 August 2022.

On 25 - 27 August 2022, the South African Union of Students (SAUS) collaborated with the Department through HIGHER HEALTH and launched its National Mental Health Awareness Campaign and GBVF Assembly at Nelson Mandela University (NMU). The Deputy Minister, Mr Buti Manamela addressed the representatives. He made connections on how mental health and GBVF are interdependent in reinforcing the high levels of GBVF.

On 30 August 2022, the Deputy Minister, Mr Buti Manamela was at the Mangosuthu University of Technology (MUT), and on 31 August 2022, he was at Esayidi TVET College continuing to raise awareness about GBVF. During these sessions, there was also activation of the First-Things-First, a programme that raises awareness about HIV and

AIDS providing the campus community with an opportunity to be screened and where they are found to be positive, they are immediately referred for treatment. The Deputy Minister emphasised that GBVF is a daily experience for most women and members of the LGBTQI community. Therefore, these gatherings should not be limited to women's month but should continue throughout the year. He underscored the importance for men to realise that they are part of the problem and the need to re-evaluate what it means to be a man, especially given some practices that are cultural, religious, and traditional that permit men to act in a demeaning manner towards women and members of the LGBTQI community. Through the panel discussion session, the audience was also able to engage in discussions that entrenched better understanding.

5.7 Awareness Programmes with TVET Institutions

5.2.1 eThekweni Campus

During the month of May 2022, the HIGHER HEALTH team had a "Taking off the Mask" women's dialogue event at eThekweni TVET College. The dialogue's aim was to break the silence of women who experience mental health challenges because of GBVF. The ladies were divided into groups to discuss what their understanding of GBVF is and to also work together in discussing forms of GBVF and procedures to follow if they were to experience sexual offence or any form of GBVF.



Sharing experiences and formulating emergency plans can help those at risk to take control of the situation when it becomes necessary.

5.2.2 Tshwane North TVET College

On 9 August 2022 the Tshwane North TVET College (Mamelodi Campus) held an Imbizo dedicated to strengthening the response to rape and GBVF that happens at education institutions and in communities where students and staff come from.

5.2.2. Buffalo City TVET College

The Buffalo City TVET College conducted a Dialogue on LGBTQI issues on campus during the month of August. Human rights and Gender Diversity and Higher Health Eastern cape team did a First Thing's First Activation offered Services such as HIV Testing, TB/STI Screening, PrEP, Contraceptives, health talks, men's health and psychosocial support services.



Peer Educators, students and the screening team help to make the process less intimidating.

5.2.4. Majuba TVET College

Majuba TVET College, Dundee Technology Centre, hosted the second annual dialogue for adolescent boys and young men, on Wednesday, 20 July 2022. The event focused on the theme "Building Winners out of Ordinary Men". The day began with a soccer tournament featuring various teams on campus competing against each other, including the staff team. Throughout the programme, experts and professionals addressed the adolescent boys and young men on topics that impact men's lives, such as Crime Prevention, Mental Health (Depression and Anxiety), Drugs and Substance Abuse, GBVF, and HIV/AIDS Prevention. Attendees had the opportunity to listen to the presenters, and engage with them during a question and answer session.

The event was honoured by the presence of Prince Nhlakaniso Zulu, the ambassador of Isibaya Samadoda in KwaZulu Natal, who delivered a keynote address. The men's dialogue was highly successful, providing a valuable platform for men to discuss and explore different approaches to addressing life challenges and social issues.

Including GBV, HIV stigma, lack of access to health services for men, circumcision, and more.

The event was hosted in collaboration with the Department of Health, Endumeni Local Municipality, Dundee SAPS, Department of Social Development, Higher Health, Siphuthando Care Centre, and Department of Sport, Recreation, Arts, and Culture.

5.3. Community Education and Training Colleges Councils

The CET college councils were established and launched by the Minister of Higher Education and Training in October 2015. They are the highest decision-making body of each college in South Africa. Their role is to steer and set strategic direction for the College, approve college policies and plans, oversee, and monitor the college operations and performance towards set strategic objectives and ensure management accountability on behalf of the Minister and the Director-General. There are 9 Public CET Colleges and over 1800 campuses.

An Induction workshop for members of the CET Colleges Council took place in October 2022 at the College of Cape Town, Crawford Campus. The Director of Programmes at Higher Health, Ms Thozekile Finger, facilitated the information session on GBVF Interventions.



Capacity building for leaders, a necessary process to ensure accountability

In addition to the specific events mentioned above, HIGHER HEALTH also provides routine extra-mural, second curriculum, peer-to-peer dialogue and workshop sessions for students in TVET colleges and universities. The aim of the peer-to-peer capacity building

programme is to generate knowledge and create demand among students so that they can access services.

The peer-to-peer session modalities are attracting students in classrooms after formal education, as well as residence programmes, which are very popular in universities. As part of the GBV peer-to-peer sessions, students are encouraged to self-administer a GBVF risk screening assessment tool. As such, GBVF risk assessment tools are distributed at every dialogue and students indicating high risk for GBVF are linked to psychosocial support offered by psychologists and social workers on campus and through the HIGHER HEALTH psychosocial support programme which includes access to clinical psychologists and a 24-hour HIGHER HEALTH toll-free helpline 0800 36 36 36.

6. Capacity Building Activities

The Department has strengthened the effort to combat some forms of GBVF by appointing a dedicated official to deal with sexual harassment. The Sexual Harassment Advisor (SHA) was appointed in 2021 and continues to provide support in resolving the reported cases of sexual harassment in the Department, TVET and CET colleges. The SHA was appointed to carry out the following functions:

- To advise and assist the Director-General or his delegate and other officials seeking guidance in the handling of sexual harassment complaints;
- To advise the complainants on the appropriate course of action and available support;
- To provide guidance on how to complete the appropriate grievance form;
- To investigate the complaint and bring the report to the attention of the Director-General or his delegate;
- To provide a neutral, confidential, and supportive environment for employees who have been sexually harassed and
- To maintain statistical information on reported sexual harassment cases in the Department and report to the Director-General of the Department of Public Service and Administration.

Several workshops were held on sexual harassment and GBVF in the PSET system in 2022 and 2023. These included workshops with Departmental staff and also with officials across the PSET system on bullying, financial abuse as a form of GBVF, how to deal with sexual harassment in the world of work and more.

