

Support for victims

Government introduced the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) to protect communities against sexual offences. This Act requires that support services be provided in the criminal justice system to reduce and ultimately, remove the secondary traumatisation of victims. It also aims to establish a criminal justice system that is fast, effective, sensitive and responsive to the needs of victims.

What are sexual crimes (offences)?

Sexual crimes include:

RAPE occurs when a person has sexual penetration with a victim without their consent. The law also makes it a crime for one person to force another person to rape a victim. This is known as compelled rape.

SEXUAL ASSAULT occurs when a person sexually violates the victim by, for example, touching the genital organ of the victim or causing the victim to touch his/her genital organ. The law makes it a crime for one person to force another person to sexually violate a victim. This is known as compelled sexual assault.

COMPELLED SELF-SEXUAL ASSAULT occurs when a person compels the victim to masturbate or engage in any form of self-sexual arousal or stimulation.

'FLASHING' happens when a person displays their private parts to a victim without their consent.

SEXUAL EXPLOITATION of children/persons who are mentally disabled occurs where a person engages the sexual services of a child victim or a mentally disabled person with or without consent, for financial favour or reward. This is generally known as child prostitution.

SEXUAL GROOMING of children/persons who are mentally disabled means making a child or a mentally disabled person sexually ready with the aim of committing a sexual act with such child/mentally disabled person.

CHILD PORNOGRAPHY occurs when a person or company uses a child to make pornographic material for a reward or money, with or without the consent of such child.

Who can be a victim of a sexual crime?

Anyone can be a victim of a sexual crime. The law requires all criminal justice officials (police, prosecutors, magistrates and court clerks) to deal with all reported sexual crimes without discriminating against victims on the basis of race, nationality, sex, gender, age, sexual orientation or any other reason. In terms of the law, men and boys can also be victims of sexual crimes.

The Department of Justice and Constitutional Development established the new Sexual Offences Courts to:

- reduce and ultimately eliminate the secondary traumatisation of victims from the court system
- provide speedy finalisation of sexual offences cases
- increase the conviction rate and improve sentencing in these cases.

Currently, there are **43 new model sexual offences courts** countrywide.

Quick facts



A total of **43** sexual offences courts were upgraded since August 2013 to meet the requirements set out by the Ministerial Advisory Task Team Adjudication of Sexual Offences (MATTSO) report.



Since the reintroduction of sexual offences courts, some **1800** cases were finalised with life sentences for perpetrators.



More cases relating to the sexual offences are being finalised with a conviction. In the first quarter of this year, a total of **71, 1% (1231)** cases were finalised with a conviction.



Currently, there are **51** Thuthuzela Care Centres providing dedicated services to victims of sexual violence, of which **50** are fully operational.



25,1 % of sexual offence victims were victimised by their relatives and **24.0%** by a known community member.



Anyone (women, men, children, babies), irrespective of gender can be a victim of rape.



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of sexual offences

The new model Sexual Offences Courts offer the following services:



Court preparation services:

The programme familiarises you with court processes, procedures, services and benefits. It aims to help you to be an effective witness in court. On the date of trial, you will be welcomed in court by the Court Preparation Officer (CPO).



Pre- and post-trial trauma debriefing services:

The CPO will take you through trial trauma debriefing sessions before the trial commences and once it is concluded to help you deal with the trauma of the incident.



Intermediary services:

If you are a child victim or a person with mental disability, the prosecutor will apply to court to allow you to testify in a private testifying room with the assistance of an intermediary. The role of the intermediary is to convey questions from court to you in an understandable manner.



Private testifying room/ closed court services:

If you are an adult witness, the law allows you to testify from a private testifying room via the closed-circuit TV system if you feel more comfortable to do so. This will ensure that you do not need to be in the physical presence of the accused when testifying.



Private waiting rooms for adult and child victims:

The child witness room has standard furniture specifically designed to meet the needs of traumatised children. It also provides a play area, reading centre, and a child's bed-sofa for resting. The adult waiting room is also furnished to make the court experience more comfortable for victims.

