



SEXUAL OFFENCES COURTS: NATIONAL STRATEGIC PLAN

2016-2020



OFFICIAL SIGN-OFF

It is hereby certified that this Sexual Offences Courts: National Strategic Plan was developed by the Department of Justice and Constitutional Development. This was under the guidance of the Intersectoral Committee on the Management of Sexual Offences, normally referred to as the DG ISC_SO, which is chaired by the Director-General of the Department of Justice and Constitutional Development. This document takes into account the relevant policies, legislation and other mandates of the stakeholder departments/institutions within Justice, Crime Prevention and Security (JCPS) cluster. It accurately reflects Delivery Agreement of the JCPS cluster: Outcome 3 which is to ensure that “All are and feel safe” as well as other International, Regional and Sub-Regional goals aimed at the prevention of sexual offences. This Sexual Offences Courts: National Strategic Plan will be developed for the period of five (5) years from 2016/2017 – 2020/2012 financial years.

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FOREWORD BY THE MINISTER

The Department has committed itself to the effective implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No.32 of 2007) (the Act). In addition to the implementation of the Act, in conjunction with the relevant stakeholder departments/institutions the Sexual Offences National Policy Framework (Sexual Offences NPF) was developed and published by Gazette in September 2014. The latter document clearly encapsulates the spirit of the Act by including as one of its key Principles, the provision of Specialised Services to Victims of Sexual Offences.

The adoption of the re-establishment of Sexual Offences Courts as the Department's strategy which is implemented in conjunction with the Justice, Crime Prevention and Security (JCPS) cluster stakeholder departments/institutions is therefore not a coincidence. The adoption was deliberate and complies with the National, Regional, International and Sub-Regional commitments made to address gender based violence, especially sexual violence.

The development of the Sexual Offences Courts: National Strategic Plan (Sexual Offences Courts: NSP) is a demonstration of that commitment to fulfil the objectives of the Act and the principles and strategic objectives of the Sexual Offences NPF. As you will see, the Sexual Offences Courts: NSP is not an individual department's/institutions' effort, but it is a collaborative effort of all the departments/institutions which bear the responsibility to ensure that justice prevails and it is seen to prevail by all who come into contact with the criminal justice system. Each sexual offences case coming into our courts require the full collaboration by other departments/institutions. Therefore that justice ideal, can only be realised through concerted effort to executive collaborative plans that are earnestly implemented sectorally and inter-sectorally.



The support of Non-Governmental Organisations (NGOs) or Civil Society Organisations (CSOs) can never be over emphasised. Government acknowledges that in some communities, the first point of contact with support services is placed right within the community through Advice Centres, Counselling NGOs, Community Safety Forums etc. It is therefore, critical for these critical stakeholders to be engaged its development and finalisation. This will ensure that there is transparency on the part of government regarding its intentions through this strategy and demonstration of the value placed the support services provided at community, provincial and national level by NGOs and CSOs.

The plan will be costed to ensure that all the political support provided is cognisant of the costs required for its implementation and also for each stakeholder department/institution to commit budget required to implement it. The implementation of this NSP will be monitored through the submission of reports by departments/institutions via the Inter-sectoral Committee on the Management of Sexual Offences (commonly referred to as the DG ISC-SO). I will proactively monitor interventions implemented both sectorally and inter-sectorally by the stakeholder departments/institutions.



CHAPTER 1: THE OVERVIEW OF THE SEXUAL OFFENCES COURTS NATIONAL STRATEGIC PLAN

1.1 Introduction

Part A of this National Strategic Plan on the establishment of the Sexual Offences Courts (SOC NSP) foregrounds its context, background and structure. The necessity for the development of the SOC NSP was informed by the need to prevent challenges previously experienced in the establishment of Specialised Sexual Offences Courts. It is also to ensure the development of the national framework that guides the intersectoral planning, resourcing and management of these courts.

The impact of sexual violence on victims, especially those who are children, has been shown to cause serious, long-lasting effects on the physical, psychological, emotional and developmental levels of victims. Research has shown that this impact is often exacerbated by the treatment that victims experience at the hands of the criminal justice system, leading to secondary victimisation. It has long been accepted that victims of sexual violence require specialised intervention by all parties involved in the criminal justice system to ensure that they receive the sensitivity and care that is required in order to respect their rights to dignity and privacy.

In the course of 2012 and 2013 numerous concerns were raised in Parliament about the unacceptably high rate of sexual offences in South Africa and the lack of adequate response by stakeholders. More particularly, questions were raised about the demise of the Sexual Offences Courts in South Africa. These concerns were triggered to a large extent by the media focus on the high rate of sexual violence perpetrated against women, children, persons with disabilities, older persons and certain marginalised groups, like the LGBTI persons. This was further re-enforced by the severe criticism that had been levelled against South Africa by the United Nations Committee on the Convention on the Elimination of Discrimination against Women in January 2011 for the demise of the Sexual Offences Courts, since these courts had been recognised as an international best practice.

In response to the above concerns, the former Minister of Justice and Constitutional Development (hereafter the former Minister) announced in May 2012 his intention to establish a Task Team to investigate the feasibility of re-establishing the Sexual Offences Courts in South Africa. The Chief Directorate: Promotion of the Rights of Vulnerable Groups (CD: PRVG) within the Court Services branch in the Department of Justice and Constitutional Development (hereafter the Department) was mandated to establish this Task Team, which was set up in June 2012 and named the Ministerial Task Team on the Adjudication of Sexual Offences Matters (MATTSO). In establishing the Task Team, the Department identified the key role-players in the management of sexual offences as well as stakeholders who had a contractual commitment to the Department to provide support to NGOs that offer court-based victim support services. Consequently, MATTSO included representatives from the CD: PRVG; the



National Prosecuting Authority (NPA); Legal Aid of South Africa; and the Regional Court Presidents Forum; as well as representatives of the Justice Sector Strengthening Programme and the Foundation for Human Rights. In its activities, the Task Team consulted with the relevant departments and institutions that fall within the sexual offences sector to ensure that the results of the investigation are based on the collaborative input of all key stakeholders involved.

The initial mandate of MATTSO was to investigate the viability of re-establishing the Sexual Offences Courts in order to advise the former Minister on the appropriate action that should be taken. Numerous investigations were undertaken, including literary research, field studies and a national audit of regional courts in South Africa to determine the availability of resources to support the re-establishment of the Sexual Offences Courts. In its preliminary report, MATTSO recommended the re-establishment of the Sexual Offences Courts and developed a Model that sought to address the pitfalls that contributed to the demise of the original Specialised Sexual Offences Courts, while strengthening their key areas of success. The Model was costed and accompanied by the National Regional Court Resource Audit to determine courts that are resourced closest to it. Out of this exercise, MATTSO identified 57 regional courts, which were recommended for the initial upgrading into sexual offences courts over the period of 3 years, commencing in August 2013.

1.2 Legal and Policy Context informing the SOC NSP

The SOC: NSP is informed by a number of legislative and policy frameworks that are aligned to the Constitution and the applicable international and regional obligations. The most relevant is the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007), which seeks to establish a victim-centric criminal justice system that is prompt and effective. The Judicial Matters Second Amendment Act, 2014 (Act No. 43 of 2013) was also passed by Parliament – mainly to provide the Minister with authority to designate Sexual Offences Courts and further guide the intersectoral establishment and management of these courts.