Institutions themselves, in collaboration with Higher Health and the involvement of other stakeholders and the community, drive most capacity building and training interventions. The following are some of the training activities that have taken place during the reporting period:

6.1. Peer Educator Programmes

Peer Educators become agents of change in each institution or campus. They are equipped with educational toolkits, facilitation skills as well as guidance in general health and wellness. During these training sessions students can discuss issues around women's health and wellbeing, including GBVF, men's health, issues affecting the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual+ (LGBTQIA+) as well as alcohol and drug abuse. Peer education entrenches the values and attitudes of being compassionate and caring among students whilst at the same time gaining knowledge and skills.

During the month of August 2022, a refresher training for Peer Educators was held at the Cape Peninsula University of Technology. The university started the First-Things-First Activation health screening campaign in August 2022, where the teams visited campuses and campus residences to bring these services including risk assessment and condom distribution. Peer Educators were encouraged to conduct discussion groups for the month of September and October. Areas covered in training were GBVF awareness, HIV, STIs, TB awareness, and PrEP, followed by teambuilding.



7. University Programmes

7.1 Cape Peninsula University of Technology (CPUT)

On 5 May 2022, the Office of the Vice-Chancellor, and Deputy Vice-Chancellor: Research, Technology, Innovation and Partnerships, held the first conversation in a series of Cape Peninsula University of Technology (CPUT) GBVF Crucial Conversations. The theme was, "Masculinity and Manhood in Eradicating GBVF" and the targeted audience were men in positions of leadership at various management and governance levels. The Conversation was aimed at involving and engaging CPUT men as partners in the university's efforts to ensure zero tolerance for GBVF.

The understanding that GBVF is a pandemic that knows no boundaries and requires every member of the CPUT community to play a role motivated the conversation. Subsequent conversations will target different role players such as women, men and LGBTQIA+ communities to prompt them to discuss, learn, and share lessons, practices, and research agendas on GBVF. Dean Peacock, from *The Women's International League for Peace and Freedom*, as well as Dr Matome Kganakga from *Takwani Rime! Institutionalising a Responsive Man's Movement*, led the conversation. From this conversation, Dr Kganakga pledged to:

- establish campus-based Takwani Rime! Movements at CPUT;
- assist CPUT with their goal of achieving a zero-tolerance culture to GBVF; and
- help establish the CPUT Men's Assembly.

7.1.1 Research Indaba on Gender-Based Violence

The CPUT hosted its first Research Indaba on GBVF in Higher Education under the theme: "Crafting trends, patterns and awareness intervention to combat GBVF". This was held for two days, starting on 8 March 2023 to coincide with the International Women's Day and continued to the next day. The purpose of the two-day event was to share lessons, strategies, interventions, practices and research agenda on:

- Enhancing integrated, multi-sectoral coordination and collaboration on gender equality and women empowerment to combat GBVF in higher education;
- Dealing with changed behaviours, social norms and interventions that drive GBV for students and staff.

- Enhancing sustainable and survivor-centred response, care and support services for students and staff;
- Sustaining responsive, efficient, safe and responsive campus protection;
- Ensuring evidence-based research and integration of research focus areas; and
- Integrating realist evaluation approaches aimed at developing GBVF interventions to existing social problems to bring about social change.

The Vice-Chancellor, Prof Chris Nhlapo, welcomed attendees who consisted of staff and students, and guests from public and civil society, as well as other PSET Institutions. Prof Nhlapo emphasised the institution's zero tolerance to GBVF.

In her keynote address, Prof Mzikazi Nduna, Dean of the Faculty of Health Sciences at the University of Fort Hare, highlighted how culture and traditions were still used to justify certain practices that perpetuate harassment and violence. She also encouraged the audience to not only pay attention to interpersonal violence, but should also address structural violence that is still evident in the systems and institutions and practices that are not changed.

The Deputy Minister of Higher Education, Science and Innovation, Mr Buzi Manamela, also gave a keynote address during this event and acknowledged that post-school education and training is deeply affected by the scourge of GBVF. He shared that GBVF is now regarded as a national emergency that has compelled the Department and Higher Education to, over the years, develop the GBV policy framework, a number of protocols, institutional and programmatic interventions, all of which are intended to create a safe and secure environment for students and staff in the PSET system. During the evening on 8 March, an emotional candle-lighting ceremony was held in honour of GBVF victims, where CPUT staff member, Flora Buffet, shared 'HerStory' from her childhood as a GBV survivor.

7.3. University of Venda (UNIVEN)

Combating the scourge of GBVF is a collaborative effort. This was evident when on 1 August 2022, the Minister of Justice and Correctional Services, Honourable Ronald Lamola, addressed staff and students at the University of Venda (UNIVEN) about issues of GBVF, drug abuse and crime. Acknowledging the efforts needed to fight GBVF and related social ills that contribute to its perpetration, he enlightened the audience about the

expansion in the definition of vulnerable persons to include women below the age of 25, who may still be found as students in the PSET system. He agreed with research that links women abuse, rape and domestic violence to patriarchy and toxic masculinity, and concluded that GBVF is real and is causing untold harm. He indicated that the audience should realise that GBVF is not only a matter for the justice system, it is a societal problem, one that can be resolved by society's joint efforts.

7.4 Sol Plaatje University

To commemorate Women's Month Sol Plaatje University (SPU) hosted a public lecture in August 2022 that was given by the retired Constitutional Court Justice and former Sol Plaatje University Council Chair, Judge Yvonne Mokgoro. In order to address violence against women and children, the speech underlined the significance of men and women working together. In order to address GBVF, Mokgoro underlined the necessity for societal transformation and the function of the legal system. She urged women to maintain their self-confidence, deal with the condition of weak women and children, and make sure that women are given equal opportunities at all levels of society.

7.5 University of Fort Hare

7.5.1 #ColourtheWorldWhite Campaign

In the second week of Women's Month, the University of Fort Hare (UFH) GBV Prevention Unit held its #ColourtheWorldWhite campaign against violence to women and girls. The highlights of the event were the self-defence techniques demonstrated by the Karate Society. Students, mostly male, attended the session held at the Miriam Makaba Arts Centre (East London Campus) where they showed full participation.

The campaign programme focuses on a different colour each month for the nine months with each colour representing different vulnerable groups. The campaign is an educational awareness programme that started in March 2022 runs throughout the year, ending with the onset of the 16 days of Activism campaign in November.

