



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 579

Pretoria, 6 September 2013

**No. 36804**

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## GOVERNMENT NOTICE

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### DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 649

6 September 2013

**THE NATIONAL POLICY FRAMEWORK ON MANAGEMENT OF SEXUAL OFFENCES:  
SECTION 62(1) OF THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS)  
AMENDMENT ACT, 2007**

I, Jeffrey Thamsanqa Radebe, Minister of Justice and Constitutional Development, in terms of section 62(2)(b) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007), hereby publish in the Schedule the National Policy Framework on the Management of Sexual Offences adopted in terms of section 62(1) of the said Act.



**J T RADEBE**

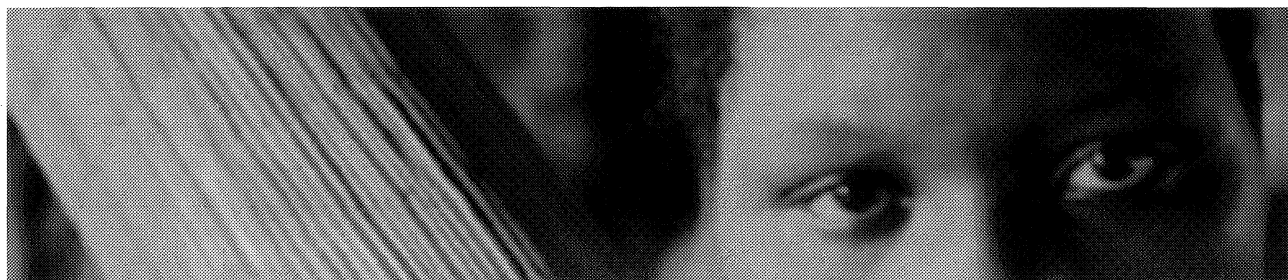
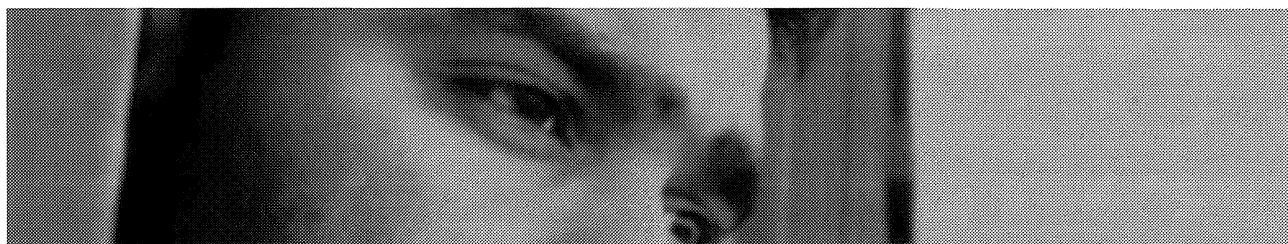
**MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**SCHEDULE**

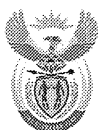


# **NATIONAL POLICY FRAMEWORK**

## **MANAGEMENT OF SEXUAL OFFENCE MATTERS**



**Amended 1st Edition**  
**June 2012**



**Correctional Services**  
**Health**  
**Justice and Constitutional Development**  
**Social Development**



**NATIONAL POLICY FRAMEWORK**

**NATIONAL POLICY FRAMEWORK**  
**MANAGEMENT OF SEXUAL OFFENCE MATTERS**

Amended 1<sup>st</sup> Edition

June 2012

**Compiled by:**

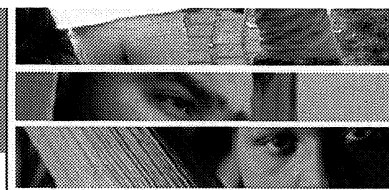
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**Acknowledgement:**

The National Policy Framework on the Management of Sexual Offences, as amended, was prepared with support from various stakeholders from government departments, institutions and non-governmental organizations.

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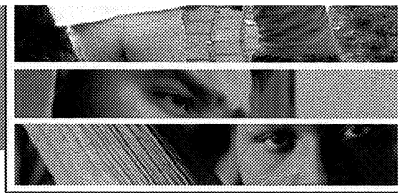
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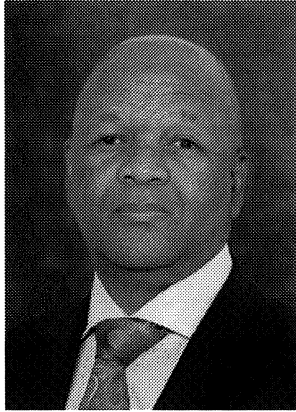


<b>CFM</b>	Clinical Forensic Medicine
<b>CFMC</b>	Clinical Forensic Medical Centres
<b>CJS</b>	Criminal Justice System
<b>CSO</b>	Civil Society Organisations
<b>DBE</b>	Department of Basic Education
<b>DCS</b>	Department of Correctional Services
<b>DG – ISC</b>	Directors-General Intersectoral Committee
<b>DoHA</b>	Department of Home Affairs
<b>DoH</b>	Department of Health
<b>DIRCO</b>	Department of International Relations and Cooperation
<b>DoJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>DSD</b>	Department of Social Development
<b>DWCPD</b>	Department of Women, Children and People Living with Disabilities
<b>FCS</b>	Family Violence, Child Protection and Sexual Offences
<b>GBV</b>	Gender Based Violence
<b>GCIS</b>	Government Communication Information Services
<b>HIV</b>	Human Immuno Deficiency
<b>HIV/AIDS</b>	Human Immuno Deficiency Acquired Immune Deficiency Syndrome
<b>ICMS</b>	Integrated Case Management Systems
<b>ISC</b>	Intersectoral Committee for the Management of Sexual Offences
<b>IPID</b>	Independent Police Investigation Directorate
<b>JCPS</b>	Justice, Crime Prevention and Security
<b>Legal Aid SA</b>	Legal Aid South Africa
<b>LGBTI</b>	Lesbian, Gay, Bisexual, Transgender and Intersex
<b>NOISC</b>	National Operational Intersectoral Committee
<b>NDPP</b>	National Director of Public Prosecutions
<b>NGO</b>	Non-Governmental Organisation
<b>NPA</b>	National Prosecuting Authority
<b>NPF</b>	National Policy Framework
<b>NRSO</b>	National Register for Sex Offenders
<b>NQF</b>	National Qualifications Framework
<b>POISC</b>	Provincial Operational Intersectoral Committee
<b>SADC</b>	Southern African Development Community
<b>The Act</b>	Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007)
<b>The Victims Charter</b>	The Service Charter for Victims of Crime in South Africa
<b>TCCs</b>	Thuthuzela Care Centres
<b>VEP</b>	Victim Empowerment
<b>VFR's</b>	Victim Friendly Room(s)

## GLOSSARY OF TERMS

TERM/S	DEFINITION
<b>Court preparation</b>	A session held by the Court Preparation Officer with the state witness (usually the victim) to empower the witness with information regarding the court processes and the role of a witness in court. It prepares the witness before testifying in court.
<b>Equitable</b>	Even-handed or just.
<b>Integrated perspective</b>	To make into a whole by bringing all parts together
<b>Multi-disciplinary</b>	Multiple specialties and/ or experts from various sectors who come together to achieve a common goal.
<b>Outcomes</b>	End results.
<b>Primary prevention</b>	Intervening before sexual violence occurs.
<b>Principles</b>	Main beliefs.
<b>Service Charter</b>	A document that affords all victims of crime in South Africa with special rights. It sets out obligations upon service providers to establish and maintain a victim-centred criminal justice system that protects and promotes the rights of victims of crime.
<b>Specialised services</b>	Services dedicated to victims of sexual offences.
<b>Specific objectives</b>	Statements that describe results in terms of knowledge, attitude, skills, aspiration, and behaviour and expected performance change at the job site.
<b>Strategic priorities</b>	High level and well calculated means.
<b>Tertiary prevention</b>	Reduce repeat offending or victimization.
<b>Victim friendly</b>	An environment, e.g. court that is welcoming and responsive to the needs of the victim.
<b>Victim empowerment</b>	Victim-centred approach to criminal justice.