1.2.1 National Policy Framework on the Management of Sexual Offences (SO NPF)

The SO NPF supports, *inter alia*, the provision of specialised services as it calls for specialised personnel, specialised services for victims with special needs, prevention of secondary victimisation, and adoption of the objectives of the Services Charter for Victims of Crime in South Africa. Most importantly, its principles include the adoption of a “Victim-Centred Approach” to sexual offences, adoption of a “Multi-Disciplinary and Intersectoral Response” to sexual offences and the provision of “Specialised Services to the victims of sexual offences”. The Directors-General Intersectoral Committee on the Management of Sexual Offences (DG ISC-SO) –chaired by the DG: DoJ&CD, gives oversight in the intersectoral implementation of the SO NPF, and reports directly to the Minister of Justice and Correctional Services. As the guiding document, the SO NPF therefore also informed the development of this NSP.



1.2.2 National Guidelines for Victim Empowerment

The National Crime Prevention Strategy of 1996 was the first document that called for the need to assume the victim-centred approach in the criminal justice system in South Africa. This led to the adoption of the Victim Empowerment Programme by the Justice, Crime Prevention and Security (JCPS) Cluster, which primarily requires that the rights of victims of crime are encapsulated into programmes preventing and responding to the violation of such rights. In 2005 the National Guidelines for Victim Empowerment were signed off by the JCPS Cluster stakeholders under the leadership of the Department of Social Development.

Currently, there are debates around the development of the Victim Empowerment Legislation to ensure that the commitments made by government stakeholders do not stand at policy level, but also progress into law. The new Sexual Offences Courts Model therefore promotes the spirit of entrenching the victim empowerment aspirations through its victim-centric features that offer support services to victims of sexual violence.



CHAPTER 2: THE SEXUAL OFFENCES COURTS

2.1 Historical Background to the Establishment of Sexual Offences Courts

The first Dedicated Sexual Offences Court was introduced in South Africa in 1993 at the Wynberg Regional Court in Cape Town as a pilot project which was aimed at responding to the high rate of sexual offences and reducing the secondary traumatisation experienced by victims of sexual violence in the criminal justice system. The objectives of this dedicated court were the reduction of trauma for the victim by following a victim-centred approach; the adoption of a co-ordinated and integrated approach among role-players involved in sexual offences cases; and the improvement of the investigation and prosecution of these cases.

This pilot proved to be a success, and further Specialised Sexual Offences Courts were established around the country. In 2002 the National Prosecuting Authority (NPA) developed a blueprint for the Specialised Sexual Offences Courts to guide the establishment and the management of these courts. By the end of 2005 there were 74 Sexual Offences Courts established, which resulted in more cases being finalised, an improved handling of victims, improved cycle time and improved conviction rates.

As the number of Specialised Sexual Offences Courts increased, so did the concern that these courts were creating an inequitable distribution of services to victims since they were better resourced than the mainstream courts. This was seen to be a violation of the constitutional rights of other victims of crime to equal protection and benefit of the law. The then Minister requested a review to determine the impact, effectiveness and sustainability of specialised courts and a revision of the terms of reference for the establishment of Specialised Sexual Offences Courts. This was interpreted to mean that a moratorium had been placed on the roll out of further Sexual Offences Courts.

The MATTSO investigation revealed that the Specialised Sexual Offences Courts experienced a number of challenges which contributed to their ultimate demise. There was no specific legal framework that provided for the establishment of these courts and, as a result of inadequate consultation, there was a lack of buy-in from other stakeholders. There was no dedicated budget for the Sexual Offences Courts, which resulted in inadequate resourcing and, since these courts were primarily dependent on donor funding, it was impossible to sustain optimal performance due to the shortage of certain personnel. The lack of physical space in some court buildings made it difficult, if not impossible, to comply fully with the blueprint, and there was inadequate and inconsistent provision of skills training and debriefing programmes for court personnel. There was also concern that victims in rural areas did not have access to these facilities and this was construed as being a violation of the Constitution. Finally, there was no monitoring and evaluation mechanism developed specifically for the management of these courts.



The dire need for special services in cases of sexual offences continued after the demise of the Specialist Sexual Offences Courts, and this resulted in the establishment of a new breed, but similar courts called the Dedicated Sexual Offences Courts. These courts were identified and established by the Regional Court Presidents, and resourced by the Department of Justice and Constitutional Development and the National Prosecuting Authority. Unlike the Specialised Sexual Offences Courts, the Dedicated Sexual Offences Courts were operating with mixed court rolls, while giving priority to the adjudication of sexual offences cases.

After intensive investigation, MATTSO made the finding that, not only did the law support the establishment of the Sexual Offences Courts, but in fact demanded the progressive realisation of specialised services to victims of sexual offences. The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 seeks, in its objects, to afford complainants of sexual offences the maximum and least traumatising protection that the law can provide and to introduce measures which seek to enable the relevant organs of state to give full effect to the provisions of the Act and to combat and, ultimately, eradicate the relatively high incidence of sexual offences. The Act requires effective and efficient investigation and prosecution of perpetrators of sexual offences as well as proper recognition of the needs of victims of sexual offences. In order to perform the functions related to the objects of the Act, all role-players are required to comply with a certain amount of specialisation.

2.2 Challenges Identified by MATTSO from the Former Specialised Sexual Offences Courts

In their deliberations on the re-establishment of the Sexual Offences Courts, the MATTSO identified a number of systemic challenges that may have implications on this process, and these are:

2.2.1. Case Flow Management

Case flow management was highlighted as a serious concern in the Specialised Sexual Offences Courts, which dealt exclusively with sexual offences cases, and this challenge still prevails at certain courts. Due to the difficulties inherent in cases of this nature, witnesses are sometimes not able to testify which results in the early collapse of the court rolls and leads to low court hours in the Sexual Offences Courts. This scenario continued to prevail even in the Dedicated Sexual Offences Courts, and it works against the expected performance standards set for the judiciary. In an attempt to remedy this situation, 'stopper cases' were placed on the roll for trial in the event that a 'trial-ready' sexual offence case did not go ahead, as planned. This decision was taken by the Regional Court Presidents Forum in an effort to circumvent the undesired loss of court hours and the unwanted under-utilisation of the Dedicated Sexual Offences Courts. This approach is still applicable in courts with a volume of sexual offences cases which does not always sustain a full daily court roll. The stopper cases are usually non-sexual offences cases and this then leads to a mixed court roll in these courts. Due to the unpredictability attached to the stopper cases, cases of sexual offences that specifically involve



child victims are not used as stopper cases to prevent further traumatising of the victims. The MATTSO therefore recommended that there be a case flow management policy developed specifically for the Sexual Offences Courts to address the identified challenges.

2.2.2. Rotation of Presiding Officers

The rotation of presiding officers is another feature of the criminal justice system that may pose challenges to the re-establishment of Sexual Offences Courts, since the current approach used by the judiciary requires presiding officers to remain in these courts for a limited period of six (6) consecutive months at a time. Due to this periodical rotation of presiding officers, partly-heard cases often get repeatedly postponed for the presiding officer who is now busy with the court roll of another court. Even when this magistrate returns to complete these cases, the resident regional magistrate then loses court hours. This situation, therefore, subjects both magistrates to under-performance at some point. It is also a concern in terms of providing specifically trained magistrates to these courts as they will then be moved to other courts after 6 months. In addition, magistrates were not in favour of being permanently placed in Sexual Offences Courts. The MATTSO recommended that this matter be investigated and a policy be established by the judiciary to guide the rotation of presiding officers in the Sexual Offences Courts.

2.2.3. Lack of Space

Lack of space is a major systemic challenge. Some court buildings do not have the space to establish testifying rooms, waiting rooms or consultation rooms. In some courts, it has been reported that court personnel use testifying rooms as offices and this often inconveniences both the court and the office occupant. There is also a lack of toilet facilities that can be allocated to the Sexual Offences Courts in some courts. This is further exacerbated by the fact that some buildings are listed and cannot be adapted to the Model.