Dr Rianna Oelofsen, GBV Prevention Unit Director incorporated the karate society to demonstrate and equip female students with basic self-defence skills so that they can protect themselves. The campaign's coordinator, Tyrone Parks urged the students to attend and participate in the campaigns that are meant to assist them, and applauded the active participation from male students.

7.5.7. Law Clinic Empowering Women

UFH Legal Clinic under the Law Faculty visited Duncan Village in Buffalo City Municipality to empower the women with free legal services. Duncan Village is a low-income residential area located in East London and is home to about 90,000 people who mostly live in shacks located in informal settlements.

The community engagement themed, **'Realizing Women's Rights for an Equal Future'**, was held on Friday, 19 June 2022, in collaboration with the South African Social Security Agency (SASSA); Department of Home Affairs; Department of Social Development and Masimanyane Women's Rights International Group.

The legal issues discussed that day included evictions, domestic violence, child support, and children's rights. Mr Siyabulela Pango, Director of the Legal Clinic and Candidate Attorneys, presented these issues. The Dean of Faculty, Prof. Mzukisi Njotini, who addressed the community and delivered a speech to set the tone of the meeting, led the UFH team. The session ended with a vigorous question and answer session that was facilitated by Dr Siyabulela Fobosi, UFH Senior Researcher at UNESCO 'Oliver Tambo' Chair of Human Rights.



7.5.8. UFH Drama Society created a theatre play to raise awareness

Often when incidents of GBVF occur, a number of questions arise – one being: 'Why did it happen?' This question is the inspiration behind the UFH Drama Society's theatre play that was showcased at the National Arts Festival (NAF) in Makhanda (Grahamstown), titled, **'Xa Bekutheni'**, which loosely translates to 'why did it happen?'. The play was

developed following the death of Nosikele Mtebani, a UFH final year Law student who was brutally murdered in August 2021.

The drama society's director, Yanga Mabatse, a first year master's degree in social sciences student collaborated with Dr Rianna Clewson (founder of UFH's Office of Gender Equality) to develop a play that addresses incidents of violence against women. "Xa Bekutheni!" aims to inform, educate, influence, and create positive change in the pandemic of violence against women. The theatre play is designed to start conversations about some of the causes of violence against women by following the lives of two people (male and female) who have experienced GBV from childhood to adolescence.



Members of the UFH Drama Society

7.5.4. UFH Men's Indaba

"The fight against GBV will only be successful when there is change in the mind and attitude", these are the words that were echoed by the Vice-Chancellor of UFH, Professor Buhlungu on 28 July 2022 at the Alice Complex that was packed to its full capacity as men from all walks of life gathered for the University Men's Indaba.

Using the theme, "**Moral Regeneration**", the Student Affairs sought to challenge the status quo where men are seen to be perpetrators of GBV and to redefine the role of men in society. The programme was directed by Ayabonga Kekana, a journalist by profession and well-known as the "Xhosa men's association spokesperson". All speakers.

including representatives from the Provincial Legislature, Raymond Mhlaba Local Municipality UFH Gender Equity Office and the Student Counselling Unit, Abathembu and Rhrhabe Royal houses. Student Representative Council and Dean of Students spoke with one voice, calling all men to become champions of change. The event highlight the need for collaboration in addressing the social issues that are associated with GBV.

7.6. University of Zululand

7.6.1. "Each for Equal" Women's Month Celebration

The University of Zululand (UniZul) SRC together with Richards Bay Academic Societies paid admiration and appreciation to all South African women by hosting an event in commemoration of Women's month celebration themed "Each for Equal". When translated to action, it emphasises that each person has a responsibility to make sure that a future of equal opportunities is within reach for all. This event took place at the Richards Bay Campus Atrium, and students as well as stakeholders attended it.

The event's major goal was to empower and provide a unique chance for female students to engage with successful female company owners in order to form networks that could be helpful to young women. It was an empowerment event to encourage female students to believe in their abilities and have the confidence to establish innovative businesses. Various conversations were held with the Moses Kotane Institute (MKI) in an attempt to alert students to how important innovation and entrepreneurship are. These conversations were also to guarantee that students are well equipped to compete globally. Some businesses that were part of the initiative were ABSA and Nyame Adom Farming whose representatives addressed the audience and shared their experiences. Women's empowerment is critical to ending GBV.

7.6.2. Men's Imbizo Seminar

On 5 August 2022, the University of Zululand (UNIZULU) hosted a Men's Imbizo Seminar at its KwaDlangezwa Campus' King Bhekuzulu Hall. Themed, "Madoda Sabelani!!", the seminar aimed to teach male students about male behaviour, mental health, black male empowerment, and substance misuse. The seminar was prompted by observations that male behaviour in South Africa is characterised by toxicity, fragile masculinity, and violence, growing statistics of fatherlessness, GBV, and that these social ills reflect

learned behaviour that many South African men have been socialised into and therefore, it can be unlearned and new ways of behaving be cultivated.

Dr Sphamandla Gumede, one of the speakers, indicated that men have changed, adding that the fact that women do not feel safe around men anymore was the evidence of this. Sbonelo Ntombela, an SRC member, spoke about GBV in relationships and how men must intervene in abusive relationships since women are dying at the hands of men. He indicated that intervention was a must in GBV whether it be friends, neighbours, or family members that are perpetrating violence. Ntombela urged men to stop abusing women as an act of parading their masculinity.

Buhlebenvelo Dube, Chairperson of the Housing Committee, spoke about how substance abuse affects culture in the residences. Dube shared with the audience that he believed that there are a lot of expectations set for men which lead them to abuse substances. Therefore he encouraged men to set standards for themselves as failure to do so leads to a lack of confidence including easy influence to unacceptable behaviours by peers. He concluded by stating that the abuse of substances also has an effect in men abusing women.



/// University of Witwatersrand (WITS) CALS' Gender Justice Programme hosted a workshop on 1 June 2022 with students on reporting sexual offences to the police. The workshop focused in particular on identifying what constitutes sexual assault and harassment and included discussions on GBV and rape culture more generally.

The team went through its legal definition and stressed the idea that consent is not a perpetual undertaking but rather can be withdrawn at any point in time from when it was initially given – even as soon as immediately afterwards. The workshop also focused on the legal consequences of acts that constitute sexual harassment and sexual assault. It was also necessary to capacitate the students by explaining what to expect when they report a sexual offence. The facilitators went through what will likely happen if they find themselves having to go to the hospital or police station and the rights that they are entitled to so that they are not subjected to further abuse, humiliation or harassment by any officer of the law or public health official while they find themselves in a vulnerable position.