## FOREWORD

**Minister J.T. Radebe**

The South African Government is committed to establish a society that is free from all forms of violence, particularly those perpetrated against the most vulnerable persons. Recently, our country experienced a spate of sexual crimes committed against children, lesbians, and persons with disabilities. Some of these gruesome crimes made international news, and placed South Africa under the global spotlight. This criminal behaviour is totally unacceptable and will not be tolerated. It is the commitment of the Department of Justice and Constitutional Development (DOJ&CD) not to rest until sexual violence is uprooted in all its form from all communities.

Since the birth of our Constitution, our Parliament has continually marked its devotion to the establishment of a society based on democratic values, social justice and fundamental human rights. It has passed pieces of legislation that give prominence to the achievement of the international protocols, whilst building a nation that takes pride in its cultures, norms and values to promote peace and *ubuntu*.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (the Act) stands as a perfect example of a comprehensive piece of legislation that is rich with features that protect the rights of victims against sexual violence. It is an Act that puts emphasis on the progressive development of a Criminal Justice System (CJS) that is victim-centred, responsive and caring. It creates a wide range of new specific crimes to better respond to sexual violence perpetrated against children and persons with disabilities, in particular. With its expressed emphasis on leaning on the international trend of service integration, it further provides for the development of a policy framework to guide the integrated management of sexual offences. This document therefore stands to represent the fulfilment of this requirement. It is the National Policy Framework on the Management of Sexual Offences, which the key stakeholders in the CJS jointly developed, under the leadership of my Department.

This Policy document is the revised version of the NPF I tabled in Parliament in June 2011. However, in the fulfilment of the legislative goal of a coordinated response to sexual violence, the consultative process had to be re-opened to accommodate further inputs from the civil society and other government departments that do not form part of the Justice, Crime Prevention and Security (JCPS) Cluster. This process subsequently led to the amendment of the first version of the NPF. It inevitably contributed in the significant delay in gazetting this Policy. However, since the previously tabled NPF could not be gazetted, this document is therefore by no means the first amendment to the previously tabled version, but the first impression of a NPF that the country will implement for the very first time.

It is our goal, as the DOJ&CD and the JCPS Cluster Departments and Institutions, to continually and collectively equip our CJS system to fully respond and prevent sexual violence in all its forms. This Policy Framework therefore seeks to establish coordinated planning, resource allocations and execution of services within the sexual offences sector. It entrenches the victim-centred CJS, and promotes specialization in service delivery to respond to the special needs of the victims.

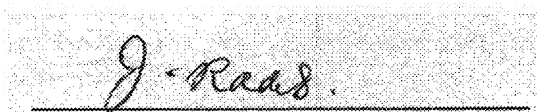
It is therefore an honour to present the revised NPF on the Management of Sexual Offences to serve as a guiding tool in the intersectoral implementation of the Act.

To my colleagues, the Honourable Cabinet Members and Members of Parliament, your devoted efforts and support in making this country crime-free are well appreciated. I also thank the Directors-General's Intersectoral Committee (DG-ISC) for developing this Policy through its technical support. I extend this gratitude to the civil society that participated in making this Policy more comprehensive in its intersectoral approach. Lastly, my deepest appreciation goes to Ms. Sindane, the DG of this Department for her



## FOREWORD

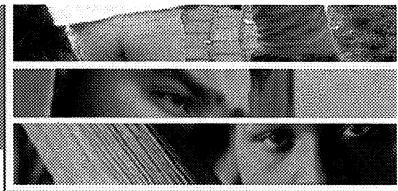
insuperable efforts to making the work of the Intersectoral Committee a success.

A rectangular box containing a handwritten signature in dark ink. The signature appears to be 'J. Radebe' with a stylized flourish at the end.

Honourable Minister J.T. Radebe  
Justice and Constitutional Development



## ACKNOWLEDGEMENT

**DIRECTOR GENERAL: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL****MS Nonkululeko Sindane**

The DOJ&CD is proud to present to you the National Policy Framework on the Management of Sexual Offences. This Policy is the result of years of collective endeavours of the government departments and civil society organizations to guide the country on the intersectoral implementation of the Act. The delay in the crafting of this Policy became inevitable because of the new obligations, responsibilities and tasks that the Act introduces to the different stakeholders within the sexual offences sector. The complex nature of the Act required lengthy and intensive consultations with the stakeholders to ensure the well-informed and well-coordinated response and prevention of sexual violence.

As government, it is our commitment to continually explore improved response and preventative measures aimed at rooting out sexual crimes from our communities. We need to jointly take a robust approach against this crime to achieve better outputs with limited resources. This Policy therefore encourages the multi-disciplinary approach to planning, resourcing and service delivery, where possible. It sets out distinct strategic objectives that are operationalized through a 5 year Interdepartmental Implementation Plan. It also serves as a monitoring tool that the DG-ISC will use in the exercise of its monitoring function across all the implementing government departments and institutions.

Without the concerted commitment of the stakeholders, the aspirations of this Policy will remain at paper level only, and never reach its intended beneficiaries, who are mainly the victims of sexual crimes. It is therefore the unfailing collaboration in service delivery and regular reporting of the different stakeholders that will bring the country the desired outputs. As the chairperson of the DG-ISC, I stand committed to all legal efforts aimed at realizing a South Africa that is free from all forms of sexual violence. It is the devotion of this Committee to continue to give strategic guidance, control and support in the intersectoral implementation of the Act and this Policy.

However, I would not end without expressing my sincere gratitude to the JCPS Cabinet Ministerial Committee for their unending support to all endeavours aimed at achieving the goals of the Act. The devoted exercise of the monitoring role of the Parliamentarians stays as an imperative that keeps government stakeholders at their toes, and all its well-meaning efforts are appreciated. To my colleagues at the DG-ISC, your unfailing support will always be needed and sincerely appreciated. Without the technical support of the National Operational Intersectoral Committee (NOISC), we could not have achieved this deliverable; hence my deepest gratitude goes to all members of this Committee, and all other operational structures attached to it. Lastly, I wish to extend my sincere word of appreciation to the Non Government Organisations (NGO's) and civil society organizations that generously joined hands with government in the development of this Policy Framework.

It is truly through integrated efforts and commitment that we can reach the milestones set before us.

Nonkululeko Sindane (Ms)  
Director- General

Department of Justice and Constitutional Development

## EXECUTIVE SUMMARY

The enactment of the Act seeks to address the prevalence of gender-based violence that existed prior to its implementation. The inordinate perpetration of sexual offences, especially against women, children and persons with mental disabilities, threatened both individual and community security, and thus needed a comprehensive legal framework. It was noted with great concern that the complex relationship between organized crime, drugs, Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV&AIDS), sexual orientation and gender-based injustices kept increasing the levels of susceptibility and vulnerability to sexual violence, particularly of women, children and persons with disabilities; hence the need for the urgent legislative intervention.

The Act came into operation on the 16 December 2007. Sections 62-65 of the Act require the adoption of the NPF for the Management of Sexual Offences to guide the manner in which sexual offences and related matters must be dealt with. The emphasis of these provisions is on the intersectoral and the multi-disciplinary approach to the management of sexual offences.

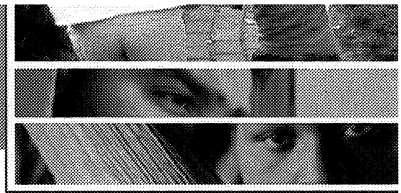
The Intersectoral Committee on the Management of Sexual Offences, consisting of the DG of the DOJ&CD, the Department of Social Development (DSD), the Department of Health (DOH); the National Commissioners of Correctional Services (DCS) and the South African Police Services (SAPS); as well as the National Director of Prosecuting Authority (NPA), was established to, *inter alia*, develop the NPF. The development of the NPF was therefore a collaborative effort of these government departments, working as the NOISC which provided operational support to the DG ISC.

