

**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 3843**

**DATE OF QUESTION: 21 OCTOBER 2022**

**DATE OF SUBMISSION: 04 NOVEMBER 2022**

**Ms A L A Abrahams (DA) to ask the Minister of Justice and Correctional Services:**

In light of the fact that the age of consent in the Republic is 16 years old, therefore it is against the law for anyone to have sex with someone who is under 16 and constitutes a statutory rape with exceptions (details furnished), and noting that in the republic girls as young as nine years old give birth, which is a cause for concern, in the period 2018 up to the latest specified date for which information is available, what is the total number of (a) successful convictions, (b) cases dismissed and/or acquitted as a result of poor and/or incomplete investigations by the SA Police Service, (c) cases withdrawn by the victim and/or victim’s family, (d) cases awaiting trial and (e) cases awaiting sentencing in each province?

**NW4740E**

**REPLY:**

1. It must be noted that the National Prosecuting Authority (NPA) does not collate offence specific data in general. However, court statistics, regarding statutory rape and statutory sexual assault matters, as reported and dealt with at the NPA SOCA Thuthuzela Care Centres, are herewith provided for the financial years as reflected below:
2. **2019/2020 financial year:**
3. Statutory rape – section 15 of Act 32/2007

* Finalised 119 verdict cases with 116 convictions – 97.5 % conviction rate.
* Diversions in 15 cases.

1. Statutory sexual assault – section 16 of Act 32/2007

* Finalised 2 verdict cases with 2 convictions – 100% conviction rate.

No diversions applied

1. **2020/2021 financial year:**
2. Statutory rape – section 15 of Act 32/2007

* Finalised 64 verdict cases with 61 convictions – 95.3% conviction rate.
* Diversions in 2 cases.

1. Statutory sexual assault – section 16 of Act 32/2007

* Finalised 2 verdict cases with 2 convictions – 100% conviction rate.
* No diversions applied.

1. **2021/2022 financial year:**
2. Statutory rape – section 15 of Act 32/2007:

* Finalised 85 verdict cases with 80 convictions – 94.1% conviction rate.
* Diversions in 12 cases.

1. Statutory sexual assault – section 16 of Act 32/2007:

* Finalised 12 verdict cases with 12 convictions – 100% conviction rate.
* Diversions in 2 cases.

In the analysis of the data, it is evident that the Covid-19 pandemic had a negative impact on the reporting and finalisation of cases as reflected in 2020/21 and 2021/22 financial years respectively. In comparison to the 2020/21 financial year, the 2021/22 financial year shows an increase in these numbers.

The information to sub-question (b) regarding the acquittals are included supra in the actuals and conviction rates as provided.

The information to sub-questions (c), (d) and (e) are not available. It is respectfully submitted that the Police Ministry is better placed to respond to the questions asked.

In addition, it must be noted that these offences of statutory rape and statutory sexual assault as mentioned, inter alia, are covered in the training curriculum provided to prosecutors. These manuals are annually reviewed and updated with the latest legislation and case law to ensure that prosecutors are proficient in the application of the said law.