

**MINISTRY OF DEFENCE & MILITARY VETERANS**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**708. Mr J Vos (DA) to ask the Minister of Defence and Military Veterans:**

(1) Whether her department has a sexual harassment and assault policy in place; if not, (a) why not and (b) by what date will her department have such a policy in place; if so, (i) how are reports investigated and (ii) what are the details of the consequence management and sanctions stipulated by the policy;

(2) (a) what is the total number of incidents of sexual harassment and assault that have been reported in her department (i) in each of the past three financial years and (ii) since 1 April 2017, (b) what number of cases were (i) opened and concluded, (ii) withdrawn and (iii) remain open based on the incidents and (c) what sanctions were issued for each person who was found to have been guilty? NW782E

**REPLY:**

**DEPARTMENT OF DEFENCE**

# In terms of section 5 of the Sexual Offence Act, Act 32 of 2007 all acts associated with sexual assaults are classified as criminal offences and should therefore be criminally prosecuted and penalised. The DoD also follows the same approach in dealing with all sexual assault cases whereby offenders are criminally charged, prosecuted and penalised.

6.1.2. Yes, Sexual Harassment is included in the under-mentioned departmental policies and instructions.

 a. DODI/PERS/00038/2006

 b. DOD/PERS/0008/2006

c. Joint Defence Publication /PERS/00026/2006 (Edition 1)

The DOD is currently in the process of developing a stand alone policy on Sexual Harassment.

**POLICING PERSPECTIVE**

(1) “Sexual Harassment” and “Sexual Assault’’ – 1 January 2015 to 1 April 2017: **25 Cases reported = Sexual Harassment (8) + Sexual Assault (17)**

1. 01 April 2015 – 31 March 2016 =07
2. Sexual Harassment (05)
3. Sexual Assault (02)
4. 01 April 2016 – 31 March 2017 =13
5. Sexual Harassment (01)
6. Sexual Assault (12)
7. 01 April 2017 – 13 March 2018 =05
8. Sexual Harassment (04)
9. Sexual Assault (01)

**(2) what number of cases were (i) opened and concluded, (ii) withdrawn and (iii) remain open based on the incidents and (c) what sanctions were issued for each person who was found to have been guilty?**

(b) “Sexual Harassment” and “Sexual Assault’’ – 1 January 2015 to 13 March 2018

1. **25** Cases Opened and Concluded: Sexual Harassment **(8)** and Sexual Assault **(17)**,

**01 April 2015 – 31 March 2016 = 08**

1. Sexual Harassment = 05
2. Sexual Assault = 03

**01 April 2016 – 31 March 2017 = 13**

1. Sexual Harassment = 10
2. Sexual Assault = 3

**01 April 2017 – 13 March 2018 = 04**

1. Sexual Harassment = 02
2. Sexual Assault = 02
3. Withdrawn: 04 cases,

**01 April 2017 – 13 March 2018 = 04**

1. Sexual Harassment = 00
2. Sexual Assault = 04
3. Remain open: **19** still under investigation,

**01 April 2015 – 31 March 2016 = 09**

1. Sexual Harassment = 05
2. Sexual Assault = 04

**01 April 2016 – 31 March 2017 = 09**

1. Sexual Harassment = 01
2. Sexual Assault = 08

**01 April 2017 – 13 March 2018 = 01**

1. Sexual Harassment = 00
2. Sexual Assault = 01

**PROSECUTION PERSPECTIVE**

# 1. Financial Year (F/Y) 2014/15:

# a. *Total number of cases reported = 15.*

# *b. Total number of cases finalised= 6.*

# *c. Total number of cases outstanding=9.*

# *d. Total no of cases withdrawn=1*

# 2. Financial Year (F/Y) 2015/16:

# a. *Total number of cases carried over from F/Y 14/15 =9.*

# *b. Total number of cases reported =4.*

# *c. Total number of cases finalised=1.*

# *d. Total number of outstanding cases=13*

# *e. Total no of cases withdrawn=0*

# *3.* Financial Year (F/Y) 2016/17

# a. *Total number of cases carried over from F/Y 15/16 =13.*

# *b. Total number of cases reported =2.*

# *c. Total number of cases finalised=1.*

# *d. Total number of outstanding cases=15*

# *e. Total no of cases withdrawn= 0*

# 4. Financial Year (F/Y) 2017/18:

# a. *Total number of cases carried over from F/Y 16/17 = 15.*

# *b. Total number of cases reported =5.*

# *c. Total number of cases finalised=3.*

# *d. Total number of outstanding cases=17.*

# *e. Total no of cases withdrawn= 0*

# *The current (F/Y 2017/18) number of sexual assaults cases outstanding (remain open) is =17.*

# 1. The following table depicts the total number of accused found guilty of sexual assault and sentences thereof (sanctions):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Serial No.** | **Force No and Name** | **Description of Offence** | **Sentence/Sanction** | **F/Y** |
| 01 | 94683679PE MWO Indurith | Accused touched the private parts of the complainant | Fine of R6000 and suspended sentence of 6 months imprisonment and discharge from the SANDF, both sentences of 6 months imprisonment and discharge suspended for a period of 3 years | 2014/15 |
| 02 | 9802261PE Sgt Monageng | Accused made sexual advances to a lady Capt | Fine of R1000 | 2014/15 |
| 03 | 94822285PE S/sgt Mfene  | Accused touched breast and vagina of the complainant | Fine of R4000 and 180 days detention and reduction to the ranks wholly suspended for a period of 3 years | 2014/15 |
| 04 | 04048856ME Rfn Ramuhashi | Touched the complainant’s nipples | Fine of R6000 and 365 days detention | 2017/18 |

**DEPARTMENT OF MILITARY VETERANS**

**REPLY**

(1) (a) and

(b)The Department of Military Veterans has a draft policy on Sexual Harassment which is aligned to the DPSA. The draft policy is pending the necessary consultation processes which are envisaged to be finalised during the 2018/19 financial year.

With respect to questions (i) the sexual harassment policy is confined to acts of misconduct arising from work[place violations of sexual nature or sexual violence, acts of misconduct in government departments are generally dealt with in terms of the Disciplinary Code and Procedures for the Public Service contained in Resolution 1 of 2003 of the PSCBC (for employees within the salary levels 1 to 12 categories) and the Disciplinary Code and Procedures for members of the Senior Management Service contained in chapter 7 of the SMS handbook (for employees within the salary levels 13 to 16 categories). Therefore acts of sexual harassment and assault are addressed through the relevant disciplinary code and procedures making reference to the relevant policy. (ii) The sanctions are determined following a process of disciplinary enquiry/hearing which may assume an informal or formal setting. According to the two codes a list of possible sanctions will include corrective counselling, verbal warnings, written warnings, final written warnings, suspension without pay, demotion or a combination of these sanctions and dismissal.

(2) (i) for the past financial years i.e. 2015/16, 2016/17 and 2017/18, two cases of sexual harassment and one case of assault were reported. (b) The one assault case was finalised on 19 October 2015 and the one sexual harassment case was finalised on 28 January 2017. The other sexual harassment case was reported on 9 March 2018 and is under investigation. (ii) No cases were withdrawn and (iii) one case is pending because it was recently reported (c) in terms of the two cases the employees were found guilty, a sanction of dismissal was implemented as an appropriate sanction recommended by the chairperson of the disciplinary hearing.