In 2011, membership to the DG ISC was subsequently extended to the Department of Women, Children and Persons with Disabilities (DWCPD), Department of Basic Education (DBE), Legal Aid of South Africa (Legal Aid South Africa) and National House of Traditional Leaders (NHTL). These were co-opted into the DG ISC as critical role players in the effective implementation and monitoring of the Act.

In June 2011, the Minister of the DOJ&CD tabled the NPF in parliament, as required by the Act. However, this occurred after a considerable delay due to the following reasons:

- (i) The long consultative process that was prompted by many new legislative obligations, duties and responsibilities of the various stakeholders, as well as the new interdependencies that required mutual commitments at the time of writing.
- (ii) The judgement in *S v Phaswane, Mokoena* Constitutional Court order (CC7/07, CC192/07) [2008] ZAGPHC 148; 2008 (5) SA 578 (T); 2008 (2) SACR 216 (T) (12 May 2008) also had an impact on the finalization of the NPF as it led to an audit of specialist resources and intermediary services existing within the courts and the cluster. This necessitated the development of "Specialisation for Victims of Sexual Offences Discussion Document" to create an understanding of the need for specialist services. This process inevitably halted the development of the NPF as it became an imperative to inform the content of the NPF.
- (iii) During Parliamentary hearings held in June 2011, the Portfolio Committee (PC) allowed DOJ&CD to conduct further consultations with the NGOs to ensure that the NPF covers their role as stakeholders in the sexual offences value chain. In addition to the NGO's, the DOJ&CD held consultations with the DWCPD, DBE and LASA to ensure comprehensive collaborations during the implementation of the Act. The NHTL was also requested to give their inputs into the document.
- (iv) The amended draft NPF was then taken through the next round of extensive deliberations by the

## EXECUTIVE SUMMARY



governance structures, such as the OISC, and then the DG-ISC to secure the intersectoral adoption. This process was finalized in April 2012.

However, despite the delay, the departments and institutions responsible for the implementation of the Act continued to implement the Act, the Directives, and the National Instructions, and as a result great progress was achieved in this regard, as documented in the Annual Progress Report.

The NPF seeks to ensure that all government departments and other role-players are collectively guided in the implementation, enforcement, administration, monitoring and evaluation of the Act. Underpinning the development of the NPF are the various International and Regional Instruments, the Constitution of the Republic of South Africa of 1996 (the Constitution), and the related jurisprudence.

In as summary, the NPF is divided into 3 main Chapters with accompanying Annexures:

**Chapter 1** deals with the introduction to the NPF, General Objectives and Application of the Framework, Legal and Policy Mandate, and the Overall Principles of the Framework.

**Chapter 2** covers the Introduction to the Framework which includes the Specific Objectives, Structures for the Management of Sexual Offences, Specific Roles and Responsibilities of the Various Government Departments and Monitoring and Evaluation Mechanisms.

**Chapter 3** contains the Five (5) Year Inter-Departmental Implementation Plan for the Management of Sexual Offences (2012-2016) which guides the implementation of the Act and the NPF.

**Annexure A** is the Monitoring and Evaluation Tool which provides guidance on data that must be collected and clear deliverables for the progressive implementation of the NPF.

**Annexure B** provides additional guide on Monitoring and Evaluation

## CHAPTER 1: BACKGROUND

### 1.1 THE OVERVIEW OF THE ACT

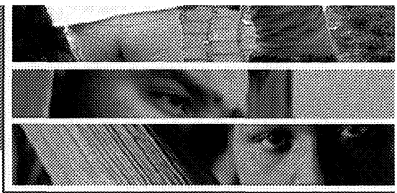
The Preamble the Act recognises that sexual violence in South Africa is a 'grave concern' that has a 'particularly disadvantageous impact on vulnerable persons' and the society as a whole. It also acknowledged that women and children are disproportionately vulnerable and are more likely to become victims of sexual offences. The Act further recognises that the legal response to victims of sexual violence – albeit essential – is both limited and reactive in nature. It also acknowledges flaws in the CJS and recognizes that the system exacerbates the plight of the victims 'through secondary victimisation and traumatising'.

In response, the Act seeks to create a uniform and co-ordinated approach to service delivery. In recognition of the Constitutional guarantees of the rights to equality, dignity, freedom and security of the person, as well as the right to privacy, the Act places a significant degree of responsibility and accountability on government departments to deliver appropriate, adequate, and efficient services to all victims of sexual violence. The entrenchment of the intersectoral coordination of services in the Act further reflects a major departure from the fragmented service delivery of the past, as it requires the alignment of all policies and programmes to efficiently respond to the scourge of sexual violence. The Act further puts emphasis on systemic monitoring and evaluation to measure progress.

Besides service delivery, the Act also seeks to comprehensively address the legal aspects of sexual offences in a single statute. The Act introduces a number of significant changes to the law on sexual violence which:-

- (i) Redefines the common law offence of rape, replacing it with an expanded, gender-neutral definition that recognises all forms of penetration without consent.
- (ii) Replaces the offence of indecent assault with a new statutory offence of sexual assault, which relates to all forms of non-penetrative sexual violence without consent.
- (iii) Introduces a number of new offences, such as the crime of 'compelled rape' which refers to incidences where a third party forces a victim to perform an act of sexual penetration.
- (iv) Creates a new offence for adults that criminalise the compelling or causing the witnessing of certain sexual conduct and certain parts of the human anatomy, the exposure or display of child pornography.
- (v) Enacts comprehensive provisions dealing with the creation of certain sexual offences against children and persons who are mentally disabled, including offences relating to sexual exploitation or grooming, exposure to or display of pornography and the creation of child pornography etc.
- (vi) Introduces the provision of "certain services" for certain victims of sexual offences to eliminate secondary traumatization of victims of sexual offences.
- (vii) Provides for extra-territorial jurisdiction.
- (viii) Establishes the National Register for Sex Offender (NRSO) with the aim of protecting children and mentally disabled persons from coming into contact with any person convicted for committing a sexual offence against a child or a mentally disabled person.
- (ix) Introduces additional measures to endeavour to protect victims from HIV infection through the provision of Post-Exposure Prophylaxis. It further entitles a victim who may have been exposed to the risk of being infected with HIV&AIDS to apply for compulsory testing of the HIV&AIDS alleged sex offender.

## CHAPTER 1: BACKGROUND



### 1.2 THE GENERAL OBJECTIVES AND APPLICATION OF THE NPF

#### 1.2.1 Introduction

The Act requires the development of the NPF to ensure a uniform and intersectoral response to and prevention of sexual violence. Through the NPF mechanisms are created for various government departments, institutions and NGO's to together to address the special needs of victims of sexual violence.

#### 1.2.2 The General Objectives of the NPF

Section 62 of the Act requires the Minister of the DOJ&CD to adopt the NPF, after consultation with the Cabinet members responsible for Safety and Security, DCS, DSD, DOH and the NDPP. This provision further outlines the objectives of the NPF as mainly to:

- (i) Ensure a uniform and co-ordinated approach by all Government departments and institutions in dealing with matters relating to sexual offences;
- (ii) Guide the implementation, enforcement and administration of the Act; and
- (iii) Enhance the delivery of services, as envisaged in the Act through the development of a plan for the progressive realisation of services for victims of sexual offences within available resources.

The NPF intends to achieve the broad objects of the Act, which primarily seeks to establish a CJS that is quick, more protective, least traumatising, more sensitive to the plight of victims, and promotes cooperative response between all government departments and institutions.

#### 1.2.3 Application of the NPF

The NPF sets out a broad framework for all stakeholders within the sexual violence sector to collectively respond to and prevent the perpetration of sexual crimes through the implementation of a five year Inter-Departmental Plan and the development of Department-Specific Plans aimed at eradicating sexual violence in communities. It provides guidance on what victim-centred services are and how the intersectoral provision of such services should be undertaken. Although it is an amendment to the previous NPF, this NPF must be understood as being an instrument applicable to all sexual offences interventions, and must therefore be understood as:

- (i) The first NPF on the Management of Sexual Offences in South Africa since the previously tabled NPF was not gazetted;
- (ii) A broad framework that informs initiatives, projects and programmes that must be offered to realize the objects of the Act;
- (iii) A broad outline of responsibilities and accountabilities of the various stakeholders in ensuring the provision of appropriate, effective, efficient, coordinated and victim-centred services;
- (iv) Providing guidance in the development of current and future service models and procedures that are responsive to the special needs of the victims; and
- (v) Requiring a developmental approach that allows for progressive realisation of the aims and objects of the Act through the articulated principles that are contained herein.

