

**Message of support delivered by
Deputy Minister: Justice & Constitutional Development, Mr Andries Nel,
at the closing ceremony of the 16 Days of Activism Against Violence
Against Women and Children for 2012
and the Launch of the National Council Against Gender Based Violence
held at the
Ben Marais Hall in Rustenburg on 10 December 2012**

Programme Director,
Honourable Ministers and Deputy Ministers,
Premier of NW Province,
District Mayor of Rustenburg,
Heads and representatives of Government Departments and Institutions,
UN Representatives,
Representatives of Civil Society and Non-Governmental Organisations,
Ladies and gentlemen
Comrades and friends

I deliver this message of support and commitment on behalf of the Minister and the Department of Justice and Constitutional Development and the Justice Crime Prevention and Security Cluster.

The Department of Justice and Constitutional Development is part of the Justice, Crime Prevention and Security Cluster that consists of the South African Police Service, the National Prosecuting Authority, Department of Home Affairs, Department of Defense and Military Veterans, Department of Correctional Services, Department of State Security, Department of Social Development. Together, our objective is to ensure that all in South Africa are Safe and Feel Safe.

Today, 10 December, is International Human Rights Day.

On 10 December 1948 the Universal Declaration of Human Rights was adopted by the United Nations.

It is a significant day because it was also on 10 December 1996 that former President Nelson Mandela signed our Constitution at Sharpeville.

We are saying as the Department of Justice, as the Justice, Crime Prevention and Security Cluster, as this democratic state, that gender based violence and hate crimes are a direct assault on both the right to life and human dignity enshrined in our Constitution and all of us have a duty to combat them.

We are saying Women's rights are human rights.

We are saying Children's rights are human rights.

We are saying People with disabilities' rights are human rights.

We are saying Gay, Lesbian, Bi-sexual, Trans-gender, Inter-sex people's rights are human rights.

We are saying therefore that we have a duty to act against perpetrators of violence within the law because their acts go against the rights that we fought so hard for.

Today marks the end of this year's end of national campaign of 16 Days of Activism for No Violence against Women and Children, that was conducted under the international theme: "From Peace in the Home to Peace in the World: Let's Challenge Militarism and End Violence Against Women!"

However, as the Justice, Crime Prevention and Security Cluster we know that this is an ongoing struggle that will demand united action every single day of the year because the root causes of gender based violence lie deeply embedded in the history and structure of our society.

Patriarchal power relations and the triple oppression of the majority of women in South Africa on the basis of race, class and gender continues to fuel and define the form and content of gender based violence.

Our revolutionary, transformative Constitution mandates all of us to work to change these realities.

We have a collective responsibility to engage in coordinated efforts to broaden the scope and the impact of the 16 Days of Activism Campaign to achieve our shared goal of ensuring that all are and feel safe, also in our homes.

Together, we can and must do more to prevent violence against women, provide services to survivors of abuse, and ensure that perpetrators are punished.

We have passed some of the best and toughest laws in the world against gender based violence.

The **Criminal Procedure Second Amendment Act** air 1997 has made it very difficult for persons who are accused of having committed serious offences where women and children are the victims to be released on bail.

The **Criminal Law Amendment Act** of 1997 provides for minimum sentences for those convicted of serious offences such as i) when the death of a woman was caused by a person in the commission of a rape or attempted rape, or ii) where the rape victim was raped more than once, or iii) where the rapist has previous convictions for rape, or iv) where the victim is under the age of 16, or v) where grievous bodily harm is inflicted.

The **Domestic Violence Act** of 1998 is a powerful tool to combat gender based violence where it is most prevalent, in the home..

The **Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007** deals with all aspects of law relating to sexual offences. Its comprehensive approach to intervention has been recognized as international

best practice. This Act gives an extended definition of statutory offence of rape, applicable to all forms of sexual penetration without consent, irrespective of gender. For the very first time in South Africa the law recognizes that, men and boys can be raped too.

The Act further requires provision of victim support services to victims of sexual violence to minimize, or as far as possible, eliminate secondary traumatization.

But we must work together to ensure that these laws are effectively implemented.