7.8 North West University (NWU)

The Vanderbijlpark Campus of the North-West University (NWU) launched a inaugural GBV Awareness Campaign on the 1st of September 2022. The campaign was a collaborative effort between the NWU's Student Judicial Services, Employee Wellness and Alumni Relations, and ran until 11 October.

Themed "Silence allows violence - Speak up...it all starts here", the campaign included valuable information on services and resources related to GBV available to students and staff. It kickstarted with a virtual presentation by NWU lecturer Vedhna Lalla who talked about raising healthy males. Martin Polders, a television personality and sexual abuse survivor, then talked about men as survivors of abuse, women as abusers, and LGBTQIA+ awareness. He emphasised sexual assault against boys and men, calling it an "unknown pandemic".

Ujeet, together with Michelle Bownes, a senior employee specialist from Employee Relations, spoke on protocol compliance from both a student and a staff perspective, emphasising the significance of breaking the silence and serving justice to transform our society. Furthermore, Shanae Thounissen, a Psychology lecturer, and Lebo Maekela, representing Student Life and an LGBTQIA+ activist, talked about interpersonal violence, stalking, and reporting sexual harassment, as well as accessing on and off-campus services.

Employee wellness specialist and one of the event's organisers, Genevieve Poodhun, said they were pleased with the enthusiasm the campaign has received and will arrange similar conversations in the coming months.

7.9. University of Limpopo

On May 18, 2022, the University of Limpopo launched a Gender Desk office that was tasked with holistically administering gender-related services to the entire university community. The office develops and implements policies as well as ensures that tangible assistance, i.e., emergency response, psychosocial support, trauma health care, and legal assistance, is available to all students and staff.

The University of Limpopo's Gender Desk hosted a two-day workshop to raise awareness and address GBVF prevention. The workshop targeted general workers in the university. The session was part of a series of GBVF training and discourse aimed at teaching and raising awareness about GBVF among the university community.

The workshop with general workers at the University of Limpopo (UL) reported that the Mankweng area ranks 13th in the country with the most cases of GBVF.

She noted that general employees might be victims of GBVF because they are frequently placed in situations in which they cannot advocate for themselves. Rev. Dr Rapakwana added: "Some of you are abused on a daily basis, either sexually, emotionally, or mentally, but cannot notice some of the abuses because you do not know them. We are here today to assist you in working in peace and knowing who to consult and report such abuses."

A psychologist from UL's Centre for Student Counselling and Development, Dorothy Mafemela, underlined that 50% of GBVF in South Africa was committed by people who are close to their victims. "From April 2020 to date, 568 cases of rape have been reported nationally, with 40% of women being physically abused," Mafemela said, emphasising that these statistics may be inaccurate because most victims do not report abuses for various social and financial reasons, especially that most perpetrators are breadwinners. Mafemela further said that alcohol was a common factor that influences abuse, as are cultural norms in which some ethnic groups promote masculinity. She went on to say that financial dependence, personal disorders, and absent parenthood are some of forms of abuse to be aware of. According to Makhodi Maphakela of the UL Health and Wellness

Centre, the consequences of GBV have long-term effects on an individual's physical and mental well-being. 'Victims of GBV, particularly those who are sexually abused, are at a risk of contracting HIV, whereas those who are physically abused suffer permanent damage to their bodies,' she explained.

Other effects, according to Malemela, include psychological effects, post-traumatic stress disorder, nightmares and flashbacks, major depression, and complex trauma. One of the attendees, Motlwa Motlwa believes that more workshops on social ills will help vulnerable women. "I live in a rape-infested neighbourhood whereby most victims are afraid to report cases because they are not empowered."

Another attendee, Joef Mashimane, stated that the workshop provided them with steps to take when reporting any type of abuse, whether at work or at home. These include reporting cases to local authorities, police stations and local healthcare facilities. Rev. Dr Rapakwana also stated that, while men are not immune to abuse, women are disproportionately victimised. She advised the employees to use the Gender Desk for assistance with any form of abuse. "The University has put in place a number of policies to assist you. This includes the formation of a Gender Desk Technical Committee and a Gender Equity Advisory Committee, both of which are at your disposal," she informed.

8. Public Awareness and Communication

Public awareness and communication on issues pertaining to GBV and sexual offences in most institutions is facilitated through HIGHER HEALTH. 'First-Things-First' activation programmes take place on all campuses of universities and TVET colleges. These comprehensive integrated programmes are run throughout the year to mitigate the challenges of Human Immunodeficiency Virus (HIV), Tuberculosis (TB), Sexually Transmitted Infections (STI) Sexual Reproductive Health (SRH) rights, GBV, mental health, alcohol and sexual abuse prevention, disability sensitisation, LGBTQIA+ destigmatisation and other general health and wellness challenges. Furthermore, the messages are also communicated through the Future Beats Youth Development Programme (FBYDP) which uses 21 community and campus radio stations and social media to engage students on relevant topics.

9. Collaboration on Pillar 3 of the National Strategic Plan for Gender-Based Violence and Femicide Collaborative

On 13 October and on 10 November 2022, the Department conducted workshops titled **"Valuing of officials and the National Register of Sexual Offenders"** (<https://youtu.be/WuP2eCG3Dhc>) as well as **Domestic Violence in Institutions of higher learning**. These were virtual workshops conducted through MS Teams platform. The first was facilitated by the Department of Justice and Constitutional Development whilst, the latter was facilitated by MOSAIC, an organisation that provides services to survivors of domestic violence. These workshops were part of a series of readiness training sessions for the implementation of the three GBV Amendment Acts, namely:

- **Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2021 (Act No. 13 of 2021);**
- **Criminal and Related Matters Amendment Act, 2021 (Act No. 12 of 2021); and**
- **Domestic Violence Amendment Act, 2021 (Act No 14 of 2021)**

The **Policy Framework to Address Gender-Based Violence in the Post-School Education and Training System**, published in 2020, refers to these acts. Furthermore, the Department submits annual reports to the Department of Justice and Constitutional Development on the implementation of the Sexual Offences and Related Matters Amendment Act. These training sessions benefitted both the Department officials and officials from institutions reporting to the Department and the response was enormous.