2.2.4. Interdependencies within the Sexual Offences Case Flow Management Processes

The interdependencies within the sexual offences often constitute a further systemic challenge. The fact that these courts cannot operate in isolation of other government departments often creates delays in the finalisation of cases. Almost all these cases require SAPS to collect evidence; Department of Social Development to provide victim-support services and assessment reports; Department of Health to conduct physical examinations of the victims and collect DNA evidence; Department of Justice and Constitutional Development to provide court-based support services; NPA to prosecute; the judiciary to preside over these cases; the Department of Correctional Services to keep the convicted sex offenders in jail and rehabilitate them, etc. These are inevitable interdependencies. In essence, the successful operation of the Sexual Offences Courts depends on the successful management of the interdependencies between the stakeholders that have a role in the administration and management of sexual offences matters; hence the need for the SO NSP.



2.2.5. Uneven Resource Distribution

The uneven distribution of resources may pose a great challenge to the re-establishment of the Sexual Offences Courts. From the studies conducted by MATTSO, many courts do not have access to waiting rooms or appropriate furniture. In Springbok court, for instance, 5 prosecutors share an office and do not have room to conduct private consultations with the witnesses. In some courts, some court personnel have no access to basic tools of the trade, like computers. In others, testifying rooms are in the security offices, storerooms or kitchens. In certain courts, the children's waiting areas are small, cluttered and claustrophobic. Toilet facilities for children are not available in many court buildings. It is very clear that adequate resourcing will have to be made available to establish the Sexual Offences Courts.

2.2.6. Provision of Refreshments for Child Witnesses

The provision of refreshments for child witnesses has become the primary concern of court officials, especially the Judiciary, Prosecutors, Intermediaries, Court Preparation Officers and the NGO's based at the courts. Child witnesses often wake up in the early hours of the morning to travel long distances to court. By the time they are expected to testify, they are usually exhausted and hungry. In some courts, court officials are moved to provide food for the child witnesses. The State is therefore required to find the best possible way of addressing this challenge, as this burden cannot be left to court officials to address in their personal capacity. MATTSO recommended that this issue be investigated to determine the best feasible way that the Department may use to provide food to child witnesses. This investigation was conducted in 2014, and the Department resolved in increasing the witness fees for victims of crime and also making it accessible to child witnesses as soon as they arrive at court. The increased witness fee has not commenced yet due to administrative processes that are still underway.

2.2.7 Poor Understanding of the Dynamics of Victims of Sexual Offences and Marginalised Persons

The poor understanding of the dynamics of victims of sexual offences/ marginalized persons, particularly of persons with disabilities and LGBTI persons, by stakeholders often contribute to the increase in unreported cases. This is also a serious issue that requires immediate intervention. There is a need for the Department to make the court building accessible and user-friendly to these victims.

This NSP therefore will go beyond the recommendations of the MATTSO to ensure accessibility to all victims of gender-based violence in an effort to ensure access to justice for all.

2.2.8 Language Barriers

Language barriers become a challenge in courts where interpretation services for the language of the witness cannot be provided. This has also been identified as a major challenge, particularly in cases involving deaf witnesses who do not understand sign language, and children where interpreters have not been trained in child language. In other courts,



intermediaries who cannot speak the predominant language are hired, e.g. an Afrikaans speaking intermediary hired to work in a Zulu speaking community.

As South Africa has a diversity of foreign nationals who are also victims of sexual violence, it is important for this policy framework to begin to chart out the strategies to address challenges related thereto. Foreign languages for are critical in both interpretation and intermediary services provided to the witnesses.

2.3. MATTSO Findings and Recommendations

After the investigations into the re-establishment of the Sexual Offences Courts were conducted, the MATTSO made certain findings and recommendations.

2.3.1. Findings

2.3.1.1 There are sufficient grounds and a compelling need for the re-establishment of Sexual Offences Courts and these courts are in line with the ethos of the objects of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, which seek to afford complainants of sexual offences the maximum and least traumatising protection.

2.3.1.2 The re-establishment of the Sexual Offences Courts will reinforce the establishment of a victim-centred court system that is prompt, responsive and effective. From the research studies, these courts were found to be successful in the establishment of a victim-centred criminal justice system, reduction of secondary victimisation, improvement of skills of court personnel, reduction of the cycle time in the finalization of sexual offences cases, and have generally contributed to the efficient prosecution and adjudication of these cases.

2.3.1.3 Internationally, South Africa is at the forefront of developments with respect to specialized sexual offences courts that adopt a victim-centred approach. It has been found that most of the specifications of the blueprint for the Sexual Offences Courts are still recognised as an international best practice model, and therefore ought to be retained.

2.3.1.4 The lack of a dedicated budget for the establishment of the Sexual Offences Courts was the major contributor to the inequitable resourcing of these courts and their low visibility in rural communities. However, in certain areas it was the lack of space in the court building that led to less provision of resources, like adult witness waiting rooms, private testifying rooms and intermediary offices. In some courts, it was found that offices of the magistrates or storerooms were used interchangeably as testifying rooms.



- 2.3.1.5 The process of the establishment of the Sexual Offences Courts was inherently flawed and the implementation was not adequately structured and did not follow an all-inclusive consultative approach in certain areas.
- 2.3.1.6 The fact that there was no enabling statutory provision for the establishment of the Sexual Offences Courts discouraged uniformity in the process of their establishment and operation, and also received less or no support from other stakeholders. Subsequent to this finding, the Department prepared an amendment to address this gap which resulted in the promulgation of the Judicial Matters Second Amendment Act 43 of 2013.
- 2.3.1.7 Since the demise of the Sexual Offences Courts, a different breed of Dedicated Sexual Offences Courts has been in operation nationwide. These are regional courts that give priority to sexual offences cases, but operate on mixed court rolls, which mean that, as soon as the sexual offences court roll collapses, these courts deal with cases of other offences. Like the Dedicated Sexual Offences Courts, they are not backed by a specific legal framework, but are courts mainly based on a case flow management decision made by the Regional Court Presidents Forum. The existence of these courts represents the on-going endeavour by the Department to establish and maintain a victim-centred approach in the adjudication of sexual offences cases.
- 2.3.1.8 There are various specialized/dedicated victim support services and one-stop centres, like the NPA's Thuthuzela Care Centres, the DSD's Khuseleka One Stop Centres, and SAPS's Family Violence, Child Protection and Sexual Offences Units (FCS), which are established and managed by different government department/ institutions, mainly to reduce secondary victimisation and improve services within the criminal justice system. These are some of the commendable innovations undertaken in South Africa to address the scourge of gender-based violence. However, these centres operate without a common guiding policy to ensure the coordination and sustainability of services and resources. There is a need for a policy framework that will determine how these centres must function to optimise the performance of the Sexual Offences Courts. Nevertheless, these services form part of the criminal justice process and feed the courts. Thus these linkages reinforce the compelling need for the re-establishment of Sexual Offences Courts.
- 2.3.1.9 Most of the systemic challenges that led to the demise of the Sexual Offences Courts are still in existence, and will therefore have serious implications on the re-establishment of Sexual Offences Courts, if not addressed. These include:
- The lack of adequate space in the court buildings to establish Sexual Offences Court and their facilities;
 - The lack of guiding procurement specifications and maintenance framework for court equipment and resources for the testifying rooms, waiting areas and other facilities;
 - The lack of a specialization framework for the prosecution and adjudication of sexual offences cases. Victims of sexual offences have special needs that require



special services that can only be rendered by specialists in this field. There is therefore a need to consider the creation of specialist posts for sexual offences;

- d. The existing case flow management can add tremendous value to the management of sexual offences cases in our courts if its operational gaps are addressed. For instance, the early collapse of sexual offences court rolls often leads to low court hours, which works against the expected court performance standards;
- e. The rotation of presiding officers poses a significant challenge in that some presiding officers do not remain in these courts for any length of time. This creates enormous delays in the finalization of cases, particularly the partly-heard cases of sexual offences;
- f. Due to a lack of debriefing programmes, many court officials suffered from vicarious trauma as a result of being involved in these cases;
- g. Limited training programmes and the lack of a dedicated budget for multi-disciplinary training initiatives contributed to the reduced performance of these courts;
- h. There are inherent interdependencies in the criminal justice system that often cause serious delays in the finalization of these cases;
- i. The lack of a feeding scheme for child witnesses often contributes to children not performing optimally and can sometimes lead to the postponement of cases. To circumvent this scenario, many court officials provide food for children out of their own earnings; and
- j. Inadequate support services are available for LGBTI persons and victims with disabilities.