The progressive realisation of services requires government to constantly improve its services so as to provide victim-centred services that are quick, sensitive and effective within available resources. These services must be benchmarked through established norms, standards, guidelines, systems and monitoring and evaluation mechanisms. The DG-ISC will oversee initiatives relating to the principle of progressive

## CHAPTER 1: BACKGROUND

realisation of services so as to ensure that no unfounded expectation is built around unrealistic and unachievable services. These services must be fully costed.

### 1.3 KEY CONCEPTUAL DEFINITIONS

Vulnerability and secondary victimisation are two key concepts mentioned throughout the Act. They are particularly relevant in defining the development of actions or programmes of intervention that must be adopted in response to the high incidence of sexual offences. However, the Acts does not provide for the definition of these concepts. Given, their importance in the in the implementation of the Act, these concepts are defined below:

#### 1.3.1 Vulnerability

The Act uses concepts such as 'vulnerable persons', 'vulnerable, particularly women and children' and 'vulnerability of children' and "certain victims". Vulnerable persons are persons who, due to their peculiar circumstances, are susceptible to sexual violence.

The following societal groups are generally considered as vulnerable:

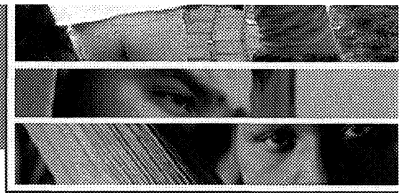
- (i) **Women:** mainly due to gender power imbalances in society, as well as the prevalence of discrimination against women;
- (ii) **Children:** mainly due to their young age relative to the age of the sexual offender, as well as their immaturity and gullibility;
- (iii) **Elderly persons:** mainly due to their elderly age relative to the sexual offender, as well as their compromised physical strength due to age;
- (iv) **Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons:** mainly due to discriminatory societal perceptions that this group practices unacceptable sexual behaviour. The LGBTI persons also suffer as they challenge the societal gender roles.
- (v) **Immigrants and refugees:** mainly due to their insecure and uncertain status in the country; and/or
- (vi) **Awaiting trial detainees and incarcerated offenders:** mainly due to gangsterism in prison, as well as the general propensity of fellow awaiting trial detainees and incarcerated offenders towards violence.

Therefore vulnerable persons are persons belonging to any of these identified groups. However, the list is not exhaustive. Any person or group of people who, due to their peculiar circumstances, are more susceptible to sexual violence qualify for special measures provided for in the Act. These services are generally intended to reduce their vulnerability and to eliminate any potential secondary victimization within the sexual offences value chain.

The Act expressly or impliedly requires the establishment of the following initiatives and specialized services and personnel for vulnerable victims of sexual offences:

- (i) **Provision of Specialist Personnel** such as intermediaries, court preparation officers, language experts for all indigenous languages and foreign languages.
- (ii) **Provision of services for victims with special needs**, including but not limited to people with disabilities, children and other vulnerable victims. For example, intermediary services with anatomically- correct dolls and two-way mirrors.
- (iii) **Training of personnel involved in the management of sexual offences** to address negative societal perceptions of victims of sexual offences and to provide criminal justice officials with the requisite knowledge and skills to eradicate all kinds of sexual offences, as well as the secondary

## CHAPTER 1: BACKGROUND



- victimization of victims;
- (iv) **Information Management** – provision is made for measures to be put in place to ensure the systemic collection and management of data on sexual offences. Where appropriate, case information to be disaggregated for vulnerable victims or witnesses in order to improve the management of cases of sexual offences for these vulnerable groups;
- (v) **The recognition of cultural differences** – includes consideration of the impact of diversity, gender, and cultural dynamics affecting victims of sexual offences, and to integrate these into training curricula and service standards.

### 1.3.2. Secondary Victimization

The preamble to the Act refers to secondary victimization and traumatising to describe the negative criminal justice experiences by victims of sexual offences. However, secondary victimization can be defined as an attitude, process, action and/or omission that may intentionally or unintentionally contribute to the re-victimization of a person who has experienced a traumatic incident as a victim. This may take place through failure to treat the victim with respect and dignity, disbelief of the person's account, unsympathetic treatment, blaming the victim, lack of, or insufficient coordinated support services to assist the victim at a personal, institutional and broad social level.<sup>1</sup>

Key initiatives that may eliminate the eradication of secondary victimization of victims of sexual offences include:

- (i) Access to and provision of information to victims: Information reduces the uncertainty and anxiety that victims often experience when engaging the CJS. It empowers victims to become informed participants in the process;
- (ii) Training: The training curriculum of service providers must, among other things, address the poor attitudes of certain criminal justice officials towards victims of sexual offences. It must also enhance the knowledge of the Act and related policies, and develop the requisite skills for the management of these cases, e.g. skills for interviewing traumatized victims;
- (iii) Interdepartmental Protocols must be developed to ensure the effective coordination, referral and alignment of services, as well as feedback on services being provided to victims;
- (iv) Batho Pele Principles and Accountability must be entrenched by developing Service Standards for the management of victims of sexual offences, which all stakeholders must adhere to;
- (v) The Service Charter for Victims of Crime (the Victims Charter) and its Minimum Standards must also be adhere to so as to ensure the continued creation and maintenance of a victim-centred CJS, that is quick, responsive and effective;
- (vi) Accessibility of Victim-Friendly Court Structures to enhance the protection and empowerment of victims;
- (vii) Case Flow Management must be constantly improved to ensure reasonable case cycle times;
- (viii) Evidence collection from victims and perpetrators must be carried out immediately at the incident is reported;
- (ix) Protection of evidence after evidence is collected is critical and such evidence must be preserved to avoid loss or contamination thereof; and
- (x) The efficient management of scientific laboratories is also critical to eliminate case backlogs and enhance effective case flow management.

<sup>1</sup> Department of Justice and Constitutional Development Discussion paper 'Understanding the South Africa Victim's Charter – A Conceptual Framework' April 2008

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### 1.4 THE LEGAL AND POLICY MANDATE

In addition to the specific obligations in the Act, the NPF is also informed by the following international and regional protocols, legislative and policy mandates:

#### 1.4.1 International Instruments

- (i) The Hague Convention on Civil Aspects of International Child Abduction, 1980;
- (ii) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985;
- (iii) Convention on the Elimination of All Forms of Discrimination Against Women, 1995; (CDEAW)
- (iv) Beijing Declaration and Platform for Action, 1995;
- (v) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, 2000;
- (vi) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2002;
- (vii) Convention on the Rights of Persons with Disabilities, 2007.

#### 1.4.2 Regional Instruments

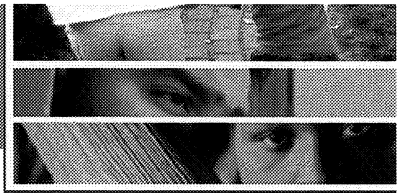
- (i) African Charter on the Rights and Welfare of the Child, 1999;
- (ii) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003;
- (iii) Southern African Development Community (SADC) Protocol on Gender and Development, 2008.

#### 1.4.3 National Legislation

- (i) Criminal Procedure Act No 51 of 1977;
- (ii) The Employment of Educators Act No 76 of 1988;
- (iii) The South Africans Schools Act No 84 of 1996;
- (iv) Correctional Services Act No 111 of 1998;
- (v) Domestic Violence Act No 116 of 1998;
- (vi) Maintenance Act No 99 of 1998;
- (vii) Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000;
- (viii) Alteration of Sex Description and Sex Act No 49 of 2003;
- (ix) The Films and Publications Amendment Act No 3 of 2009;
- (x) The Children's Act No 38 of 2005;
- (xi) The Older Persons Act No 13 of 2006;
- (xii) The Child Justice Act No 75 of 2008.