The Department hosted a **men's seminar** on 25 November 2022. This was a significant day as it was the first day of the 16 Days of Activism for No Violence Against Women and Children and the first men's seminar since the department was established. 19 November is International Men's Day, but the day could not be celebrated in the Department as it fell on a Saturday.

The seminar was designed as an information exchange and covered topics whose focus was on raising awareness and empowering male officials. The following topics were discussed:

- The negative effects of patriarchy;
- Men's mental and physical health,
- Substance abuse and its impact on family and work;

- Male violence and the fact that men are also victims of rape, sexual exploitation, and domestic violence;
- The challenges men face as single parents, especially when they do not have good relationships with the mothers of their children; and
- Personal financial management.

The Deputy Director-General, Corporate Services, Ms Lulama Mbobo-Vava gave the keynote address. Her portfolio includes addressing the issues of sexual harassment in the Department. She indicated that sexual harassment is growing in the Department and the victims are usually young women. She emphasises that ending this scourge should not rest on the shoulders of one person.

10. Regional Social Inclusion Roadshows

The Social Inclusion and Equity Directorate conducted Regional Social Inclusion Roadshows in TVET Colleges in Limpopo, North-West, and Mpumalanga regions during the months of February and March 2023. These sessions targeted council members, management, lecturers, implementers, and student leaders. The purpose was to help the participating institutions to develop institutional policies based on the three policy frameworks on social inclusion, GBVF and disabilities. The main emphasis was on empowering them on how to protect themselves against GBV and sexual harassment. At the end of each two days' workshop, the colleges sat in groups and developed implementation plans for the three policies. These plans will be monitored by the directorate and progress will be reported in the Annual Social Inclusion Implementation Report.

In the 2023-24 fiscal year, the roadshows will continue in all the remaining regions, and the unit will target institutions that are harassment and GBV hotspots for focused awareness and education.

The Social Inclusion and Equity Directorate also provides sexual harassment advisory services to PSET system officials. The unit facilitates workshops and information sharing sessions with staff on all kinds and forms of sexual harassment, and further advises staff on ways of dealing with the occurrence of such. The unit further refers officials for counselling or therapy with the Internal Health and Wellness Unit, and provides support even to those who want to open criminal cases with the South African Police Services.

The head of the unit also chairs sexual harassment hearings as a presiding officer. These services offered to staff have contributed to the increase of reported cases of sexual harassment in the Department and the successful 'prosecution' of such. This sends a clear message to the perpetrators of sexual harassment that this ill behaviour will not be tolerated.

11. Making use of Social Media

Social media is extensively used in PSET institutions for raising awareness and communicating issues. This has been especially useful during the period of COVID-19 when students could only access their institutions by means of online interaction. This is also the modality that needs to be encouraged as it is aligned with the increase in the use of digital communication.

Posters have been used by institutions to educate and advocate for an increase in help-seeking behaviours as well as to announce discussion themes or events. These are placed in institutional social media accounts such as Facebook, YouTube pages and websites or even sent through emails as Newsflash. Some institutions use TV screens which are placed in strategic places where most students gather, to share information and advertise services offered in the institution.

The following examples from Wits, Nelson Mandela and Tshwane University of Technology are part of the media tools used by institutions to appeal to youth. This practice can be regarded as one of the positive spinoffs of COVID-19 since the use of these posters is still meaningful.





Some of the posters used by institutions to share information or to raise awareness about GBV related interventions.

12. Law and Policy Development

The Department has not developed any new policies during this reporting period. However, the Department is in the process of developing the National Directives as stated in the Domestic Violence Amendment Act, 2021. It is important to ensure that the directives are consistent across all PSET institutions and take consideration of all the needs of the stakeholders involved within the universities or colleges when these are developed. Also important is the incorporation of the protocols and procedures that have already been developed. This point is emphasised in every roadshow that the Social Inclusion and Equity Directorate conducts.

13. Conclusion

The threat of COVID-19 has lifted in the country and all systems seem to have gone back to normal. There are some good practices that have been adopted that have become the new normal, such as the online seminars or hybrid sessions for sharing information as well as making use of digital posters that are shared through social media platforms, websites and so forth. This continues to encourage wider participation and information sharing with minimal costs. However, load shedding has become the new challenge.

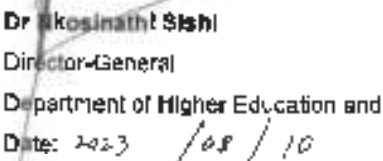
The Department of Higher Education and Training is committed to addressing GBV and all its manifestations in the PSET system. The PSET system continues to be appreciative

of all partners that have collaborated to work with institutions to ensure that sexual offences and GBVF are prevented and addressed. It is believed that as time goes on, more partners will be added to the PSEI system, and eventually this scourge will be defeated.

Official Sign-Off

It is hereby certified that this Departmental Annual Report was developed by the Department of Higher Education and Training for submission in 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 realising the goals of the Act. The reporting period for this report is from 01 April 2022 to 31 March 2023.

Approved by:


Dr Nkosinathi Sishi
Director-General
Department of Higher Education and Training
Date: 2023 / 08 / 10



LEGAL AID SOUTH AFRICA



**ANNUAL REPORT ON THE IMPLEMENTATION OF
THE SEXUAL OFFENCES AND RELATED MATTERS
AMENDMENT ACT 32 OF 2007**

01 April 2022 – 31 March 2023



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Legal Aid SA | Implementation of the Sexual Offences and Related Matters Amendment Act

1

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 Constitutional Development. Legal Aid SA is a co-opted Department that assists with monitoring and reporting on the implementation of the Act. Whilst co-opted Departments' 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 2022 to 31 March 2023.

The Strategic Plan of Legal Aid SA incorporated the National Development Plan in Outcome 5, which is: *Contribute to the effective functioning of the justice and legal sector, thereby promoting the rule of law and increasing access to justice.* In contributing to the effective functioning of the justice and legal sector, 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 its national footprint, within the available resources for the MTEF period.

2

GOVERNANCE STRUCTURES

In terms of section 65(3), the Act prescribes that Inter-Sectorial Committee (ISC) meetings must be convened twice annually. During the reporting period, Legal Aid SA attended the D-G's ISC on 28 March 2023.