2.3.1.10 The Resource Audit showed that out of 567 courts sitting as regional courts (including circuit courts), 49 courts are resourced closest to the Sexual Offences Model in that they have at least two waiting rooms available. One hundred and six (106) courts are also resourced close to the Model in that they have a waiting room specifically dedicated to child witnesses but do not necessarily have a second waiting room. The audit further revealed that many of these courts are capacitated with the required human resources, e.g. the regional magistrate, prosecutor, intermediary, interpreter, and court operations clerk.

2.3.1.11 The Department has identified 57 courts for the immediate upgrading to comply with the Sexual Offences Model.



2.3.2 Recommendations

The Task Team made the following recommendations in their report, namely that:

- 2.3.2.1 In view of the findings listed above, the Sexual Offences Courts must be re-established either as the Sexual Offences Courts or the Hybrid Sexual Offences Courts. A Sexual Offences Court is defined as a regional court that deals exclusively with cases of sexual offences, while a hybrid Sexual Offences Court may be established in court buildings where space is a serious challenge. A Hybrid Sexual Offences Court is defined as a regional court dedicated for the adjudication of sexual offences cases in any specified area. It is a court that is established to give priority to sexual offences cases, whilst permitted to deal with other cases. However, it must be noted that the concept of the Hybrid Sexual Offences Courts is considered as an interim measure to ensure access to justice to all witnesses where the local court building cannot accommodate all the features of the Sexual Offences Court Model or the number of sexual offences do not justify an exclusive court roll of sexual offences. There must therefore be a progressive establishment of the Hybrid Sexual Offences Courts into Sexual Offences Courts.
- 2.3.2.2 The use of the terms, 'Specialist Sexual Offences Court' and 'Dedicated Sexual Offences Courts' should be discontinued in view of the inconsistencies in the international understanding and the use of the word 'specialized'. It is therefore recommended that the term 'Sexual Offences Court' be consistently utilized when reference is made to the sexual offences courtroom and its accompanying facilities.
- 2.3.2.3 The existing Dedicated Sexual Offences Courts must be upgraded into Sexual Offences Courts established in terms of the Sexual Offences Court Model.
- 2.3.2.4 The Department must give priority to the immediate upgrading of the 57 regional courts that have been identified as being resourced closest to the Sexual Offences Court Model. This upgrading process must be done against available resources, and must commence in the 2013/2014 financial year. The rest of the identified regional courts must be progressively resourced into Sexual Offences Courts over a period of ten years, which will commence in April 2015.
- 2.3.2.5 The costing of the implementation of the Model must be finalized. It must be done against the available resources identified from the Resource Audit, and must also consider the operational and maintenance costs.



- 2.3.2.6 The Department is advised to secure a dedicated and adequate budget from the National Treasury to realize the speedy establishment of these courts. Furthermore, since the provision of specialized services is cost intensive, political support is required to ensure appropriate budget allocations.
- 2.3.2.7 The Department must finalize the amendment of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, to provide an enabling provision for the establishment of Sexual Offences Courts, and for matters related thereto. However, this must not delay the initial establishment of the 57 regional courts that have been identified as resourced closest to the Sexual Offences Court Model. In the interim, it is recommended that these courts be dedicated as Sexual Offences Courts by the Chief Justice in consultation with the Minister. This is to ensure that immediate relief services are brought to the victims to improve response to the rising levels of sexual violence in South Africa. As soon as the amendment of the Act is finalized, the Minister may designate these regional courts as Sexual Offences Courts in terms of the enabling provision of the amended Act.
- 2.3.2.8 The enabling legislation must make provision for the necessary Regulations to guide the designation and resourcing of sexual offences courts.
- 2.3.2.9 An investigation must be conducted to determine the feasibility of merging the various specialised/ dedicated victim support services and one-stop centres, like the Thuthuzela Care Centres, the Khuseleka One Stop Centres and the SAPS Family Violence, Child Protection and Sexual Offences Units (FCS) into a model one-stop centre that will function to optimize the performance of the Sexual Offences Courts.
- 2.3.2.10 The Sexual Offences Court Committee must be established at national, regional and local levels to ensure an all-inclusive consultation with governmental and non-governmental stakeholders in the re-establishment of the Sexual Offences Courts. This Committee must function as the sub-committee of the Directors-General Intersectoral Committee for the Management of Sexual Offences.
- 2.3.2.11 This Committee must be given limited time to upgrade the Hybrid Sexual Offences Courts into fully-fledged Sexual Offences Courts, working in conjunction with the Provincial and Local Sexual Offences Court Committees. This is to ensure that the Hybrid Courts do not become the permanent feature of the court system to encourage the inequitable distribution of services.



- 2.3.2.12 A feeding scheme for child witnesses must be investigated for possible introduction in these courts and be properly costed.
- 2.3.2.13 Case Flow Management for Sexual Offences Matters must be explored by the Regional Court Presidents Forum to address the current flaws in the system. This process must be undertaken in consultation with the relevant stakeholders.
- 2.3.2.14 An integrated monitoring and evaluation framework must be developed to ensure the effective and efficient intersectoral management of the Sexual Offences Courts. This framework must set out performance standards for the intersectoral management of sexual offences to ensure heightened accountability amongst stakeholders. These standards must form part of the National Policy Framework for Sexual Offences. They must also determine the case cycle time from the time of reporting up to the finalisation of the case in court. The performance of each stakeholder participating in the value chain of sexual offences must be assessed against a quantitative measure of time, calculated from the time the case is received, up to the time the stakeholder function is finalised in relation to such a case. This approach will contribute in the speedy finalisation of the case.
- 2.3.2.15 SAQA accredited training programmes must be developed and their implementation must be ongoing. This training must include the Integrated Sexual Offences training programme so as to strengthen coordination and support between stakeholders. Court Personnel must also be trained on how to deal with cases involving persons with disabilities. Debriefing programmes must be regularly offered to court personnel.
- 2.3.2.16 The creation of specialist posts for personnel in the Sexual Offences Courts must be explored in an attempt to ensure the sustainable skills capacity. An investigation into the ambit of the roles and functions of the intermediary must be undertaken to ensure the creation of permanent posts for intermediaries. This investigation must include the feasibility of extending the function of court preparation to intermediaries so as to increase the scope of their work.



