**MINISTRY**

**JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 1254**

**DATE OF QUESTION: 31 MARCH 2023**

**DATE OF SUBMISSION: 14 APRIL 2023**

**Adv G Breytenbach (DA) to ask the Minister of Justice and Correctional Services:**

What (a) total number of reported cases of rape were (i) heard in courts in the (aa) 2018-19, (bb) 2019-20, (cc) 2020-21 and (dd) 2021-22 financial years and (ii) successfully prosecuted in each financial year and (b) were the primary reasons for each unsuccessful prosecution of each reported rape case in each financial year?

**NW1395E**

**REPLY:**

1. (i) The records of the Department of Justice and Constitutional Development reflects that the following number of rape cases were heard in courts during the financial years requested:

|  |  |
| --- | --- |
| **FINANCIAL YEAR** | **REGIONAL COURT** |
| 2018/2019 | 5 720 |
| 2019/2020 | 5 616 |
| 2020/2021 | 3 863 |
| 2021/2022 | 3 640 |

(ii) The National Prosecuting Authority (NPA) extracted information from the

Electronic Case Management System (ECMS).

As at 31 March 2023, the extracted information indicates that the number of verdicts for the financial years requested, as well as convictions and acquittals during each of the financial years, is depicted in the Table below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Financial** **Year** | **No. of Convictions** **(Per Charge)** | **No. of Verdicts****(Per Case)** | **No. of Convictions (Per Case)** | **No. of Acquittals (Per Case)** |
| 2018/19 | 3 055 | 4 215 | 2 820 | 1 395 |
| 2019/20 | 2 910 | 3 984 | 2 684 | 1 300 |
| 2020/21\* | 777 | 1 045 | 724 | 321 |
| 2021/22 | 1 979 | 2 826 | 1 841 | 985 |
| **Total** | **8 721** | **12 064** | **8 066** | **3 998** |

* The number of rape matters reported to the South African Police Service declined during the 2020/21 financial year due to the restricted movement during the COVID-19 pandemic. The details on the afore-mentioned numbers could be obtained from the South African Police Service (SAPS). Coupled with this, the courts were also limited in their operations as accused, witnesses and parties to proceedings had limited ability to travel or visit court proceedings.

Statistics of prosecuted cases regarding matters reported at the Thuthuzela Care Centres (TCCs) for the financial years as requested are reflected in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Years**  | **Conviction rate and actual number of all TCC sexual offence cases prosecuted**  | **Number of Rape charges – conviction versus acquittal**  | **Percentage of rape charges in TCC sexual offence cases prosecuted** |
| 2018/19 | 73.5% (1636 / 2225)  | 1914 (1328 / 586) | 86% |
| 2019/20 | 74.9% (1408 / 1881) | 1628 (1156 / 472) | 86.5% |
| 2020/21\* | 73.9% (734 / 993) | 858 (604 / 254) | 86.4% |
| 2021/22 | 76.7% (1033 / 1346) | 1080 (789 / 291) | 80.2% |

\*The impact of the Covid-19 pandemic resulted in less court hours and less cases prosecuted due to Disaster Management Act restrictions which limited the courts in their operations. However, the 2021/22 financial year returned an increase of 35.5% in court performance compared to the previous year regarding the number of TCC-cases being finalised in court.

1. Various factors are taken into account collectively by the court and thus no list can be regarded as a finite list because the acquittal of cases depends on these various factors based on the impact and consideration by the court of the importance of each of such factors which can seldom if ever, be quantified.
2. On a broad level, below are the possible reasons that will result in an acquittal of these cases in court:
3. Credibility of witnesses, that include cases where the court is unable to rely on the evidence presented; and
4. Furthermore, in most of these cases the State relies on a single witness and/or solely on circumstantial evidence, this present challenges in court which may lead to an acquittal. This will specifically be the position in the absence of any other substantial or corroborating evidence.