## CHAPTER 1: BACKGROUND



### 1.4.4 National Policies

The National Policy Guidelines for Victim Empowerment (VEP) (2009) and the Victims Charter are two key policies that inform the NPF. These policies establish the centrality of the victim's rights and needs, and underline the importance of intersectoral coordination in the provision of services.

#### 1.4.4.1 The National Policy Guidelines for VEP

The VEP Policy Guidelines set out the rights and needs of victims of crime, and promote a response to crime that acknowledges these rights and responds within a restorative justice framework. The VEP Guidelines rest on the following six key principles:

- (i) Empowerment;
- (ii) Human rights – referring to those set out in both the Bill of Rights and the Victims' Charter;
- (iii) Participation and self-determination;
- (iv) A family-centred approach;
- (v) Accountability, effectiveness and efficiency; and
- (vi) Restorative Justice.

#### 1.4.4.2 The Victims Charter

The objectives of the Victims Charter focus on the elimination of secondary victimisation from the CJS to ensure that victims remain central to the system and its processes. It promotes compliance with the relevant international obligations, and puts emphasis on the protection and promotion of Constitutional imperatives to ensure that victims of crime enjoy their right to be treated fairly, and with respect. It further seeks to establish a CJS that is informative, empowering, protective and responsive to the special needs of victims by affording victims with rights to provide and receive information, to be protected and assisted. The Charter also recognizes the adverse impact that crime may have on victims, and therefore affords the victims the rights to restitution and compensation.

The NPF promotes the aspirations of the two national policies, and therefore requires the observance thereof by all stakeholders when dealing with victims of sexual crimes.

## 1.5 OVERALL PRINCIPLES OF THE NATIONAL POLICY FRAMEWORK

The NPF is based on four principles, which are informed by the objectives of the Act.

### Principle 1: Adoption of a Victim-Centred Approach to Sexual Offences

This principle underlines the importance of providing services to victims of sexual offences based on a victim-centred model. This approach recognises the centrality of the victim's role in the management of sexual offence cases and promotes the provision of services, processes and institutional mechanisms that improve victims' emotional and psychological well-being. This approach recognises, at its core, that addressing the vulnerability of victims due gender power imbalances, age, disability, sexuality and cultural dynamics and other factors often has a great impact on the outcome of the sexual offence cases. An efficient and effective victim-centred response therefore requires all service delivery points within the value chain of sexual offences to provide victim-friendly services that exhibit speed, sensitivity and responsive attitudes to reduce, and ultimately, eradicate secondary victimisation.

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Through the adoption of a victim-centred approach, this Policy intends not only to improve the outcomes of services for victims, but also the public perceptions of the criminal justice response to sexual offences.

### **Principle 2: Adoption of a Multi-disciplinary and Intersectoral Response to Sexual Offences**

This principle rests on the premise that an efficient and holistic response to the management of sexual offences requires a multi-disciplinary and intersectoral approach. It requires collective participation of service providers such as the police officials, health care professionals, social workers, prosecutors, judicial officers, correctional officials, educators and traditional leaders. At community level, the integrated response of organizations such as NGO's, Community-based Organizations and Religious-based Organizations, which enhance interventions against sexual violence, also become imperative.

This principle therefore promotes a coordinated response to sexual crimes so as to allow room for joint development and execution of intervention actions and programmes, shared services and resources, integrated skills development, and collective monitoring and evaluation mechanisms, with the aim to improve the quality and quantity of services. Intersectoral collaboration not only provides a continuity of care and co-ordinated response to victims' needs, but also provides the opportunity for on-going oversight, feedback and evaluation, which leads to the improved provision of services. The DG ISC becomes critical in this regard, as it is empowered by the Act to monitor the execution of the intersectoral response and prevention of sexual violence in the country.

### **Principle 3: Provision of Specialised Services to the Victims of Sexual Offences**

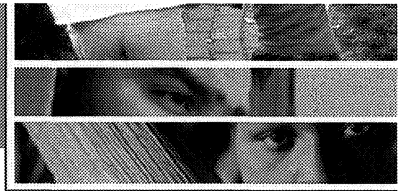
International and national research studies continue to highlight the severe consequences of sexual violence on both the direct and indirect victims of this crime. The international trend in addressing these consequences puts emphasis on the adoption of specialized services when dealing with victims of sexual offences. It requires the provision of specialized services by people who acquired specialized knowledge and skills to specifically deal with sexual offences matters.

The notion of specialization is widely recognized for its success in improving the quality and quantity of services. It eliminates mediocre and poor outcomes of services, whilst establishing greater sensitivity to victim's needs and deeper expertise in managing these cases. As against the often crowded generalization model, specialization is also known for increasing speed, quality and quantity in service delivery. It is largely considered as a great motivator that can create great passion for one's work.

By making reference to the vulnerability of victims and the eradication of secondary victimisation, the Act may be further construed as recognizing the peculiar circumstances of victims of sexual violence, which often gives rise to special needs that require a specialized response.

The existing government approach to service delivery recognises the notion of the provision of specialised services as imperative for victims of certain crimes, such as rape, domestic violence and other crimes associated with gender-based violence. Moreover, the Act itself requires the introduction of "certain services to certain victims of sexual offences" which is read to mean "specialised services". Government departments have established specialized units, divisions or structures that are capacitated by specialist personnel and special resources to deal with sexual offences matters. Examples of these include specialized services offered by Clinical Forensic Medicine Centres (CFMC) in the DOH; Family, Child and Sexual Offences (FCS) Units within SAPS; Thuthuzela Care Centres (TCCs) established by the NPA; Court Preparation Officers provided by NPA; as well as the Sexual Offences Courts that are capacitated with Witness Testifying Rooms, One-Way Mirrors, Anatomical Dolls and Intermediaries provided in courts, as well as One-Stop Centres managed by the DSD.

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Note: 'Specialized services' also refer to 'dedicated services' or infrastructure that is established to provide specialized or dedicated services.

This Policy therefore requires the progressive establishment of specialised/ dedicated services for victims of sexual offences at various service points within the sexual offences value chain to ensure the realization of a CJS that is prompt, effective and efficient. For instance, the psycho-social, medico-legal and legal support services are critical services which must be constantly offered to victims of sexual offences, especially to children or persons with disabilities. However, to ensure sustainability, any specialized services must be fully costed prior to establishment. The DG-ISC reserves the power to consider any proposal for the establishment of new specialized services so as to guard against any waste of resources.

### **Principle 4: Equal and Equitable Access to Quality Services for Victims of Sexual Offences**

Equal access refers to non-discriminatory accessibility to the services provided to both victims and perpetrators irrespective of race, class, gender, sexuality, disability or creed etc. The equal treatment must be afforded in provision of services to all. The Act demonstrates this through the infusion of gender neutral sexual offences.

The Act introduces the concept of progressive realisation of services for victims of sexual offences in recognition of development imperatives that often compete for limited government resources. However, while services introduced by the Act will be progressively realized, equitable access to such services across the CJS as well as across different locations is equally important. Equitable access to quality services is not only determined by geographical proximity and/or the availability of transport, but also by times (i.e. hour of the day) at which people access such services. Services and facilities must be made accessible to all people, especially persons with disabilities, e.g. by providing appropriately designed ramps, doorways, elevators for the physically disabled victims, sign-language interpreters for victims with impaired hearing, and Braille education material, audio tapes and communication aids for the visually impaired.

Equitable access is also founded on service providers' sensitivity to the diversity of victims' needs, including marginalised groups such as the disabled and LGBTI victims.

## CHAPTER 2: THE FRAMEWORK

### 2.1. INTRODUCTION TO THE NPF

This policy framework consists of the following components:

- (i) **Specific Objectives of the Framework** that are aligned to section 62(1) of the Act.
- (ii) **Structures for the Management of Sexual Offences** in South Africa which outlines committees responsible for the management
- (iii) **Specific Roles and Responsibilities** of the various Government Departments
- (iv) **Monitoring and Evaluation Mechanisms** that outline the objectives of the Act and the manner in which monitoring and evaluation must be conducted.