CHAPTER 3: THE REVISED SEXUAL OFFENCES COURTS MODEL

3.1 Introduction

Having recommended the re-establishment of the Sexual Offences Courts, MATTSO then investigated the development of the Sexual Offences Court Model (the Model) which identified the features that should characterize the courtroom, the testifying room and waiting areas for child as well as adult victims of sexual offences. The Model also sets out standard specifications for equipment to be used in these courts, thereby creating a set of minimum standards with which courts must comply in order to be a Sexual Offences Court. The Sexual Offences Court Model is based on the concept of providing victims of sexual offences with specialised facilities, personnel and services in order to protect complainants of sexual offences and their families from secondary victimisation and trauma. The Model thus provides minimum standards for the infrastructure, personnel and services that must be available for complainants of sexual offences. The following provides a summary of the key elements of the Sexual Offences Court Model.

3.2. Infrastructure

The key components of a Sexual Offences Court are the availability of a main courtroom and a testifying room that are linked by closed-circuit television systems. The courtroom must have access to a separate waiting room for adults and children, who have to testify. It is an important principle of a Sexual Offences Court Model that direct contact between a victim and the accused be minimized as practically possible.

3.2.1. Court Room

The Sexual Offences courtroom must be equipped with the following:

- ◆ A two-way closed-circuit television system to enable the child to identify the accused from the testifying room, when required to do so;
- ◆ A separate monitor for the presiding officer to ensure increased visibility of the image on the screen as well as control of the system;
- ◆ A large screen monitor for the other members of the court, as prescribed by the national guidelines of the CCTV and other related court equipment;
- ◆ A monitor in the testifying room for purposes of allowing the victim to identify the accused, when required to do so;
- ◆ A camera in the testifying room which is positioned so that the child can be clearly seen on the monitor in the courtroom;
 - The camera must provide the resolution prescribed by the national guidelines to ensure a close-up image of the child's face;
 - A camera in the courtroom for purposes of identification;
 - A prescribed quality microphone in the testifying room with reference to the National Guidelines;
 - Prescribed quality microphones for use in the courtroom;



- A set of earphones for use by the intermediary to facilitate direct communication between the intermediary and the court personnel;
- ◆ Portable closed circuit television systems should be made available to periodical courts so that children can have access to these services even in remote rural areas;
- ◆ Each Sexual Offences Court must have a set of anatomical dolls that comply with the minimum requirements for a forensic tool as set out in the MATTSO report; and
- ◆ All technical equipment must comply with minimum specifications as set out by the Departmental Guidelines, etc.

3.2.2 Testifying Room

Since testifying in court can be a very stressful experience, the aim is for the testifying room to provide a calm, comfortable space for the complainant to testify. In order to achieve this, the room should comply with the following:

- ◆ Walls must be painted in child-friendly colours, although murals and pictures must be avoided;
- ◆ The room must have window dressings that successfully block unwanted light for the purposes of ensuring that the court receives clear images from the screen;
- ◆ The lighting must be suitable for the filming of the child;
- ◆ The room must have an air-conditioner that is silent;
- ◆ The room must be carpeted in a serviceable colour so that it can easily be cleaned;
- ◆ The furniture must be suitable for children, and may include:
 - a bed couch that is upholstered in a durable fabric that can be easily serviced or wiped off. This will be used when a child needs a nap during testimony;
 - chairs that provide comfortable seating and which are the appropriate size for children;
 - a table that can be used as a surface for water, tissues and drawings, where applicable;
 - there should be no toys available in the testifying room, with the exception of a soft toy that can be used as a comfort item by a child. Stress balls may be made available to traumatised adult victims;
 - the anatomical dolls must be kept away, and taken out only when the use thereof is requested by the court;
 - all doors to the testifying rooms should be equipped with locks so that the room can be locked to protect the equipment; and
 - all closed-circuit equipment must comply with the minimum specifications required by the Department of Justice and Constitutional Development.

3.2.4 Restrooms



Witnesses must have access to toilets, and these should be close to the courtroom or waiting room so that the witnesses do not have to wander around the court building and risk confronting the accused persons in the passages.

3.2.5 Waiting room for children

As children are often required to wait at court for long periods of time and are very stressed by the impending call to testify, it is necessary that the waiting room provide a calm, comfortable space where they can be entertained and distracted while they wait. To this end, the waiting room should contain the following:

- ◆ There must be comfortable sitting area suitable for children (including teenagers), with chairs that are upholstered in a durable material that can easily be serviced. As spills and mess are inevitable, it is suggested that furniture be made from high density foam covered in vinyl;
- ◆ As children need to be occupied while they wait to testify, the room should contain tables where the children can play and draw;
- ◆ All chairs must offer comfortable seating and be an appropriate size for children;
- ◆ Plastic tables and chairs should be available for toddlers and very young children;
- ◆ There must be some form of storage available for toys and books to ensure that the room remains neat;
- ◆ An information screen should be available in the waiting room to educate and entertain the children while they wait;
- ◆ There should be toys available for the children to play with. These can include dolls, blocks, and educational games;
- ◆ Walls must be painted in standard, child-friendly colours to create a calming effect;
- ◆ It is recommended that murals and paintings be kept to a minimum, especially as the waiting room will be used by both toddlers and teenagers;
- ◆ The room must be fully/ partially carpeted in a serviceable colour that can easily be cleaned; and
- ◆ All doors to the testifying rooms should be equipped with locks so that the room can be locked to protect the equipment and contents.

3.2.6. Waiting room for adults

It is recommended that there be a separate waiting room for adults as traumatised, adult complainants may be further stressed by the presence of children. The waiting room for adults should contain the following:

- ◆ Walls should be painted in soothing colours, and murals are not allowed;
- ◆ Window dressings in the form of blinds or curtains should be available, if these are necessary, although it is important that they be fully operational if they are available;
- ◆ The light must be bright and suitable for comfortable reading;
- ◆ The room must have an air-conditioner;
- ◆ The room may be carpeted in a serviceable colour that can easily be cleaned;
- ◆ The following furniture must be provided:
 - Chairs;



- A couch that is comfortable and made of a durable and serviceable material;
- A coffee table, where possible;
- ◆ Information brochures, materials and pamphlets must be available;
- ◆ There should be information screens in the waiting room to contribute to the empowerment of complainants; and
- ◆ All doors to the testifying rooms should be equipped with locks so that the room can be locked to protect the equipment and contents.

3.2.7 Personnel

The minimum personnel required to resource a Sexual Offences Court includes the following:

- ◆ Presiding officer
- ◆ Two prosecutors
- ◆ Intermediary
- ◆ Interpreter
- ◆ Designated court clerk;
- ◆ Designated social worker;
- ◆ Legal Aid practitioner; and
- ◆ Court Preparation/ victim support officer.

3.2.8 Capacity Building

In order to provide a specialised service to all victims of sexual violence, it is essential that all role-players receive specialised and intensive training in this regard. In fact, in the recent Discussion Paper 102 on Sexual Offences by the South African Law Commission, a multi-disciplinary, multi-sectoral approach to the needs of victims of sexual violence was advocated, and it was recommended that only specially trained medical personnel, police officers, prosecutors, magistrates and counsellors be allowed to deal with serious sexual offence cases. The Model for the Sexual Offences Courts requires that the following capacity-building of personnel be undertaken:

- ◆ Ongoing training of all court personnel on the dynamics of sexual offences is mandatory;
- ◆ At a minimum, training must include the following topics:
 - Provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, its National Policy Framework and the Victim's Charter;
 - Trauma experienced by victims of sexual violence;
 - The effects of testifying;
 - Communicating with children;
 - Child development;
 - Disclosure of Abuse;
 - Working with persons with mental disabilities; and
 - Sex offenders
- ◆ Individual role-players must receive profession-specific training which will provide them with the skills necessary to perform their roles and functions;



3.2.9 Services

Since research has highlighted the serious consequences of sexual violence and emphasised the trauma experienced by victims of sexual offences, it is necessary to provide victims with certain, specialised services. At a minimum, victims of sexual offences should have access to the following services:

- ◆ Court preparation programme;
- ◆ Information services that take the form of text, audio-visual and Braille, etc;
- ◆ Victim support services;
- ◆ Witness fees services;
- ◆ Private testifying services;
- ◆ Vicarious trauma programmes (debriefing) must be available for all personnel dealing with sexual offences cases;
- ◆ A case flow management and screening policy to identify cases that fall within the sex offences category and to direct these to the Sexual Offences Courts; etc.