Legal Aid SA reported on and participated in discussions regarding the following:

- a. Legal Aid SA court coverage of Sexual Offences Courts
- b. Sexual offences statistics
- c. Legislative amendments
- d. Capacity building training programmes for frontline staff on sexual offences
- e. Sexual Offences Annual Departmental and Consolidated Progress Reports

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

- a. Local Case Flow Management meetings
- b. Provincial Development Committee meetings
- c. Provincial Efficiency Enhancement Committees
- d. National Development Committee
- e. Inter-Sectorial Committee on Sexual Offences

In terms of the Business Plan of Legal Aid SA, *the forging of stakeholder partnerships to jointly increase access to justice and enhance the efficiencies of the justice system by increasing co-operation with and accountability to stakeholders* is an important objective.

The following actions have been achieved in the 2022-2023 financial year:

Table 1 – Stakeholder Engagement Events (includes hosting roundtable discussions, National and Provincial Stakeholder Forums)

Province	2022/2023				
	Q1	Q2	Q3	Q4	Total
National Office	4	3	2	1	10
Eastern Cape	1	11	10	10	32
Free State/North West	86	24	11	13	134
Gauteng	18	11	24	17	70
KwaZulu-Natal	8	4	12	10	34
Limpopo/Mpumalanga	48	41	18	36	143
Northern Cape/Western Cape	59	37	55	40	191
Total	224	131	132	127	614

3

PHYSICAL AND HUMAN RESOURCES

3.1. PHYSICAL RESOURCES

Legal Aid SA has a national footprint of 64 Local Offices and 64 Satellite Offices managed by six Provincial Offices. These Local Offices and Satellite Offices provide court coverage of the criminal courts nationally. The National Operations Department, headed by the National Operations Executive, is responsible for the implementation and oversight of the Act within Legal Aid SA. Due to budget constraints, the organisation has not been able to grow the national footprint further, however all criminal courts do have coverage on the days as determined by the Court Coverage Plan.

3.2. HUMAN RESOURCES

Legal Aid SA renders legal representation at State expense, where substantial injustice would otherwise result, as contemplated in the Constitution. The entity's Court Coverage Plan ensures that Legal Practitioners are available at all courts so that all accused persons in sexual offences matters can access legal representation.

Legal Aid SA employs a ‘practitioner per court’ model to ensure that all courts are fully covered by a legal aid representative.

Legal Practitioners with a minimum of five years of post-admission experience are deployed to cover courts where sexual offences matters are adjudicated. Legal Aid SA covers all identified Sexual Offences Courts on a ‘practitioner per court’ model.

Table 2 – Sexual Offences matters over the past 4-year period

Province	2019/2020		2020/2021		2021/2022		2022/2023	
	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	Sexual Offences matters	Total Legal Aid SA Criminal Matters
Eastern Cape	3,948	47,887	3,420	35,793	4,825	45,962	3,251	43,559
Free State/ North West	3,078	41,560	3,259	36,009	3,763	41,387	2,889	40,768
Gauteng	2,421	61,980	2,234	47,760	2,794	52,488	2,272	54,039
KwaZulu-Natal	3,610	56,885	3,633	44,822	4,110	47,914	3,666	51,154
Limpopo/ Mpumalanga	3,082	38,926	3,181	33,020	3,542	35,356	3,082	36,992
Northern Cape/ Western Cape	4,360	93,637	4,446	65,206	5,425	83,233	4,445	89,238
Total	20,499	340,875	20,173	262,610	24,459	306,340	19,605	315,750
% of Total	6%		7.68%		7.98%		6.21%	

There has been a significant decrease in the number of sexual offences cases from the previous financial year, not only in actual numbers (19,605), but also in terms of the percentage of sexual offences matters measured against the total matters for Legal Aid SA (from 7.98% to 6.21%).

3.3. EMPLOYEE ASSISTANCE PROGRAMMES

The 2022-2023 employee wellness calendar programme has been fully achieved. Additionally, the following awareness sessions were conducted throughout the country: health awareness; substance use awareness; men’s health; mood disorders in the workplace; women’s health; physical illness in the workplace; cancer awareness; diabetes, hypertension and obesity awareness; HIV/AIDS awareness; financial wellbeing; sexual health; childhood disorders and their impact in the workplace.

To further promote wellbeing, Legal Aid SA’s in-house Psychologist offers individual guidance on managing workload to counter the risk of people burning out.

There is also a formal agreement with an external service provider for referral of employees who need more extensive assistance.

Table 3 – Number of Legal Practitioners who consulted the In-house Psychologist

April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
9	5	3	7	1	1	2	5	0	5	3	4	45

Table 4 – Number of Referrals to LifeLine (Employee Assistance Programme service provider)

Type of Referral	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Total
Informal	0	8	9	11	14	4	21	17	8	9	19	14	134
Formal	13	9	10	8	10	4	3	1	0	1	0	1	60
Total	13	17	19	19	24	8	24	18	8	10	19	15	194

3.4. VICARIOUS TRAUMA SESSIONS

Vicarious trauma sessions were held in the provinces, specifically targeting Legal Practitioners who are in court and exposed to cases that can cause such trauma.

Table 5 – Number of Practitioners who attended Vicarious Trauma Sessions

Province	Attendees
Eastern Cape	10
Free State/North West	27
Gauteng	29
KwaZulu-Natal	23
Limpopo/ Mpumalanga	46
Northern Cape/Western Cape	28
Total	163

During the financial year, numerous awareness talks were held as part of the Organisational Culture Programme calendar. The talks were presented via Microsoft Teams and many Legal Aid SA employees attended the events.

4

TRAINING AND CAPACITY BUILDING

Legal Aid SA developed training material and ensured that all employees have been trained on the implementation of the Act. The organisation has an annual core training programme which includes sexual offences training and is aimed at all legal aid practitioners in the Regional Courts and High Courts. Each practitioner must undergo training that is essential for the position. Therefore, the programme is aimed at practitioners who have not participated in the training in the previous years. Although Legal Aid SA was not able to resume this training during the 2022-2023 financial year due to the fact that no suitable vendors were available on the Central Supplier Database, very few new practitioners have not been trained. This training will resume in 2023-2024.

The entity has also made available self-help training modules, relevant case law reports and other pertinent articles on its Intranet which all Staff have access to. Specific training targets for self-learning is applicable to all practitioners and these are monitored on a quarterly basis. The Training Unit ensures that the training website is constantly updated with new self-help modules and relevant articles.

