

Keynote address by the Deputy Minister of Justice and Constitutional Development, the Hon John Jeffery, MP, at the 4th African Conference on Sexual and Gender Based Violence, Cape Town, 8 December 2014

Programme Director

The Deputy National Director of Public Prosecutions

The Deputy Mission Director of USAID

The Regional Director of the International Organisation for Migration

The Country Representative of UNICEF

The Director of Public Prosecutions: Western Cape

Members of the Africa Prosecutors Association

Esteemed guests from across the African continent

Ladies and gentlemen, colleagues and friends

It is great pleasure for me to welcome you all here this morning and to our guests visiting from other countries may I say – Welcome to South Africa,

Bonjour et bienvenue à l'Afrique du Sud,

Bom dia e bem-vindo à África do Sul

and

Salaam alaykum.

I bring with me the warm greetings of the Minister of Justice and Correctional Services, Adv Michael Masutha. It is also a pleasure to welcome you to the Mother City, the beautiful Cape Town. While you are here, I hope you will find some time to visit Robben Island, where our beloved Madiba was imprisoned for nearly three decades of his life.

It is a great honour for me to join you and thousands across the country and the globe to commemorate the 16 Days of No Violence against Women and Children. In this context it is important that we share expertise and learnings amongst ourselves as fellow-Africans and comrades. This summit is very timely as it occurs two days before the end of the 16 Days Campaign and therefore sets the tone for programmatic action to eradicate this scourge of violence and abuse against women and children.

This initiative seeks to further mobilise us to move forward and to make our streets, homes, communities and countries safer for all, especially for women and children.

This summit is based on disheartening global statistics which show that violence against women and children remain pervasive, with estimates showing that 1 in 3 women still experience abuse in their lifetime.

Last week, South Africa released its Victims of Crime Survey (or so-called VOCS for short) for 2013/14, which was conducted by Statistics South Africa from April 2013 to March 2014.

The Victims of Crime Survey (VOCS) series is a countrywide household-based survey and has three main objectives: firstly, to provide information about the dynamics of crime from the perspective of households and the victims of crime; secondly, to explore public perceptions of

the activities of the police, prosecutors, courts and correctional services in the prevention of crime and victimization and thirdly, to provide complementary data on the level of crime within South Africa, in addition to the statistics published annually by the South African Police Service.

The VOCS focuses on people's perceptions and experiences of crime, as well as their views regarding their access to, and effectiveness of the police service and the criminal justice system. Households are also asked about community responses to crime. The survey profiles different aspects that are inherent in the different types of crime, such as the location and timing of the different crimes, the use of weapons and the nature and extent of the violence that takes place.

While the VOCS cannot replace police statistics, it is nonetheless an extremely valuable tool and can be a rich source of information which assists in the planning of crime prevention, provides a more holistic picture of crime in South Africa and help us to render services and support to victims of crime. The data can be used for the development of policies and strategies, as well as for crime prevention and public education programmes.

With regards to sexual offences, 25,1% were victimised by a relative, followed by 24,0% who were victimised by known community members. In the area of assault, approximately 34% of assault victims were victimised by a known community member, while 16,8% were assaulted by their spouses or lovers.

Individuals were also asked to indicate a place where the incidents occurred in order to evaluate the prevalence of crime in different places. Assault was most likely to take place at home (22,6%), while 21,9% of incidents of assault were experienced in the street in a residential area and 17,3% occurred in the street outside offices or shops.

What is particularly concerning is that about 50% of incidents of sexual offences occurred at home. This is followed by those which occurred in someone else's home (15,4%) and in the street in a residential area (9,6%).

The survey also examined a sexual offence victim's knowledge of where they can access assistance. Most (81,6%) victims indicated that they knew where to access medical assistance, while 76,8% knew of a place they could go to for counselling and 54,0% knew where to obtain a protection order.

With regards to Africa as a whole, another survey undertaken by the London School of Hygiene and Tropical Medicine, the World Health Organisation and the South African Medical Research Council (MRC) indicate that in 2013 about 45.6% of women in Africa experienced physical and sexual violence, compared to 35% globally. It also revealed that globally, women who experienced violence with their intimate or non-partners were twice as likely to be depressed, have alcohol related problems and have HIV. Other health concerns linked to violence were unwanted pregnancies, abortion and low birth-weight babies.