3.2.10 Monitoring and Evaluation

A data collection method must be available to allow for the monitoring and evaluation of the court's effectiveness which must make provision for input from victims who have gone through the criminal justice system.



CHAPTER 4: THE NATIONAL STRATEGIC PLAN

4.1 Introduction

The Judicial Matters Second Amendment Act 43 of 2013 was promulgated on the 22 January 2014 and makes provision for the establishment of the Sexual Offences Courts. Section 2 amends section 55 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No.32 of 2007) (the Act) to include s55A which provides as follows:

“(1) Subject to subsection (2), the Minister may by notice in the *Gazette* designate any Division of the High Court or the main seat or any local seat of a Division or Magistrate’s Court, as defined in section 1 of the Superior Courts Act, 2013 (Act No. 10 of 2013), as a sexual offences court exclusively for the purposes of the trial of any person or other proceedings arising out of –

- (a) an alleged commission of a sexual offence in terms of the common law, any offence in terms of the Sexual Offences Act, 1957 (Act No.23 of 1957), or any offence in terms of this Act; or
- (b) any act or omission which constitutes an offences in terms of any other law which has a bearing on sexual offences, as the Director of Public Prosecutions having jurisdiction, may, in writing, authorise.”

Pursuant to the above, the Department has initiated the rollout of the Sexual Offences Courts in line with the Model. As of the 31st March 2014 twenty-two (22) Sexual Offences Courts have been established nationally as part of the first phase. They have been resourced with the necessary equipment and furniture and the required physical infrastructure in terms of the Model. It is envisaged that a further 35 regional courts will be upgraded by the end of the 2015/2016 financial year. Thereafter, 106 sexual offences courts will be established over the period of 10 years, as recommended by the MATTSO Report. Since the implementation of the Sexual Offences Courts Project is complex and involves substantial budgetary implications, it is necessary for this process to be guided by a National Strategic Implementation Plan.

The purpose then of the National Strategic Plan (NSP) is to develop a framework to guide the process of re-establishing/establishment of the Sexual Offences Courts in line with the Model. An in-depth analysis of the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 and the Sexual Offences Court Model was undertaken to determine the goals, strategic objectives, activities, indicators and outcomes of the NSIP.

In terms of the Judicial Matters Second Amendment Act 43 of 2013, the Department may establish the Sexual Offences Courts. In the development of the implementation plan, four goals were identified in



line with the objects of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.
The goals and strategic objectives are set out below:

4.2 The Strategic Goals and Objectives of the SOC NSP

The Sexual Offences Courts National Strategic Plan is therefore structured in the following manner:

- **Goals:** It is framed by three (3) goals that are linked to the objectives of the Act. These are strategic goals which will inform activities, outcomes, outputs which are identified to facilitate the effective establishment and sustainability of the Sexual Offences Courts.
- **Rationale** for each goal is clearly set out to provide the context to the goal.
- **Strategic Objectives:** The execution of the goals is guided by the strategic objectives accompanied by:
 - Outcomes: Each strategic objective has an outcome which informs the expected end result from implementation.
 - Indicators, which are set for each strategic objective to measure the achievement of the goal.
 - Activities, which are steps set out to guide the achievement of the strategic objective.



4.3 The National Strategic Plan Outlined

4.3.1 GOAL 1: To Make Provision for a Legal Framework Enabling State Organs to Execute their Roles and Responsibilities in the Establishment, Designation and Intersectoral Functioning of the Sexual Offences Courts

Rationale: The Act was introduced to afford complainants of sexual offences the maximum and least traumatising protection that the law can provide and to introduce measures that would enable this to take place. This Act was amended by the Judicial Matters Second Amendment Act 43 of 2013 by the insertion of s55A to provide for the designation of Sexual Offences Courts for the purposes of the trial of any person or other proceedings arising out of an alleged commission of a sexual offence. This provision offsets out the requirement for the designation of the Sexual Offences Courts. It also provides the Minister with authority to designate these courts in conjunction with the judiciary.

It also elevates the establishment of Sexual Offences Courts into law and therefore part and parcel of government policy which cannot be repealed without following Parliamentary processes.



4.3.1.1 Goal 1 - Strategic Objective 1: To make provision for a Legal Framework Enabling State Organs to Execute their Roles and Responsibilities in the Establishment, Designation and Intersectoral Functioning of the Sexual Offences Courts

Outcome: Legislation that includes the establishment of sexual offences courts with regulations, where necessary.

Indicator: % completion of the development legislation and the relevant regulations (where necessary) and its publication in the Government Gazette

Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
1. Publish Amendment Act in Government Gazette	Amendment Act published in Government Gazette	100%	-	-	-	-	DoJ&CD
2. Develop a framework to guide the intersectoral establishment and the designation of courts as Sexual Offences Courts (subject to the approval of the regulations)	Guidelines for the intersectoral establishment and designation of courts as Sexual Offences Courts formulated		100	-	-	-	DoJ&CD (All stakeholders)
3. Develop Regulations for the establishment, designation and management of Sexual Offences Courts and Publish them in the Gazette	Regulations published in Government Gazette	50%	100%	-	-	-	DoJ&CD (NPA, SAPS, DoH, DSD)
4. Amend Directives and National Instruction to include the establishment, designation and management of Sexual Offences Courts and Publish them by Gazette	Gazetted amended Directives and National Instructions	50%	100%				NPA, SAPS, DoH, DSD



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
5. Amend the Sexual Offences National Policy Framework and other related policies to align with the Amendment Act	Publication of amended National Policy Framework completed	50%	100%	-	-	-	DoJ&CD

4.3.1.2 Goal 1 - Strategic Objective 2: Monitor and Evaluate the Effective Functioning of the Sexual Offences Courts

Outcome: Improved Management of Sexual Offences Cases in Sexual Offences Courts

Indicator: The Monitoring and evaluation framework for Sexual Offences Courts developed

Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
1. Develop an Integrated Sexual Offences Courts Monitoring and Evaluation Tool (Integrated SOC M&E Tool) to ensure the effective and efficient intersectoral establishment and performance of the Sexual Offences Courts	Integrated SOC M&E Tool to measure performance of Sexual Offences Courts developed.	70%	100%	-	-	-	DOJ&CD National DG ISC-SO member departments/institutions
	The Integrated SOC M & E Tool distributed to and popularised in all the National and Provincial structures impacting on the performance of the Sexual Offences Courts	-	-	100%	-	-	
2. Develop an information system for implementing the monitoring and evaluation tool	Information tools and system for implementing the monitoring and evaluation framework developed	-	30%	50%	80%	100%	DoJ&CD All stakeholders



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
3. Facilitate the establishment of human resource capacity to support data collection according to the Integrated SOC M & E Tool	Human Resource Capacity identified and capacitated to support monitoring and evaluation	-	30%	50%	80%	100%	DOJ&CD All stakeholders

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4.3.2 GOAL 2: To Facilitate a Uniform and Co-Ordinated Approach by Relevant Government Departments in dealing with Sexual Offences

Rationale: The multi-disciplinary nature of sexual offences and the interdependencies within the sexual offences value chain have constituted a systemic challenge to the implementation of the Act. The fact that these courts cannot operate in isolation of other government departments often has a negative impact on the finalisation of cases. Almost all of these cases require SAPS to collect evidence; Department of Social Development to provide victim-support services and assessment reports; Department of Health to conduct physical examinations of the victims and collect Forensic/DNA evidence; Department of Correctional Services to keep the convicted sex offenders in jail and offer rehabilitation etc. These are inevitable interdependencies, within the criminal justice system, that cannot be avoided.