Legal Aid SA has comprehensive quality assurance tools which ensure that all sexual offences related matters are monitored and evaluated to guarantee that no matters are delayed unnecessarily, and that the quality of the professional work delivered by the Legal Practitioners is of the highest standard. Quality assurance will remain a key risk and constant attention is given to ensure the implementation of mitigating measures.

4.1. WEBINARS ON THE GENDER-BASED VIOLENCE AMENDMENT ACTS

Legal Aid SA, together with various stakeholders (Department of Justice and Constitutional Development, National Prosecuting Authority, Department of Social Development and the Department of Basic Education) took part in and hosted a series of webinars aimed at informing and creating awareness amongst others of legislative developments pertaining to Gender-based Violence and Femicide (GBVF).

These included the following:

- a. Webinar on Domestic Violence Regulations of 2022;
- b. Duties and responsibilities of the clerk of Domestic Violence Court in terms of the Domestic Violence Amendment Act of 2021;
- c. Domestic Violence Act – Psychosocial services to victims of GBVF;
- d. Criminal Procedure Act as amended by Criminal and Related Matters Amendment Act 12 of 2021;
- e. Criminal and Related Matters Amendment Act: Impact of Amendments on Intermediaries Services;
- f. Criminal and Related Matters Amendment Act: Amendments to Sentencing in GBVF matters;
- g. The 3 GBVF Amendment Acts: Accountability is Not an Option – Understanding the duty to report GBV;
- h. Audio-visual link testimony and the use of intermediaries – improving access to justice and ability to participate in court proceedings;
- i. Criminal Law (Sexual Offences and Related Matters) Amendment Act – Amendments to the National Register for Sex Offenders (NRSO);

- j. Access to justice for persons with disabilities with a special focus on women and children – special focus on sexual assault of women with disabilities;
- k. Epigenetics and Ancestral trauma stimulus within our biology related to repetition and violence;
- l. Strategies to eradicating GBV in schools, and
- m. Vetting of employees on the NRSO including the vetting of employees at Institutions of Higher Learning.

The invitations to the webinars as well as the PowerPoint presentations were made available to Legal Practitioners to keep them informed of new developments in law.

5

PUBLIC EDUCATION, AWARENESS AND COMMUNICATION

An important strategy of Legal Aid SA is to improve awareness and to educate and inform communities on constitutional rights and responsibilities. This is achieved by implementing community education and outreach programmes through Local Offices. The Communication Executive is responsible for outreach programmes and the development of public education content.

Table 6 – Community Outreach Events on Constitutional Rights and Obligations

Province	2022/2023				
	Q1	Q2	Q3	Q4	Total
National Office	5	7	3	3	18
Eastern Cape	21	33	36	120	210
Free State/North West	23	33	22	58	136
Gauteng	21	42	28	23	114
KwaZulu-Natal	54	36	39	45	174
Limpopo/Mpumalanga	69	42	44	70	225
Northern Cape/Western Cape	111	99	103	105	418
Total	304	292	275	424	1,295

Table 7 – Poster Displays at Government Service Delivery Points

Province	2022/2023				
	Q1	Q2	Q3	Q4	Total
Eastern Cape	9	35	37	35	116
Free State/North West	10	7	9	20	46
Gauteng	11	9	16	10	46
KwaZulu-Natal	8	18	20	19	65
Limpopo/Mpumalanga	35	37	34	33	139
Northern Cape/Western Cape	32	36	36	31	135
Total	105	142	152	148	547





6

RESEARCH INTERVENTIONS

In 2022 new laws, namely the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act, the Domestic Violence Amendment Act, and the Criminal Law (Forensics Procedures) Amendment Act, commenced to strengthen efforts to address the disturbingly high number of gender-based violence cases in the country. As reported in the previous Annual Report, Legal Aid SA has, through amending its Regulations, met the obligations to provide legal aid in respect of the elderly and disabled persons in Domestic Violence Matters as required by the amendments to the Domestic Violence Act.

The National Council on Gender-Based Violence and Femicide Bill 31 of 2022 was introduced in Parliament during November 2022. The Bill emanates from the National Strategic Plan on Gender-Based Violence and Femicide (NSP) produced by the Interim Steering Committee established in April 2019 to respond to GBVF. The Bill, as the enabling legislation, will facilitate the effective implementation of the institutional arrangements for the rollout of the NSP in relation to the setting up of an independent structure, known as the National Council on Gender-Based Violence and Femicide.

The impact of all this legislation was absorbed in the Business Plan of Legal Aid SA and is contained in newsletters to all employees.

The entity submitted comments to the Department of Justice and Constitutional Development on the following:

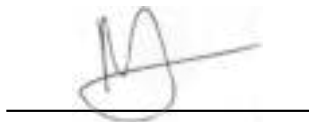
- a. Draft Regulations Directives and Tariffs under the Domestic Violence Act.
- b. Sexual Offences Regulations.

The duty to prohibit all forms of gender-based violence is a customary norm of International Law. As South Africa is a party to several treaties which enshrine the rights of women, Legal Aid SA published an International Newsletter dealing with the International Convention on the elimination of all forms of discrimination of women (CEDAW) and the efforts to address all forms of GBVF during 2022.



7 CONCLUSION

Legal Aid SA is committed to ensuring ongoing participation in and contributions to the continued fight against GBVF.



Mantiti Kola
Chief Executive Officer
Legal Aid South Africa



Legal Aid SA | Implementation of the Sexual Offences and Related Matters Amendment Act



Independent and within reach.

Legal Aid Advice Line
0800 110 110

Please Call Me
079 835 7179

Ethics Hotline
0800 153 728

Email
communications2@legal-aid.co.za

Website
www.legal-aid.co.za

X (Twitter), Facebook, Instagram
@LegalAidSA1

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DEPARTMENT OF TRADITIONAL AFFAIRS



traditional affairs
Department:
Traditional Affairs
REPUBLIC OF SOUTH AFRICA

KEY PRIORITY AREAS OF REPORTING: IMPLEMENTATION OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007: REPORTING PERIOD: 1 APRIL 2022 TO 31 MARCH 2023

1. Legal Framework

The Department is responsible for monitoring and implementation of the following pieces of legislations within the Traditional Leadership sector:

- **Customary Initiation Act, 2019**

This Act applies to:

- (a) The customary initiation practices in respect of both male and female initiates
- (b) All initiation schools and
- (c) All roleplayers involved in initiation practices.