In South Africa much has been done. Since 1994 our Department has promoted numerous pieces of legislation to combat sexual violence. In 1997 the Criminal Procedure Second Amendment Act brought about changes to the bail laws to ensure that persons who are accused of having committed serious offences like rape and murder are not released on bail. The Criminal Law Amendment Act provides for the imposition of minimum sentences in respect of certain serious offences, for example murder and rape. These sentences are more severe in

certain circumstances, for instance when the death of a person is caused in the commission of a rape or attempted rape, where the victim was raped more than once (either by one person or more than one person, for instance in a gang-rape incident), where the rapist has previous convictions for rape, where the victim is under the age of 16, or where grievous bodily harm is inflicted. Other laws include the Witness Protection Act and the Criminal Law (Sexual Offences and Related Matters) Amendment Act which modernised the law relating to sexual offences.

In the past 5 years, several interventions were introduced to address gender-based violence and sexual offences against vulnerable groups. We have re-introduced the specialised Family Violence Child Protection and Sexual Offences (FCS) Units within the SAPS and this has resulted in lengthy convictions, achieved through the dedicated work of detectives and prosecutors.

Resourcing and establishing victim-friendly rooms at police service points are on-going. There are currently 919 Victim Friendly Facilities rendering victim support services in place and it is envisaged that this will be rolled out to all police stations.

A major component of our fight against sexual violence really are the Thuthuzela Care Centers ("TCCs"), which embody a coordinated approach in the way we effectively manage sexual offences. In the 2013/14 financial year, at the 51 TCCs providing services, a total number of 30 706 matters were reported of which 2769 are either trafficking, domestic violence or Children's Act matters; the remaining number of 27 947 are sexual offences related.

For the same financial year, the National Prosecuting Authority produced an average conviction rate for TCC-cases of 65.9 percent, which was the best conviction rate over a period of 5 years. Of the 2357 cases finalised with a verdict, 1554 (65.9%) resulted in a conviction. This is also an improvement of 13.3% compared to the 2012/13 financial year. During the 2013/14 financial year the TCC-cases, per accused and per offence, which resulted in convictions included amongst others 151 sentences of life imprisonment, 132 sentences of 20-25 years imprisonment and 455 sentences of between 10 and less than 20 years imprisonment.

Thuthuzela's integrated approach to rape care is one of respect, comfort, restoring dignity and ensuring justice for victims of sexual violence. The management of TCC-model and roll-out falls within the responsibility of the NPA. The success of it is based upon effective and efficient stakeholder cooperation such as between the Departments of Justice, Health, Education, Treasury, Correctional Services, Social Development, the SAPS and designated civil society organisations.

The TCC-model is specifically focussed on being victim-friendly and court directed with prosecutor-guided investigations and stakeholder cooperation. The ultimate goal is to minimise secondary victimization, reduce the cycle period for the finalisation of cases and to increase the conviction rates of these cases.

When reporting a crime, the victim is removed from an environment such as a police station, to a more victim-friendly environment before being transported by police or an ambulance to the ThuthuzelaCare Centre at the hospital.

The person also receives crisis counseling. If the medical examination happens within 72 hours of the incident, post-exposure prophylaxis is given. The investigating officer on call at the center will take the person's statement. The person will receive appropriate medication and is given a follow-up date for further medical treatment, before being transported home or a place of safety. A referral letter will be given or an appointment made for long-term counselling.

Before the trial, as part of the TCC-model, a case manager will oversee the prosecutor-guided investigation and will ensure that the case is trial and court ready. The case manager is a legally qualified official with specific additional expertise in dealing with gender-based violence matters.

With regards to the trial, consultations with a specialist prosecutor will take place before the case goes to court and court preparation by a victim-assistant officer will be undertaken. The person must also be given an explanation of the possible outcome and regular updates of the trial process by the case manager. The Thuthuzelamodel is an outstanding example of interdepartmental cooperation.

We have also recently re-established the sexual offences courts. These dedicated services use intermediaries, audio-visual equipment and specialised training, among other measures. The NPA's Sexual Offences and Community Affairs (SOCA) Unit developed comprehensive training manuals which are updated annually to be in line with the latest developments in law for specialist prosecutors and also an integrated training manual for stakeholders at our TCCs.