In essence, the successful operation of the Sexual Offences Courts depends on the successful management of these interdependencies between the stakeholders that are connect in the sexual offences criminal justice system value chain. This has been acknowledged by the Act which requires that sexual offences and related matters must be dealt with uniformly and in a co-ordinated and sensitive manner by all government departments and institutions. In addition, as outline in the MATTSO report, there are victim support services which are aimed at supporting the management of sexual offences cases and provide support services to victims. These include the following victim support services which feed into the Sexual Offences Courts:-

(i) Department of Health: Collection of Forensic Evidence/DNA is provided by the Forensic Medical Centres which are located at some health facilities. Designated health facilities also provide Post-Exposure Prophylaxis. Once evidence is collected, it is then handed back to the police. The Department of Health also appoint Forensic Nurses who have provided capacity for purpose of presenting forensic evidence, in court, in respect of the injuries suffered by the victim during the incidence.

(ii) SAPS Victim Support Services: SAPS has a number of victim support services that greatly benefit victims of sexual offences. The Family Violence, Child Protection and Sexual Offences (FCS) Detective unit was established to focus on the investigation of sexual offences cases, amongst their other functions. In addition, where children are victims of sexual offences, the evidence or investigation is provided with the assistance of Forensic Social Workers appointed by SAPS to assist in ensuring that children can communicate through an official who understands child language and can help prevent secondary traumatisation of the child victim. Victims of sexual offences are interviewed in Victim Friendly Rooms (VFR) which are linked to



police stations and provide private space for the victim to report. The analysis of forensic evidence/DNA used in the prosecution of sexual offences cases is carried out at SAPS Laboratories. Now SAPS is able to collect DNA and is in the process of establishing DNA data bank which is already greatly assisting in identification of sex offenders.

(iii) Thuthuzela Care Centres (TCC): provide a one-stop service in trying to reduce and eradicate secondary victimisation or trauma of the victim. The NPA appoints Case Managers linked to the TCC to monitor the case progress in sexual offences cases emanating from the TCCs. There are also Court Preparations Officers and in some areas Victims' Advocates who support the victim and witnesses understand the court and its processes.

The role of civil society organizations in the management of sexual violence cannot be overlooked. For many years, the country has experienced the robust intervention and support of NGO's at different service points within the value chain. Many court buildings are housing NGO's to provide victim-support services, which include court accompaniment, trauma debriefing and counselling, court preparation for witnesses, food provision to child witnesses, and intermediary services, to mention but a few.



4.3.2.1 Goal 2 - Strategic Objective 1: Improve intersectoral co-ordination for sexual offences cases

Outcome: Improved co-ordination and support between intersectoral stakeholders in the establishment and performance of the Sexual Offences Courts

Indicator: Number of interventions implemented by the various Intersectoral Coordination Structures responding to indicators set out in the Integrated SOC M & E Tool.

Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
1. Develop and support governance structures to promote intersectoral coordination and support	1 x National Sexual Offences and Rapid Response System and Team (SO RRS & RRTs) 1 x Provincial Intersectoral Committee for Sexual Offences Courts (or incorporation to the Integrated SOC M & E Tool into the Agenda of an existing structure) including Provincial SO RRS and RRTs 1 x local Intersectoral Committee for Sexual Offences Courts (Local RRS and RRTs) Evaluate the effectiveness of the coordination structures	25%	50%	75%	100%	100%	DOJ&CD All the Role-Player Departments/Institutions
2. Develop a Stakeholder Co-ordination Framework to strengthen the operation of	Sexual Offences Courts Stakeholder Coordination Framework developed	50%	100%	-	-	-	



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
the Sexual Offences Courts	Plan for inter-departmental co-ordination and communication developed	-	100%				
	The Sexual Offences Courts Stakeholder Coordination Framework utilized by national and provincial coordination structures		25%	50%	75%	100%	
3. Conduct a comparative analysis document outlining victim support services linked to Sexual Offences Courts their nature, services provided and how they contribute to the Sexual Offences Courts	Report on Victim Support Services Linked to Sexual Offences developed	-	100%	-	-	-	DSD All other stakeholder departments/institutions
	Distribute the report for use at the various service points	-	-	100%	-	-	



4.3.3 Goal 3: To Strengthen Victim Support Services Aimed at the Prevention of Secondary Victimization of Victims and Witnesses in Sexual Offences Cases

Rationale: The interaction between victims of sexual violence and the criminal justice system has often resulted in secondary victimisation of the victim and further trauma. Sexual Offences Courts are being established to provide victims and witnesses of sexual offences with specialised facilities, trained personnel and relevant services to prevent secondary victimisations amongst other intended results. The prevention of secondary victimisation and trauma must inform all the institutional mechanisms, processes, systems and infrastructure established to address sexual offences and other forms of violence against women.



4.3.3.1 Goal 3 - Strategic Objective 1: Establish and maintain courts for improved prosecution and adjudication of sexual offences cases

Outcome: Sexual Offences Courts (SOCs) and victim support services feeding into Sexual Offences Courts identified and established

Indicator: Number of Sexual Offences Courts established in compliance with the Sexual Offences Court Model

Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
1. Conduct site assessments to identify courts suitable for upgrading into Sexual Offences Courts for Phase 1 of the Sexual Offences Court Project	Assessment reports	100%	100%	100%	100%	100%	DOJ&CD
2. Develop a plan for the Phase 2 of the Sexual Offences Courts Project in conjunction with the Facilities Management Chief Directorate and Department of Public Works (DPW)	Assessment report of the 106 courts identified for the second phase	50%	100%	-	-	-	DOJ&CD and DPW Provincial Stakeholder Coordination Structures
	Implement Phase 2 of the Sexual Offences Courts Project	-	No. of courts established	No. of courts established	No. of courts established as SOCs	No. of Courts established as SOCs	DOJ&CD and DPW
4. Equip SOCs with furniture and equipment	Furniture and equipment available in Sexual Offences Courts established annually	100%	100%	100%	100%	100%	DOJ&CD



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
5. Develop a template and checklist for minimum infrastructural requirements for courts identified for upgrading and establishment	SOC Infrastructural Requirements Checklist developed and utilised at all levels (i.e. National, Provincial & Local)	50%	100%	-	-	-	DOJ&CD All Stakeholder Departments/Institutions

4.3.3.2 Goal 3 - Strategic Objective 2: Provision of Human Resources for the Sexual Offences Courts

Outcome: Improved performance of the Sexual Offences Courts

Indicator: Number of competent personnel appointed in terms of the Sexual Offences Courts Model

Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
1. Develop a plan to popularise the utilisation of the Integrates SOC M & E Tool	Integrated SOC M&E Tool popularised and utilised	-	100%	100%	100%	100%	DOJ&CD All stakeholder Departments/Insti tutions
	Assess the use of the Integrated SOC M& E Tool in all the provinces	-	-	3	3	3	DOJ&CD and NPA



