



**Ministry of Justice and Correctional Services: Republic of South Africa**

**Speech by Honourable Minister Ronald Lamola on the occasion of the  
parliamentary debate held in Parliament Cape Town on the 18<sup>th</sup> of September  
2019**

**His Excellency President Cyril Ramaphosa;**

**Leader of government business Honourable Deputy President David Mabuza;**

**Honourable Speaker of the National Assembly; Mme Thandi Modise**

**Honourable Chairperson of the National Council Provinces; Mr Amos Masondo**

**Honourable Members;**

**Ladies and Gentlemen; and**

**Distinguished Guests**

When declaring that 1984 will be observed as the year of women by the broad democratic movement and the people of South Africa as a whole, the president of the ANC, Cde Oliver Tambo said: ***One of the fundamental tasks the process of national liberation confronts is the liberation of women of our country from their triple oppression on the grounds of sex, class and colour. Tambo called on the international democratic women's movement and the freedom loving***

***people of the world to join us in the pursuit of common goals that we all espouse.***

25 Years into democracy, we are making a noble call to all the people in South Africa to work together to eliminate all forms of oppression that women are subjected to through gender based violence which is deeply rooted in gendered acts that lead to the enslavement of women. We need to reflect why women are subjected to arbitrary deprivation of rights espoused in the constitution including freedom of movement as they can be pounced on and be named even in areas that ordinarily can be deemed safe.

Honourable Members, this past Friday I had the privilege to open the Sibasa Sexual offenses Court, which is the 94<sup>th</sup> sexual offenses court in the country since the Department of Justice and Constitutional Development started reopening the sexual offenses courts in 2013. We will add 10 more sexual offenses courts by the end of this financial year to bring the total to 104. These courts are victim friendly and have improved the conviction rates in our courts. In the year 2000, we had a conviction rate of 48 percent and today the NPA has a conviction rate of 74 percent. Victims are at the centre of our these courts. The notion of testifying in front of the offender can be mitigated through closed circuit television testimony. Furthermore, what has become even more clearer to us is that there is correlation in the establishment of courts and increase in conviction rates.

In the last two weeks, the sexual offenses courts have meted out heavy sentences, an offender was sentenced to four life sentences for four counts of rape, another one was handed a life sentence and 50 years both these sentences took place at the Moretele Magistrate Court, Hamanskraal; another offender in KwaZulu-Natal was sentenced to 7 life sentences plus 76 years and this serve as an example of the good work the sexual offences court do.

In evaluating the prosecution of sexual offences, it is to be noted, that for the fourth consecutive year, a national conviction rate of above 70% was achieved (both in relation to all sexual offence prosecutions and in relation to the Thuthuzela Care Center-reported cases). This conviction rate has been authenticated by The Monitor Research Group).

- In perspective, the quantity of sexual offences cases finalized with a verdict equals 6 353 with 4 724 convictions, hence a conviction rate of 74.4%.
- Regarding the TCC cases, we achieved a conviction rate of 73.5%, 1 636 convictions from 2225 verdict cases.
- From the Thuthuzela Care Center cases, over the past two financial years: 612 life imprisonment sentences, 368 sentences for 20-25 years imprisonment and 1463 sentences of 10-19 years imprisonment were handed down. These sentences are exclusively on rape offences (schedule 1 of the CPA) and in line with the minimum sentences legislation.

In Quarter 1 of the current 2019/20 Financial Year, the national figure for the offences of rape (section 3 of Act 32/2007) on our court rolls sits at 2 479. The national conviction rate for all sexual offences in this quarter was 74.5% which amounts to 1064 convictions.

Honourable Members, I believe the statistics I have quoted here reveal that the collaborations we have with Civil society organisations, Department of Social Development, South African Police Services and other stakeholders through the Thuthuzela care centres, is essential. This has shown us that nothing can beat a nation working together. What will deter people from committing crimes is a nation that collectively deals with criminality and not make calls for the death penalty or castration of offenders and also, swift action from law enforcement agencies.

The Thuthuzela care centres ensure that the matters which are reported to them are prosecutorial driven investigations with in-house social workers and various victim support mechanisms including Court preparations and support to make the victims familiar and comfortable with the court process.

It has become evident that we have to work towards decreasing the withdrawals of matters which are reported. As it stands, currently 37 percent of the victims who come to the Thuthuzela care centres do not want to open dockets.

In that same vein, government has invested a great deal of resources to understand what stops victims from reporting such crimes.

The evidence gathered over a period of 5 years thus far illustrates that having faith and understanding the justice system is immensely important. Our victim centred approach is yielding results. For instance, in the last two financial year the NPA has been able to garner a prosecution rate of 74 %, this could have improved if we had less withdrawals in the system.

Another area which requires a great deal of improvement is the finalisation rate of sexual offence matters. There is certainly room for ample improvement across the entire justice system from investigations to prosecutions, social workers, judicial officers, and medical and legal practitioners.

To this end we will be looking into clearing the backlog of cases in our courts on GBV.

We will put in procedures and measures to review these cases and address complaints against police and prosecutors who fail our people in GBV matters.

We will ensure that we review laws that address the economic plight of women, this is our priority in this administration. We will be reviewing legislation such as the:

Traditional Courts Bill, and the Recognition of Customary Amendment Bill.

We will introduce a Gender Based Violence and Femicide Bill, review the Sexual Offences Amendment Act Bill to ensure that National Register for Sexual Offences expands its scope and address the question of making it public.

Honourable Speaker, as we speak, we are sitting with twenty thousand three hundred and thirty three inmates who have been convicted for sexual offences. 4 500 of these offenders have been convicted for rape.

In partnership with the University of Limpopo, we have developed rehabilitation programmes for offenders of sexual offenses which include training programmes on dating as well as psychological assessments of these offenders in partnership with

the Department of Social Development. I have called on the department to conduct an evaluation report to help us assess how effective these programmes are and what can be done to enhance them.

Honourable members, gender based violence is a product of many facets of our society. The criminal justice system is just one part of the puzzle which can only manifest itself once an incident has occurred. Whilst we would want survivors to have more faith in the justice system, we need to have faith in our social structures first. If we are to really embody Thomas Sankara's assertion that ***there is no true social revolution without the liberation of women***, then we must regard the scourge of gender based violence as a struggle to complete our social revolution. Women in this country are liberated if they cannot feel safe in a church, a Post office, or any space they frequent.

The change starts with us men.

I thank you.