



## WHY DO WE NEED SEXUAL OFFENCES COURTS?



Rape and sexual abuse is an ongoing crisis in our communities. South Africa has one of the highest rates of reported rape in the world. The high levels of poverty and a huge gap between rich and poor in our country means that rape survivors get very different kinds of support, depending on what community they live in and which police station they report the rape to.

Through sexual offences\* courts, the court system needs to support victims of crime, while ensuring that criminals are brought to justice. Rape survivors who testify\*\* in sexual offences courts must receive support when they testify in order to reduce secondary trauma\*\*\*.

**\*Sexual offence** – a criminal sexual act (rape, sexual abuse, sexual assault)

**\*\*Testify** – give evidence as a witness in a court

**\*\*\*Secondary trauma** - being distressed by having to relive a traumatic event

## WHAT IS A SEXUAL OFFENCES COURT?

A sexual offences court is a special court room that only deals with sexual offences, such as rape. It provides special services to rape survivors and other witnesses. The purpose of this court is to:

- reduce the trauma of a survivor;
- speed up cases, so they are completed quickly;
- make better court decisions or judgements, because the people working in these courts are very skilful and experienced;
- get more convictions\* and send more perpetrators\*\* to jail; and
- give people hope that reporting rape will work out well, which will encourage more rape survivors to report their cases to the police.

**\*Conviction** – sentence or judgement

**\*\*Perpetrator** – a person who carries out a harmful, illegal, or immoral act

## WHAT IS SPECIAL ABOUT A SEXUAL OFFENCES COURT?

The idea of sexual offences courts was developed in South Africa. In 2013, a new sexual offences court model was developed, which sets out everything that is needed for a court to be a sexual offences court. This model requires these courts to have specially trained prosecutors\*, court supporters and magistrates\*\*. A sexual offences court has a separate courtroom. It also has a testifying room with CCTV equipment, where children can testify without having to face the rapist or sexual offender in person, while they talk about what happened.



SEXUAL OFFENCES COURTS

**\*Prosecutor** – a lawyer proving in court that the accused person committed the crime he is accused of

**\*\*Magistrate** – an official who acts as a judge in courts



## HOW MANY SEXUAL OFFENCES COURTS ARE THERE?

The Department of Justice reported in Parliament that there were 75 sexual offences courts in May 2018, but we think that not all of them are fully equipped or functioning properly. You can find a list of sexual offences courtrooms on the website of the Department of Justice and Constitutional Development – <https://bit.ly/2JXfAc0>.

## WHAT CAN I DO TO MAKE THESE COURTS A REALITY?

In 2013, the Department of Justice (DOJ) promised to set up sexual offences courts across the country. Although some sexual offences courts have been set up, the law that makes this possible must still come into operation. This law\* will make sure that there are clear plans and budgets for the courts. It will also tell you exactly how the courts will be set up and how they will operate. You can do the following to check and initiate progress:

- Ask your local media to report on the status of your local courts
- Follow up with the Deputy Minister at the DOJ by sending your concerns – <https://bit.ly/2HMJ8IK>
- Check the Shukumisa website and Facebook page for updates
- Follow parliamentary processes when sexual offences courts are a topic on <https://pmg.org.za>

\*Section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007



## THE SHUKUMISA COALITION

We are a coalition of over 75 organisations across South Africa working against sexual violence. We are advocating for legislation and policies that reflect the best interests of adult and child survivors of sexual violence. We have been doing this since 2008.

For any questions or queries, please visit [www.shukumisa.org.za](http://www.shukumisa.org.za)  
or <https://web.facebook.com/Shukumisa/>  
or contact the Shukumisa Coordinator Email: [coordinator@shukumisa.org.za](mailto:coordinator@shukumisa.org.za)