The main objectives of this Act are:

- (a) To protect, promote and regulate initiation and for this purpose
 - (I) To provide acceptable norms and standards;
 - (II) To provide for initiation oversight and coordination structures at the national and provincial spheres of government with a view to ensure that initiation takes place in a controlled environment.
- (b) To provide for the protection of life, the prevention of injuries and the prevention of all forms of abuse that initiates may be subjected to as a result of all forms of abuse that initiates may be subject to as a result of initiation practices.
- (c) To address the governance aspects of initiation and the roles of all relevant roleplayers; and
- (d) To protect the customary practices of initiation and ensure that it practices within the Constitution and other legal prescripts.

- **Traditional and Khoi-San Leadership Act, 2019**

One of the guiding principles of the Act are for a kingship or queenship, principal traditional community, headmanship, headwomanship and Khoi-San community to transform and adapt customary law and customs relevant to the application of this

Act so as to comply with the relevant principles contained in the Bills of Rights in the Constitution, in particular by:

- (a) Preventing unfair discrimination
 - (b) Promoting equality and
 - (c) Seeking to progressively advance gender representation in the succession to traditional and Khoi-San leadership positions.
- To promote a workplace that is free of sexual harassment, the department has a **Sexual Harassment policy** in place to eliminate all forms of sexual harassment in the department. The policy provides a systematic and consistent approach to the management of sexual harassment and to prevent its occurrence or recurrence in the workplace. Furthermore, The Department also implements the 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.
 - The National House of Traditional and Khoi-san Leaders operates in terms of the following legislations:
 - Traditional & Khoi-San Leadership Act, 2019
 - Rules of National House of Traditional and Khoi-san Leaders
 - Other pieces of legislation supporting the work of House

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

2. Governance Structure:

- The National House of Traditional & Khoi-San Leaders is established in terms of Section 27 of the TKLA. The National House consists of Senior Traditional Leaders elected by each provincial house. Some of the duties of the National House are to promote nation building, Peace, stability and cohesiveness of communities and preservation of the moral fibre and regeneration of society.
 - Within the National House of Traditional & Khoi-San Leaders there is a Gender Committee that deals with gender and other related issues. The Committee comprises members from 8 Provinces, excluding the Western Cape. Two (2) Traditional Leaders from Gauteng Province are represented in the National House of Traditional & Khoi-San Leaders and are also part of the NHTKL Sub-Committees including the Gender Sub-Committee.
 - The Department has established a National Initiation Oversight Committee (NIOC) appointed by the Minister in terms of Section 4 of the Customary

Initiation Act, 2019. The committee is appointed to oversee and monitor compliance with the Customary Initiation Act.

- The Department established a Men's with the aim of reversing gender-based inequality and violence in the workplace. The forum will also advocate for issues affecting men and to afford them an opportunity to engage and do self-introspection concerning their role in society to address social ills such as gender-based violence.
- Challenges
 - Inadequate financial and human resources

3. Physical and Human Resources:

- 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.
- The department embarked on an awareness campaign to capacitate traditional leaders in seven (7) provinces on Gender Based violence and hosted information sessions on the Customary Initiation Act. The purpose of the awareness campaigns and information sessions is to bring awareness on the effects of GBVF in traditional communities and how to address the scourge within their respective communities.
- Information sessions were also hosted in seven (7) to capacitate members provincial houses on the Customary Initiation Act. The purpose of the information session was to raise awareness of what the role of traditional leaders is and to minimise the number of death of initiates in initiation schools.
- The Department through the National House of Traditional Leaders participated in the Men's parliament and Boys assembly which was intended to create awareness among boys and men on gender-based violence.

- The department conducted a information sessions on Sexual Harassment and GBVF for all employees to create awareness on managing sexual harassment in the workplace.
- Challenges
 - The department does not have a dedicated unit to deal with issues of gender mainstreaming.

5. Public Education:

- The National House of Traditional & Khoi San Leaders in collaboration with the department participated in the Men's Parliament and established a Boys Assemblies Nationally in 7 provinces which is intended to create awareness among boys and men on gender-based violence.
- The Chairperson of the NHTKL and other members of the House 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.
- Traditional Leaders in partnership with Department of Social Development conducted awareness on fight against harmful practices including fight against domestic violence, gender inequality and initiation practices.
- The Department hosted a Men's forum hosted an awareness session to discuss issues affecting men in general including issues relating to GBV.
- Type of interventions and the impact
 - The GBVF awareness campaigns hosted in seven provinces to raise awareness to traditional leaders and what their role is to redress the ills of GBVF within their respective traditional communities.
 - Workshops to raise awareness and capacitate traditional leaders on the Customary Initiation Act were hosted in seven provinces to minimise the were hosted in seven provinces raise awareness of what the role of traditional leaders is to minimise the number of death of initiates in initiation schools.
- Public interventions conducted
 - The Department through the National House of Traditional Leaders participated in the Men's parliament and Boys assembly which is intended to create awareness among boys and men on gender-based violence.
- Challenges
 - Inadequate resources.

6. NRSO – only the following departments must report:

- DOH
- SAPS
- DCS

7. Research Interventions:

- Research interventions undertaken by the department during the reporting period.
 - The National House of Traditional Leaders developed a concept document on cultures deemed/viewed to be against Human Rights.
 - Research report on struggles of women and girls within traditional communities
 - Research on the effect of patriarchy, customs and cultures of traditional communities on women socio-economic empowerment.

8. Law and Policy Development:

- Legal legislative or policy development done by your department during the reporting period
 - No legislation or policies were developed by the department during the reporting period.

9. Limitations, Possible Interventions and Conclusion:

- Summary of the interventions and how the 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
- Lack of electricity and roads for police to patrol the area in some traditional communities.

Possible Interventions

- Capacitation of the employee health and wellness management unit
- The Department and NHTKL to strengthen collaboration with SAPS, Social Development and other NGO's

- Traditional policing to be speeded up and rolled out in all provinces. Currently the project has been launched in the Eastern Cape, Kwa-Zulu Natal and Limpopo provinces.

SIGNED OFF:


MR M DIPHOZA
DIRECTOR-GENERAL
DATE: 28/07/2023



INTER-DEPARTMENTAL

ANNUAL REPORT 2022-2023

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