**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 924**

**DATE OF QUESTION: 18 MARCH 2022**

**DATE OF SUBMISSION: 01 MARCH 2022**

**Mrs H Denner (FF Plus) to ask the Minister of Justice and Correctional Services:**

1. With regard to the Government’s efforts to curb and eradicate gender-based violence in our society, what total number of (a) sexual offences courts have been fully established and are functioning throughout the Republic and (b) magistrates have been dedicated to such courts;
2. what total number of (a) cases have been brought before the dedicated courts and (b) the specified cases (i) have resulted in successful convictions and/or (ii) are still pending;
3. what (a) total number of offenders who have been found guilty were sentenced to imprisonment and (b) were the (i) minimum and (ii) maximum sentences handed down by the dedicated courts?

**NW1158E**

**REPLY:**

(1)(a) From August 2013 up to 7 February 2020, the Department upgraded 106 courts into sexual offences courts in line with the MATTSO[[1]](#footnote-1) Sexual Offences Courts (SOC) Model. Pursuant to the promulgation of section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007) (the Act), these courts are now referred to as the MATTSO courts.

On 7 February 2020, section 55A of the Act was promulgated into law to introduce the statutory sexual offences courts that must be established and resourced in line with the *Regulations relating to Sexual Offences Courts.* The Department is in the process of converting the MATTSO courts into the section 55A sexual offences courts. However, this does mean that the MATTSO courts ceased to function, as section 55A (5) of the Act empowers the MATTSO courts and the rest of the courts for the regional divisions to deal with sexual offences matters, even though they are not established as the sexual offences courts yet.

 On 30 March 2022, the Minister received a letter of concurrence from the Acting Chief Justice to designate courts where the section 55A sexual offences courts must be established. With this progress at hand, it is therefore anticipated that the first batch of these courts will be released in the next financial year (2022/23).

 (b) As indicated in paragraph (1)(a) above, at present only the MATTSO courts are prioritising the adjudication sexual offences matters until the establishment of the section 55A sexual offences courts. The Department is unable to provide the exact number of magistrates dedicated to the MATTSO courts, as the allocation of such presiding magistrates falls under the purview of the administrative functions of the head of each regional division (referred to as the Regional Court President). In seeking to formalise the execution of this judicial function per regional division, section 55A (7) of the Act requires the head of each regional division to issue directives with the purpose of ensuring that sexual offences matters receive priority at each sexual offences court. It is therefore expected that the Regional Court Presidents will issue these directives upon the establishment of the section 55A sexual offences courts planned for the 2022/23 financial year.

(2) During the period 1 April 2021 to 28 February 2022, the 106 MATTSO courts registered the following cases according to the following metrics:

|  **Reply to Question (2)(a)** | **Reply to Question (2)(b)(ii)** |
| --- | --- |
| **Province** | **No. of MATTSO Courts** | **Total No. of new cases registered** | **Total No. Pending cases** |
| Eastern Cape | 6 | 151 | 327 |
| Free State | 9 | 403 | 593 |
| Gauteng | 21 | 695 | 810 |
| KwaZulu-Natal | 12 | 425 | 700 |
| Limpopo | 10 | 142 | 333 |
| Mpumalanga | 7 | 246 | 507 |
| Northern Cape | 12 | 150 | 274 |
| North West | 14 | 161 |  506 |
| Western Cape | 15 | 349 | 936 |
| **TOTAL** | **106** | **2 722** | **4 986** |

(2)(b)(i) During the period 1 April 2021 to 28 February 2022, the NPA reported cases of sexual offences finalised with conviction as follows:

|  | **Total No of cases finalised with a verdict** | **Total No of Cases finalised with a Conviction** | **Percentage of Conviction** |
| --- | --- | --- | --- |
| All provinces | 4 040 | 3 008 | 74.5% |
| Courts attached to the 55 TCCs | 1 190 | 910 | 76.5% |

1. The Department is currently not collecting statistics according to the types of sentence imposed on convicted sex offenders, and this includes sentences imposed in terms of the minimum sentencing legislation referred to as the Criminal Law Amendment Act, 1997 (Act 105 of 1997). However, the correction of this matter is already receiving attention. In January 2022, the Department established a Task Team constituted by statisticians, gender-based violence and femicide (GBVF) specialists and the system developers drawn from DoJ&CD, NPA, Legal Aid South Africa, the Integrated Justice System (IJS) and the judiciary to address gaps in the current data metrics of the Integrated Case Management System (ICMS): Criminal and to align this data repository to the new changes introduced by the recent 3 GBV Amendment Acts of 2021. The upgrading of the ICMS: Criminal will unfold in a phase-in approach which gives priority to the inclusion of the additional data metrics on sentencing, as part of Phase 1. The latter Phase is expected to be finalised in 2022/23 financial year.

While the Department’s ICMS upgrade is in progress, the NPA is collecting statistics on the imprisonment sentences imposed on convicted sex offenders, but in a limited scale. During the period 1 April 2021 to 28 February 2022, the NPA reported that the 55 Thuthuzela Care Centres (TCCs) recorded the following breakdown of sentences imposed exclusively on convicted rape offenders:

| **Offence** | **Type of Sentence** | **Number** |
| --- | --- | --- |
| RAPE | Life imprisonment | 173 |
| 20-25 years imprisonment | 89 |
| 10-19 years imprisonment | 338 |

Please note that these statistics do not give the complete performance of all courts in the country, as it is limited only to those courts that are linked to the 55 TCCs.

1. Ministerial Advisory Task Team on the Adjudication of Sexual Offences Matters [↑](#footnote-ref-1)