### 2.2 SPECIFIC OBJECTIVES OF THE NPF

The NPF sets out 3 specific objectives. These objectives are informed by section 62(1) of the Act. The objectives of the NPF are therefore to:

- (i) Establish uniform Norms, Standards and Mechanisms for the Coordination of the implementation of the Act;
- (ii) Develop and Strengthen integrated and coordinated Services; and
- (iii) Provide resources for the effective implementation of the Act and the NPF.

To ensure the uniform understanding of the specific objectives, this section is divided into the following sub-topics:

- (i) **Description:** to explain each specific objective;
- (ii) **Specific principles:** to provide guidance in applying specific objectives of the Act;
- (iii) **Strategic priorities:** to identify the critical interventions necessary for implementation in each of the 5 (five) year cycle of the NPF; and
- (iv) **Outcomes:** to set out the results desired from the implementation of each strategic objective.

#### 2.2.1 Specific Objective 1 - To Establish Uniform Norms, Standards and Mechanisms for the Coordination of the Implementation of the Act

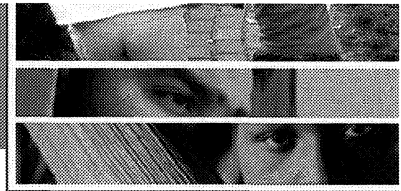
##### (a) Description

One of the central elements of the Act is that sexual offences must be dealt with in a uniform and coordinated manner. Each government department or institution is required to establish institutional mechanisms to ensure uniformity and efficient coordination in the management of sexual offences. These institutional arrangements may be contained in prescripts, norms, standards, protocols, systems, procedures and processes that support the provision of services or administration of justice in the management of sexual offences by the different stakeholders.

The governance of the implementation of the Act is specifically informed by sections 62 to 65 of the Act. These provisions outline the governance responsibility, and set out lines of accountability for the development, adoption, implementation and monitoring of the NPF. Therefore, the collective accountability of departments and institutions towards the progressive achievement of the objectives of the NPF and the Act will be governed by different levels of governance, as specified by the Act.

As the Act seeks to comply with the International and Regional Protocols, as well as the Constitution,

## CHAPTER 2: THE FRAMEWORK



the governance of the NPF is therefore also responsible for the strengthening of compliance with these Protocols and the Constitution, which require reporting to the various International Committees, Regional and Sub-Regional Committees, as well as the National oversight structures. Governance therefore goes beyond the specific provisions of section 62 to 65 of the Act.

The governance structure of the NPF operates at four levels:

- (i) **The DG-ISC** is the first level of responsibility for monitoring the implementation of the NPF by the various government departments and institutions;
- (ii) **National and Provincial Intersectoral Committees (NOISC and POISC) on the Management of Sexual Offences** support the DG-ISC in ensuring that the relevant departments and institutions carry out their respective obligations and resolutions. The provincial structures are responsible for the monitoring and collection information at local level. The NOISC reports directly to the DG-ISC, whilst the PO ISC is accountable to the NOISC.
- (iii) **Inter-Ministerial Consultation** is the second level of accountability as sections 62(2) and 65(3) of the Act requires the Minister of the DOJ&CD to consult with the relevant ministers on the adoption of the NPF and the Annual Reports.
- (iv) **Parliament** is the third level of accountability as it receives the NPF and monitors its implementation through receiving annual progress reports on the implementation of the Act. It has the responsibility to ensure the full compliance with the Act and the NPF.

### (b) Specific Principles

- (i) The management of sexual offences must be informed by a responsive legislative and policy framework that makes effective provision for uniform norms and standards for the management of sexual offences.
- (ii) Coordinating structures and governance and accountability mechanisms must be established and strengthened to ensure the collaboration of all relevant role players involved in the management of sexual offences.
- (iii) Mechanisms for joint planning and budgeting must be established to enhance integrated service provision to victims of sexual offences.

### (c) Strategic Priorities

The implementation of this specific objective must be guided by the following strategic priorities:

- (i) Periodic review and amendment of the Act, the Regulations, the relevant National Directives, Instructions and other policies to ensure the continued effective management of sexual offences;
- (ii) The existence of the DG-ISC and its supporting operational structures, both at national and provincial levels, and development of guidelines setting out governance and coordinating mechanisms for the implementation of the Act;
- (iii) Establishment of systems for tracking and analysis of budget allocations and expenditure patterns, sexual offences trends and interventions in the management of sexual offences; and
- (iv) The establishment of the integrated information management for the integrated collection, collation and analysis of data, especially statistics; etc.

## CHAPTER 2: THE FRAMEWORK

### (d) Outcome

Responsive legislative and policy framework as well as institutional mechanisms and integrated coordination of role players involved in the management of sexual offences

### 2.2.2 Specific Objective 2- To Develop and Strengthen Coordinated Services

#### (a) Description

The Act makes it mandatory for government to “provide certain services to certain victims of sexual offences” and “to minimise or, as far as possible, eliminate secondary traumatising... including the manner in which sexual offences and related matters must be dealt with *uniformly* in a coordinated and sensitive manner...”. The services must be rendered in a coordinated and integrated manner to avoid secondary victimisation of the victim. These provisions address two main service delivery obligations i.e. the provision of support to victims of sexual violence and the implementation of mechanisms to prevent sexual violence incidents.

**The Support Obligation** requires that support services be provided in a manner that would instill the confidence of the victim in the CJS and that his or her resort to the law will transform the victim to a survivor. Reference to “certain services” refers to provision of specialised services which must be rendered in an equitable manner throughout the CJS.

**The Prevention Obligation** requires government to adopt measures aimed at preventing sexual violence. This obligation includes the reduction of repeat offending by means of offender rehabilitation programmes and the development of responses that reduce harmful consequences caused by sexual violence on the victim and society. Psycho-social support can prevent re-victimization as well as reduce the risk of some victims later becoming perpetrators. Furthermore, the ultimate goal of any prevention programme must be to create an environment where all persons feel safe and secure from sexual violence.

Section 62(1) (c) of the Act also requires government departments to develop an implementation plan for the progressive realisation of services to victims of sexual offences within available resources.

#### (b) The Specific Principles Informing Coordination of Services

- (i) Services must respond to the special needs of the victim of sexual offences, support the victims and prevent secondary and repeat victimization in sexual offences matters.
- (ii) Equitable services must be provided at each of the following steps of the criminal justice process:

Step 1: When the victim reports a case;

Step 2: When conducting a medico-legal examination;

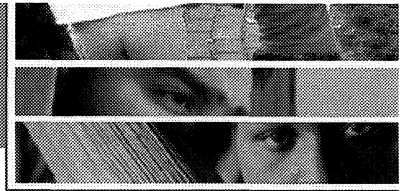
Step 3: When carrying out an investigation;

Step 4: When providing psycho-social services;

Step 5: Preparing for and prosecuting sexual offences matters;

Step 6: During incarceration of sex offender upon conviction, or when released upon payment of a fine, or after imposition of a suspended sentence, or after being found not guilty of the crime;

## CHAPTER 2: THE FRAMEWORK



Step 7: During the registration of the offender convicted of sexual offence involving a child or person with disability in the NRSO of Sex Offenders; and

Step 8: During the rehabilitation of the convicted sex offender;

Step 9: Upon the release of the convicted sex offenders from prison, the needs of the survivor must be attended to; etc.

- (iii) Psycho-social services and practical assistance must be provided as an integral part of support services at all stages of the management of sexual offences.
- (iv) Service providers must adopt an integrated or multi-sectoral approach to service provision to increase levels of confidence in the CJS.
- (v) All cases of sexual offences must be dealt with through the CJS; and
- (vi) The prosecution of a case must not only focus on direct evidence, but also consider other means of evidence, e.g. circumstantial evidence and inquisitorial approach to collection of evidence so as to improve the rate of conviction in sexual offences, especially for certain victims of sexual offences such as children and people with mental disability.