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
2. Develop a debriefing programme (vicarious trauma) specifically aimed at personnel working in Sexual Offences Courts	Debriefing programmes for personnel in Sexual Offences Courts developed and accessible	50%	100%	-	-	-	DOJ&CD and all stakeholder departments
	Debriefing data-base developed and updated annually	100%	100%	100%	100%	100%	DOJ&CD Debriefing Sub-Committee
	2 meetings of the Intermediary Committee's Debriefing Sub-Committee held to assess progress and content of the Debriefing Programme	100%	100%	100%	100%	100%	
3. Provide debriefing (vicarious trauma) training to all personnel dealing with sexual offences in all the departments/institutions feeding into the Sexual Offences Courts	9 workshops conducted per annum by each stakeholder department/institution with functions and services linked to Sexual Offences Courts	100%	100%	100%	100%	100%	DOJ&CD All Stakeholder Departments
4. Amend Government notice on categories of persons who can be appointed as Intermediaries	Amended notice published by Gazette	100%	-	-	-	-	DOJ&CD
5. Develop Intermediary and Intermediary Services Management Guidelines	Intermediary and Intermediary Services Management Guidelines developed	100%	-	-	-	-	DOJ&CD



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
	Assessment of the utilisation of the Intermediary and Intermediary Services Management Guidelines conducted	-	50%	100%			
	Intermediary and Intermediary Services Management Guidelines revised.	-	-	-	50%	100%	All Role-Player Departments/Institutions through the Intermediary Committee
6. Develop a Guiding Document for the selection and appointment of interpreters to act in Sexual Offences Courts and submit it to Regional Court Efficiency for consideration and adoption	Guidelines on the criteria for selecting interpreters for Sexual Offences Courts developed and applied by the Regions	50%	100%	-	-	-	DOJ&CD
7. Develop terms of reference for personnel appointed in line with the Sexual Offences Court Model	Terms of reference for personnel appointed in compliance with the Sexual Offences Courts Model developed	50%	100%	-	-	-	All Stakeholder Departments/Institutions
	The implementation of the Terms of Reference for the allocation of personnel in compliance with the Sexual Offences Courts Model assessed and incorporated in the	100%	100%	100%	100%	100%	



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
	Departmental Annual Reports on the Implementation of the Act by all relevant stakeholder departments/institutions						

4.3.3.3 Goal 3 - Strategic Objective 3: Capacity Development

Outcome: Personnel in Sexual Offences Courts have the specific capacity to deal with sexual offences cases

Indicator: Number of personnel who have undergone training

Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
1. Conduct an analysis of training conducted and/or is available for personnel in Sexual Offences Courts	Data base of trained personnel compiled from all the stakeholder departments/institutions	50%	100%	-	-	-	DoJ&CD, SASSETA, HR, Justice College, SAJEI and All Stakeholders
	An inter-departmental schedule for the evaluation of existing training conducted for personnel providing services in Sexual Offences Courts developed	-	-	100%	-	-	
	A Training Evaluation Report indicating training conducted for personnel providing services in	-	-	50%	100%	-	DOJ&CD All stakeholder departments/institu



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
	Sexual Offences Courts developed						tions
2. Develop outcomes- based learning programmes for all personnel responsible for the administration and management of sexual offence case outcomes	Accredited Training Modules for all personnel responsible for sexual offences case outcomes available	-	-	15%	25%	50%	All stakeholder departments/institutions
3. Develop an inter-departmental plan to execute accredited training	Inter-departmental plan for the execution of accredited training developed	-	-	-	-	50%	



4.3.3.4 Goal 3 - Strategic Objective 4: Provision of Victim-Support Services

Outcome: Reduced secondary victimisation and trauma of victims and witnesses as they go through the criminal justice system
Indicator: Number of services available to and accessed by victims and witnesses (state witnesses) at each Sexual Offences Court

Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
1. Facilitate the incorporation of all requisite facilities and additional infrastructure requirements for compliance with Sexual Offences Court Model into the New Court Services Facilities Model	Needs analysis of all personnel providing services in Sexual Offences Courts conducted	100%	-	-	-	-	DOJ&CD
	Needs analysis report recommendations incorporated into the New Court Facilities Model	-	100%	-	-	-	
2. Develop an online court preparation programme to increase access to victims	Online court preparation programme for victims and their families developed	25%	50%	75%	95%	100%	NPA All stakeholder departments
3. Facilitate the development of monitoring system for victim support services provided to sexual offences victims and witnesses by each role-player department.	Templates for monitoring and evaluation of victim support services provided to victims and witnesses in sexual offences cases developed and incorporated into the Integrated SOC M & E Tool	25%	50%	75%	100%	-	DOJ&CD All stakeholder departments/i nstitutions



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
	Implement the victim support services monitoring and evaluation system through the ICMS	-	-	-	25%	50%	
4. Make information screens available in children and adult waiting rooms of Sexual Offences Courts established annually	Sexual Offences Courts with information screens in the adult and children waiting rooms offering relevant information on the criminal justice process	100%	100%	100%	100%	100%	DOJ&CD
5. Provide information booklets, brochures and materials for adults and children that will contribute to learning and empowerment	Adult and child victims of sexual violence and their families will be educated and more knowledgeable about court processes and systems	100%	100%	100%	100%	100%	DOJ&CD All stakeholder departments/institutions
6. Conduct investigation into current methods undertaken by courts to provide food for children	Report on current methods used to provide food for children at courts approved by DOJ&CD EXCO	100%	-	-	-	-	DOJ&CD All stakeholder departments/institutions
7. Develop guidelines for provision of food to children at court	Standardised guidelines available for provision of food to children at court will be developed and applied	-	50%	100%	-	-	DOJ&CD All stakeholder departments/institutions
8. Develop statistical template for capturing data to determine number of children receiving food at court	Statistical template to capture data in order to monitor and evaluate the provision of food to child witnesses at court developed and utilized	-	50%	100%	-	-	DOJ&CD Relevant stakeholder department/institution



Activity	Output	Target					Responsible Stakeholder
		Y1	Y2	Y3	Y4	Y5	
9. Conduct a mapping and an assessment to identify what services are available as well as gaps and synergy in the provision of integrated services	Report on services that are available to victims will be identified will be developed and disseminated to facilitate addressing gaps	25%	50%	75%	100%	-	DOJ&CD All stakeholders/i nstitutions
10. Inform public of the existence and modus operandi of the Sexual Offences Courts	Annual public awareness and education interventions plans on Sexual Offences Courts developed	100%	100%	100%	100%	100%	DOJ&CD All relevant departments/i nstitutions
	Public awareness and communication interventions implemented	100%	100%	100%	100%	100%	DOJ&CD All relevant stakeholder departments/i nstitutions
11. Conduct periodic service surveys on the impact of Sexual Offences Courts to victims and the community	Survey reports	100%	-	100%	-	100%	DOJ&CD



CHAPTER 5: CONCLUSION

The process for the development of the SOC NSP was long as it started during the 2014/2015 financial year. It was thought prudent to implement the Deputy Minister's recommendation for the Department to work together with its internal role-players on its finalisation first. This is aimed at ensuring that at the least there is agreement internally within the Department's internal stakeholders. This process was embarked upon with the first workshop with the NPA focusing on role-clarification. The subsequent meetings were working sessions aimed at finalising the document. The section outlining the plan was developed in conjunction with the NPA to a greater extent. The remaining part was finalised by the DOJ&CD and forwarded to the NPA for final input.

The SOCNSP will be extensively consulted upon with the relevant stakeholder departments/institutions. After the consultative process, it will then be presented for the Department's Strategy Unit, JCPS Development Committee (DEVCOMM), DG ISC-SO and then to the JCPS Inter-Ministerial Committee. This will ensure a buy in for its effective and efficient implementation at all levels of the JCPS cluster and to ensure that there is sufficient budget allocated to its implementation. Once approved by the JCPS Inter-Ministerial Committee, the SOC NSP will then be distributed widely to stakeholder as a transparent document for all stakeholders to implement and monitor.