Information services are available at the private waiting rooms for victims, mainly to inform you of your rights and the available court services. The information is offered in the form of educational booklets, DVDs, and in braille.



Witness fee services:

The department provides witness fees to cover your return travelling costs and food while in court.

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Steps to follow if you are a victim of a sexual offence



Step 1: Immediately go to the nearest police station or a Thuthuzela Care Centre (TCC) to report the matter.

Do not take a bath or change your clothes after a sexual crime. Your body and the clothes you wore during the crime may provide critical DNA evidence.

A TCC is a one-stop victim-support service centre located at the hospital/clinic to facilitate the speedy collection of evidence in a victim-friendly environment, particularly DNA evidence. You may ask someone you trust, such as a friend or family member, to go with you as your support person.

When the sex offender did not use a condom or protection while committing the sexual offence, you may apply to a magistrate for an order compelling the alleged sex offender to be tested for HIV. This application is free and must be done within 90 days, with assistance of a prosecutor.



Step 2: You will be required to make a statement.

- At the police station/ TCC, you will be taken to a private victim-friendly room, where the police officer will take down your sworn statement. You need to provide the investigator with the list of people who witnessed the crime or may have any relevant information concerning the case.
- Ensure that you read your statement and make the necessary changes before you sign it.
- The police will issue you with a case number. Please keep this safe.



Step 5: Cooperate with the police and prosecutor assigned to your case.

The district court prosecutor may consult with you to determine if there is enough evidence to prosecute the accused. The prosecutor is your lawyer. Ensure that you tell the prosecutor every detail of the alleged sexual crime.

The law allows the accused to apply for bail. You will be informed by the investigator when this application will come to court. It is important that you tell the prosecutor the risk/danger that you will be exposed to should the accused be released on bail. The prosecutor may use this information to oppose the bail application.

When the police investigation is finalised.

Once the police investigation is finalised, the matter will be handed to the Sexual Offences Court/regional court trial.



Step 3: Immediately obtain a medical examination.

- You will be assisted to get medical assistance from the nearest hospital/clinic. The findings of your medical examination will be included in the police docket as evidence.
- The doctor will collect the necessary evidence from your body and/or clothes.
- If the sex offender did not use a condom or any protection, you are entitled to receive Post-Exposure Prophylaxis (PEP) for HIV infection within 72 hours after the alleged sexual crime. The PEP services are available at the public health centres managed by the Department of Health.
- You may also be referred for counselling or trauma debriefing services to a local social worker for free.



Step 6: On the date of trial, go to the Sexual Offences Court.

Arrive on time at the court. It is advisable that you come to court with support persons, who may be your family members or friends.

If the regional court prosecutor is satisfied that there is enough evidence to prosecute the accused, the date of trial will be set for the case. You will be informed of this date by the investigator or prosecutor.



Step 7: Appearing in court.

If you are a child, mentally disabled person or a traumatised adult victim, you may testify in a private testifying room via the closed-circuit TV system. This system ensures that you do not come into contact with the alleged offender when you are testifying.



Step 4: The police will start with the investigation and may arrest the suspect.



Step 8: The verdict is given by the magistrate.

Upon conviction, the magistrate will hand down an appropriate sentence, as indicated by the law. In the case where the accused was convicted of a sexual crime involving a child or a mentally disabled person, the court will order that the particulars of the accused be entered in the National Register for Sex Offenders. This register aims to prevent sex offenders from working or doing business in environments accessible to children and mentally disabled persons.



Thuthuzela Care Centres (TCCs) are one-stop facilities that have been introduced as a critical part of South Africa's anti-rape strategy to reduce secondary victimisation, improve conviction rates and reduce the cycle time for finalisation of cases. Currently, there are 51 TCC's providing dedicated services to victims of sexual violence, of which 50 are fully operational.

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