**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 885**

**DATE OF QUESTION: 13 SEPTEMBER 2019**

**DATE OF SUBMISSION: 30 SEPTEMBER 2019**

**Ms T Breedt (FF Plus) to ask the Minister of Justice and Correctional Services:**

1. What total number of cases of (a) domestic violence and (b) sexual offences were withdrawn by the (i) complainants and/or (ii) National Prosecuting Authority (aa) in (aaa) 2017 and (bbb) 2018 calendar years and (bb) since 1 January 2019;
2. whether he will make a statement on the matter?

**NW2035E**

**REPLY:**

1. **Domestic violence**:

I am informed that the National Prosecuting Authority does not keep statistics regarding domestic violence matters. In this regard it is important to mention that domestic violence is an umbrella term for several offences which can be both statutory and common law offences. For example, if a person is convicted of the common law offence of assault on his or her partner, it will be captured as a criminal offence of assault and not as domestic violence.

1. During the years mentioned hereunder a number of persons were in contempt of the protection order issued against him or her in terms of the Domestic Violence Act, 1998 (Act 116 of 1998). The statistics of these withdrawals are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Domestic Violence - Criminal** | | | |
| **Period** | **Total no. of cases disposed of** | 1. **Withdrawn Cases** | **Withdrawal Rate\*** |
| aaa) 2017/18 | 9 782 | 5 487 | 56.1% |
| bbb) 2018/19 | 10 438 | 6 174 | 59.1% |
| bb) Q1\* of 2019/20 | 3 013 | 1 780 | 59.1% |
| \*Q1 = April - June 2019 | | | |

(**Source**: National Operations Centre (NOC) at the Department of Justice and

Constitutional Development)

It should be noted that the figures above are projected as financial years rather than normal calendar periods.

Our electronic court systems at this point do not provide for a distinction between withdrawals by the complainant and the prosecutor. A request has been made for the system to be amended so that a new field can be populated to provide such information in the future.

\*Withdrawal rate = withdrawn cases against total number of disposed of cases.

1. **Sexual offences**:
2. There are instances where the complainant requests the withdrawal of his/her case, and such cases can be withdrawn in court. However, the data reflecting this number of withdrawals, i.e., only by complainants, is not separately kept but forms part of the total number of withdrawals reflected in paragraph (ii) below.
3. The NPA reflects its performance data according to financial years. Accordingly, the number of cases withdrawn in the dedicated sexual offences courts for the financial year April 2018 – March 2019 comprised a total of 98 cases. During the first four months of the financial year 2019/20 (April – July), 44 cases were withdrawn. Data is not available for dedicated sexual offences courts prior to FY2018/19. It must be noted that sexual offence cases are also withdrawn in other courts but we do not have the specific data for withdrawn sexual offences only, because while data is kept on the number of cases withdrawn, this information is not recorded per crime type, but for the total number of the cases withdrawn.