Through sexual offences courts, we are able to provide specialised victim-support services, improve the effectiveness of witnesses in court, reduce the turnaround time in the finalisation of sexual offences matters, and improve conviction rates. The courts aim to minimise secondary trauma for victims.

We also need to emphasise social context training for all service providers so that secondary victimization can be avoided. This is important in order to encourage rape victims to report rape and to have confidence in the criminal justice system.

We need specialised prosecutors, who are experts in various areas of the law so as to ensure justice for people who have been subjected to domestic violence, sexual violence and rape. I am happy to learn that preceding this summit, the National Prosecuting Authority of South Africa hosted a two day workshop (on Friday and Saturday) drafting a Sexual Offences Training Manual for African prosecutors. I want to commend the Africa Prosecutors Association and the NPA for this initiative.

With regards to Domestic Violence, our Department's Annual Report for 2012/2013 indicates that there were 246 609 applications for protection orders. This resulted in 151 423 interim orders being granted. Of those, only 88 930 were finalised. We must ask ourselves why do victims of domestic violence who apply for a protection orders against their abusers, not return to court to finalize those orders.

At our public meetings women tell us that the fear of reprisal from their abusers and their financial dependency on husbands, fathers, partners and family members increased their vulnerability. It is for this reason that many victims are reluctant to take action against their abusers. Even after reporting the matter to the police, many still go back to request the withdrawal of protection orders.

Ladies and gentlemen

Gender based violence is not restricted to one class or one gender, nor is it restricted to one society. Gender based violence, and specifically domestic violence, is a persistent, worldwide problem, found in all countries and cultures and has historically been unacknowledged or

treated as a matter of private concern, rather than the concern of the State. This attitude has to be changed dramatically if we want to win the fight against domestic violence.

Well-known psychologist and cognitive scientist, Prof Steven Pinker, of Harvard University once said that - *"With violence, as with so many other concerns, human nature is the problem. But human nature is also the solution."*

It is within our power to change our communities and societies and rid it of all forms of violence, abuse, neglect, discrimination and prejudice.

Distinguished guests,

Despite our successes some broader challenges remain. Rape and sexual offences are more difficult to prosecute for a variety of reasons, often the perpetrator is known or related to the victim or witnesses are hesitant to come forward. Conviction rates are definitely not as high as we would like them to be.

It is important that we, as the African community, as comrades, assist and support one another by sharing best practices and information through various exchange programs and initiatives such as these. In addition, it is vital that the prevention of violence against women and children continues to rank high on the national public health, social and legal agendas of our governments, of NGOs and civil society and donor agencies.

I would like to thank the organizers of this summit, under the very capable leadership of Adv Thoko Majokweni as well as the Africa Prosecutors Association for highlighting the issue of violence and abuse against women and children in Africa. It is in the interest of Africa that the scourge of sexual and gender based violence is addressed in a holistic manner. We need to ensure that ongoing advocacy, training and efficient service provision takes place so as to prevent abuse and violence from happening and, where it does happen, to best assist victims.

Government, civil society at large, communities and the private sector, all need to work together to achieve this.

For those of you who are familiar with the works of Maya Angelou will know that she was not only a writer and poet, but also a civil rights activist who also, at one stage, taught at the University of Ghana. Angelou herself was the victim of rape at the age of seven and because of the trauma she stopped speaking for five years. In an article I read about survivors of sexual abuse, one survivor quotes a poem by Maya Angelou which inspired her. The poem reads:

*"Did you want to see me broken?
Bowed head and lowered eyes?
Shoulders falling down like teardrops.
Weakened by my soulful cries.
Leaving behind nights of terror and fear
I rise
Into a daybreak, that's wondrously clear
I rise
I rise
I rise"*

I believe that all of us, working in whichever capacity in the criminal justice system must remember that we are dealing with people. They are not statistics, they are not cases, they are not dockets that have to be prepared for trial, they are people. Usually by the time they get to

court or by the time they ask for help, they have experienced much suffering and trauma. We all have a role to play in ensuring justice for them.

I thank you.