We have some of the most progressive and comprehensive policies to deal with sexual offenses and gender-based violence such as the National Policy Framework for the Management of Sexual Offences and the Framework for Specialised Services for Victims of Sexual Offences.

But we must work together to ensure that these policies are effectively implemented.

As the JCPS Cluster:

We have begun to reintroduce the South African Police Service (SAPS) Family Violence, Child Protection and Sexual Offences units with a special focus on crimes that are prevalent amongst vulnerable groups.

We are improving infrastructure such as victim friendly rooms at police stations, Thuthuzela Care Centres, domestic violence shelters and places of safety throughout the country.

In addition, the services that are rendered in these facilities are better coordinated and the officials receive on-going and specialised training. Our efforts in this regard have been felt on the ground even though there is a very long road that lies ahead.

The Victims of Crime Survey, 2011 by Statistic South Africa, published in November 2011 indicates that the victims of crime are beginning to feel the impact of the interventions of government in the fight against crime and the protection of the victims.

As part of our commitment to implement the National Policy Framework, the Department has thus far established a capacity of **161** intermediaries for the Dedicated Sexual Offences Courts; installed **324** Closed Circuit TV Systems and **49** One-Way Mirrors, and established **224** Child Testifying Rooms. The aim is to progressively achieve the establishment of a victim-centred criminal justice system that is responsive, prompt and effective.

In June of this year the Minister of Justice and Constitutional Development established a Task Team to investigate the re-establishment of dedicated sexual offences courts. The preliminary report of the Task Team confirms and stresses that there is a need to determine how other dedicated service models, such as the Thuthuzela Care Centres could significantly strengthen the functioning of these courts. A legal framework is required to define and guide the inter-sectoral coordination of these services and their resources to establish a victim-centred criminal justice system that is quick, effective and responsive to the special needs of the victim of sexual offenses.

The Team is finalizing the development of a revised Sexual Offences Court Model that seeks to address the gaps that led to the demise of the previous Specialized Sexual Offences Courts. This is to ensure that mistakes of the past are not repeated. The final report is expected to be submitted to the Minister at the end of January 2013.

However we know that much work remains to be done and that Government alone cannot eradicate this scourge that threatens to destroy our communities.

We call on all South Africans and sectors to help government in creating a safer and healthier space for our communities to thrive.

We also recognise that Gay, Lesbian, Bi-sexual, Transgender and Inter-sex people are particularly vulnerable to hate crimes and gender based violence.

We are committed to fighting all forms of violence and discrimination on the basis of sexual orientation. We condemn hate crimes, including so-called "corrective rape" in the strongest terms.

For this reason the Minister of Justice and Constitutional Development established a task team on hate crimes against LGBTI people.

The Team has found that the people of South Africa widely condemn any kind of violence perpetrated against LGBTI persons. Although many respondents showed a degree of tolerance, a majority of them were still reluctant to accept homosexual relationships for various perceptions and beliefs. This response therefore supported the dire need for more basic public education to address many questions that seemingly hinder the acceptance of the LGBTI persons.

As the Department of Justice we continue to conduct session with court personnel aimed at dismantling stereotypes and mindsets that infringe the constitutional rights of the LGBTI persons as they engage with the court system.

We also recognize that people with disabilities are particularly vulnerable to gender-based violence and experience challenges in accessing courts and other justice services.

Nationally the Department of Justice and Constitutional Development is engaged in a R10 million programme to increase physical accessibility to courts and that R3 million had been allocated for producing information brochures in Braille. Plans were also afoot to remedy the shortage of sign-language interpreters for the deaf by working with organisations such as

DeafSA. We have developed brailled information booklets and brochures on Children's Act, Domestic Violence Act and the Maintenance Act.

We support establishment of the National Council Against Gender Based Violence (NCAGBV) chaired by the Deputy President. We pledge to support its mandate to provide strategic leadership, coordination and management of gender-based violence initiatives in South Africa.

Down with gender based violence!

Forward with gender equality!

Down with hate crimes!

Forward to a society in which all are safe and feel safe!

"Don't Look Away, Act. against Abuse!"