### (c) Strategic Priorities

- (i) Develop and implement court reform initiatives to improve the rate of success in prosecution. These initiatives may include the establishment or improvement of existing support services offered to victims before, during and after the case is finalized. These initiatives must be reviewed periodically to ensure the progressive improvement of prosecution services.
- (ii) Develop and implement measures to improve timeous reporting, rigorous investigations, adequate evidence collection, responsive court preparation, efficient case-flow management, and speedy and effective prosecutions. In the case of non-court officials, the role-players must ensure the responsive, speedy and effective case management and the comprehensive development of case reports.
- (iii) Initiatives to build capacity of the CJS personnel, i.e. in terms of the number of personnel and the skills development, must be undertaken to establish and maintain a responsive, preventative and effective CJS.
- (iv) Implement public education and outreach programmes to empower communities to use the Act to respond to and prevent sexual offences incidents.

### (d) Outcomes

- (i) Improved provision of integrated specialized services to victims of sexual offences.
- (ii) Adequately skilled personnel manage sexual offences cases effectively and efficiently.
- (iii) Increased conviction rates.
- (iv) Positive criminal justice experiences of victims of sexual offence.

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### 2.2.3 Specific Objective 3 - To Provide Resources for the Effective Implementation of the Act and the NPF

#### (a) Description

To achieve the progressive realisation of services, interventions must be appropriately costed and resourced to ensure the provision of appropriate and equitable services across the CJS. The Government Departments and institutions must engage in coordinated planning and budgeting to facilitate equitable and comparable resource allocations. The provision for financial resources must be under the following key areas of intervention:

- (i) Physical resources;
- (ii) Human Resources;
- (iii) Skills development and training;
- (iv) Other general principles of resourcing

#### b. Specific principles informing budgeting and resource allocations

##### (b)(1) Physical Resources

- (i) Physical resources, such as victim-centred facilities, court equipment, operational equipment, and other related items must be jointly planned and appropriately costed for the progressive procurement, provision and continual maintenance thereof. Where necessary, government stakeholders must engage in joint budgeting and joint provision of resources so as to maximize outputs with limited resources, especially where services are provided under one roof.
- (ii) It would be necessary for the stakeholder(s) to conduct a survey to determine the number or the volume of physical resources required to progressively achieve the equitable provision of services at the service points within the CJS.

##### (b)(2) Human Resources

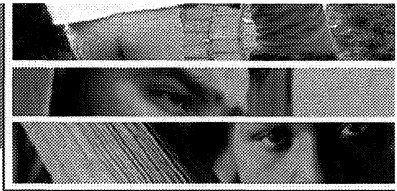
- (i) The stakeholders must ensure the equitable and appropriate provision of human resources at every service points.
- (ii) The number of human resources must match the volume of work and the expertise or knowledge required by the services.
- (v) A survey will determine the specialized services that must be offered, and also state the numerical and skills capacity of the human resources required at every service point or office.

##### (b)(3) Skills Development and Training

- (i) Government stakeholders must develop learning programmes to build the requisite knowledge, skills and sensitivity amongst the personnel placed at sexual offences service points.
- (ii) There must be training courses mainly developed and delivered to build and strengthen specialized skills required by specialized services.
- (iii) The Departments that are required to submit training courses and annual training reports to Parliament must do so, as stipulated by the Act.
- (iv) Training courses must be ongoing to maintain and strengthen the knowledge and skills capacity of their personnel.
- (v) Facilitators and trainers must undergo training to equip them with the requisite knowledge and skills to deliver training courses.



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- (vi) Stakeholders are encouraged to ensure that the training courses and programmes are in accordance with the National Qualifications Framework, as stipulated by SAQA.
- (vii) Debriefing sessions must be periodically offered to all personnel exposed to victims of sexual offences.
- (viii) Training course and programmes must be periodically reviewed for possible amendments so as to ensure improved service delivery.

### (b) (4) *Other general principles of resourcing*

- (i) Services and other intervention actions must be jointly planned and appropriately costed for the joint execution by government departments and institutions, only where it is necessary to do so.
- (ii) Government departments and institutions must allocate specific budgets for the implementation of the NPF and the Act in every financial year. The expenditure statement of this budget must form part of the departmental quarterly and annual reports, which must be submitted to the DG ISC, via the secretariat office, for submission to Parliament, in compliance with the Act.
- (iii) The allocation of resources must be appropriate and equitable to ensure the equitable access to and provision of quality services.
- (iv) Resources allocated must be consistently monitored to ensure collective accountability.
- (v) Resources allocated must establish and/or improve victim-centred services.
- (vi) The efficient use of resources must enable the delivery of coordinated, sensitized, specialized, professional, integrated and multi-disciplinary services.
- (vii) Donor funding for the management of sexual offences must be identified, sourced and sustainable.

### c. **Strategic Priorities**

- (i) Coordinate joint planning and costing of a 5-year NPF Strategic Plan, especially between government departments and institutions, and in circumstances where it is possible to do so.
- (ii) Coordinate cluster budget development and presentation to the National Treasury.
- (iii) Source donor funding to supplement existing available financial resources.

### d. **Outcome**

Progressive implementation of measures, initiatives and programmes within available resources.

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### 2.3 STRUCTURES FOR THE MANAGEMENT OF SEXUAL OFFENCES IN SOUTH AFRICA

#### 2.3.1 The Intersectoral Committees

The Act provides for the establishment of an Intersectoral Committee, in terms of section 63, to monitor and give strategic guidance in the implementation of the Act and its NPF. It specifies the membership of this Committee, and draws it from certain Departments and institutions within the criminal justice system, i.e. the DOJ&CD, SAPS, DCS, DSD, DOH, and the NPA of South Africa. Furthermore, the level of representation is at Executive Management level i.e. the DG of the DOJ&CD, DOH, DSD, the National Commissioners for the SAPS and the DCS; and the NDPP for the NPA. However, nothing from the Act that expressly precludes the extension of membership to other Departments and institutions based on their paramount roles in the implementation of the Act. The Act further provides that the chairperson of this committee is the DG of the DOJ&CD.

Section 64(2) of the Act also gives power to the DG's-ISC to define how it may function.<sup>2</sup> Through this mandate, the DG-ISC is supported by the NOISC, which in turn draws support from the nine POISC/structures seized with the responsibility for the implementation of the Act and the NPF.

#### 2.3.2 Contact Details of the Intersectoral Committee

##### Details of Members of the Intersectoral Committee (DG-ISC)

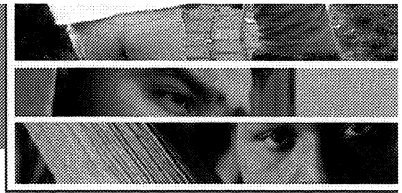
Name	Department	Telephone Number	Fax Number
<b>DOJ&amp;CD</b>			
Ms N Sindane	DOJ&CD	012 406 4700/1	012 406 4703
<b>DCS</b>			
Mr. T.S Moyane	DCS	012 307 2154/2053	012 323 0978 /086 569 1482
<b>DSD</b>			
Mr. C.B Pakade	DSD	012 312 7647	012 325 5304
<b>NPA</b>			
Acting NDPP: Adv. N Jiba	NPA	012 845 6953	012 845 7291
<b>SAPS</b>			
National Commissioner: Ms M.V Phiyega	SAPS	012 393 2873/4	012 393 2616
<b>DOH</b>			
Ms M.P Matsoso	DOH	012 395 9150	012 395 8422

#### 2.3.3 General Administrative and Management Roles and Responsibilities for the Effective Implementation of the Act

The administrative and management roles and responsibilities of the different stakeholders are categorized and outlined as follows to clarify functions to be carried out by departments/institutions:

<sup>2</sup> '...the manner in which the Committee shall conduct its affairs...'

## CHAPTER 2: THE FRAMEWORK



### (a) Policy

The DOJ&CD is responsible for the coordination of the development and review of the NPF in conjunction with the departments and institutions mentioned in the Act. The NPF must be tabled in Parliament by the Minister of the DOJ&CD in consultation with Cabinet Members responsible for DOH, DSD, DCS, SAPS and the NPA.

In addition to the NPF, the Act provides for the drafting of Regulations to improve the implementation of the Act. These Regulations may provide for additional issues informed by objectives of the Act. For instance, the Intersectoral Committee must consider the necessity of drafting Regulations to include issues such as the-

- (i) Establishment of the NOISC;
- (ii) Development of departmental implementation plans;
- (iii) Development and establishment of performance standards for officials; and
- (iv) Establishment of uniformity in provision of services, etc.

### (b) Stakeholder Management

Each stakeholder must develop departmental or institutional implementation plan informed by the 5-year Interdepartmental Plan of the NPF. These will be presented to the National Operational Committee for the development of the consolidated Annual Interdepartmental Plan.

The Intersectoral Committee must meet at least twice a year, and must also submit minutes of their meetings to the Minister of the DOJ&CD

The following stakeholders are critical to the implementation of the Act:

- (i) **Parliament** - Parliament has the political oversight responsibility for monitoring the implementation in terms of section 65 of the Act. In addition, the Minister of Justice and Constitutional Development in consultation with the other Cabinet Members mentioned in the Act and the NDPP must table the NPF and the 5-year review of the NPF to Parliament.
- (ii) **Intersectoral Committee on the Management of Sexual Offences** – This Committee must provide the administrative oversight in the implementation of the Act to ensure the continued coordination and the planning between the implementing stakeholders. It may operate through established operational structure(s) to receive technical support.
- (iii) **Government Departments and institutions mentioned in the Act and their officials:**
  - a) All implementing Government Departments - with clearly defined responsibilities in terms of the Sexual Offences Act must ensure that their obligations are carried out. This will require coordinated implementation efforts that may include government departments beyond the JCPS Cluster to achieve efficiency and effectiveness. For instance, the DBE becomes critical in ensuring that all responsibilities related to the protection and promotion of the rights of children are met in a coordinated fashion. The Departments of International Relations and Cooperative Governance (DIR&CG) and Department of Home Affairs (DHA) may provide support to the extra-territorial jurisdiction aspects of the Act. The DWCPD has an oversight role through monitoring the implementation of the Act through gathering reports on responsiveness of departmental or institutional responses to the Indicators aimed at the reduction of Gender Based Violence (GBV)

## CHAPTER 2: THE FRAMEWORK

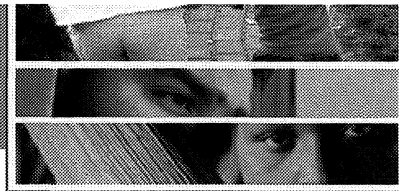
- b) Government officials** - accountability, roles and responsibilities must be clearly defined for officials responsible for providing services related to sexual offences in terms of prevention, support and care across all spheres of government. Monitoring and evaluation tools and guidelines can be utilised to standardise performance. This will ensure understanding of the requirements of the NPF at all levels.
- c) NGO, Religious Based Organisations and Community Based Organisations** working with victims of sexual violence must be consulted when the NPF is reviewed and the 5-year strategic plan for the implementation of the NPF and other plans are developed, where necessary. Consultative processes must be put in place at all levels to ensure the collective prevention, response and care in the management of cases of sexual offences.
- (iv) Media:** Both print and electronic Media may be used as critical vehicles of communication.
- (v) Employers** whose employees come into contact with children e.g. early childhood development institutions, institutions working with persons who are mentally disabled, must be informed of their responsibilities to ensure that the objectives of the NRSO are met.
- (vi) Private Sector** - Consultations with the private sector must be regularly held to ensure the effective management and maintenance of the NRSO in matters relating to the execution of the prohibition of employment of persons convicted of sexual offences perpetrated against children and mentally disabled persons from working in environments, which involve the presence of children and mentally disabled persons. This will popularise the obligations of the employers and engender compliance with the provisions of the Act. The Regulations require the Registrar, with the assistance of the DG's of the DOJ&CD, DHA and DIR&CG, to develop procedures of forwarding particulars (updating and removal) of persons on the Register with the view of advising the Minister accordingly for purposes of making regulations that give effect to such procedures. Employers play a critical role in performing this administrative support function;
- (vii) Transport sector** that is responsible for the transportation of children and persons with mental disability, such as school buses and taxis, must be consulted to ensure that the objectives of the NRSO are met;
- (viii) Local Government** is in control of land and provides services at local level. Specialised services such as One-Stop-Centres are established within local government territory and often require the support of the local government;
- (ix) Traditional structures** - such as traditional authorities are often the first point of entry of complainants at rural communities. These structures are critical in the implementation of the Act in line with the requirements of other statutes.

### **(c) Research and Monitoring**

Research may be linked to monitoring and evaluation of all activities undertaken to implement the Act. Information management systems of the departments must be utilised to monitor the effective implementation of the Act by comparing and analysing available data for trends and assessing impact. Regular reports must be provided to the DG-ISC by the relevant departments, via the secretariat office based at DOJ&CD.

Stakeholders are encouraged to conduct baseline research before the execution of new intervention actions so as to establish the 'as is' status. Thereafter, periodical research studies must be conducted to inform the impact of the implementation interventions, and guide the implementation process to achieve the desired results.

## CHAPTER 2: THE FRAMEWORK



The DG-ISC may assist with the identification of the key research areas within the sexual offences sector to ensure the progressive implementation of the Act based on accurate data. Research results must be first submitted to the DG-ISC for its recommendations, and thereafter shared with different role players to ensure the development of strategies and actions that are responsive to the research recommendations.

The DG-ISC may assign the execution of a research study to any implementing stakeholder in matters relevant to the obligations and responsibilities of such stakeholder. All research activities will be conducted within the available resources of the stakeholders.

The Monitoring and Evaluation Tool contained in this NPF must be completed and reviewed on a period determine by the DG-ISC. It must set out clear and measurable indicators, outputs and outcomes.

### **(d) Public Awareness and Communication**

In order to ensure that communities access legal services they must be provided with information about their rights in respect of the implementation of the Act. An interdepartmental public awareness and communication strategy must be developed to enhance effective implementation of the Act and the NPF. The strategy must be simplified into an Annual Implementation Plan that sets out clearly defined goals, activities, indicators, outputs and outcomes.

Communication flow must be in all official languages and must be aggregated on rural/urban communities focusing on specific target groups such as women, children, persons with disabilities, victims of human trafficking, LGBTI persons, elderly persons, etc.

All forms of media (print, electronic, mainstream and alternative) must be used in the dissemination of information on sexual offences. Through the Communication units of the implementing government departments and the Government Communication Information Services (GCIS), relationships must be established to provide public information on implementation on the Act and NPF, particularly with crime reporters so as to ensure a balanced and well-informed representation of government's interventions to respond to the sexual violence.

Publicity material on the NPF must be produced and shared with civil society organisations. In addition, capacity building initiatives to enhance communication and public awareness should be implemented in partnership with civil society organisations.

## CHAPTER 2: THE FRAMEWORK

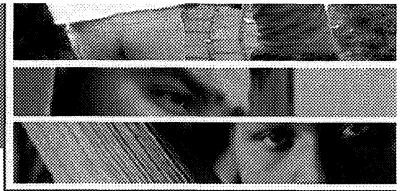
### 2.4 SPECIFIC ROLES AND RESPONSIBILITIES OF THE VARIOUS GOVERNMENT DEPARTMENTS/INSTITUTIONS

This section of the NPF outlines the roles and responsibilities of various government departments and institutions in line with their obligations under the Act. The roles and responsibilities of supportive government department are also included as they play a critical role in the implementation of the Act and the NPF. The Table, below outlines these roles and responsibilities at various levels of management:

#### 2.4.1 Primary and Supportive Roles for Management of Sexual Offences

Stakeholder	Roles: Primary and / Supportive
<b>Government Departments</b>	
<b>National</b>	Primary: Coordination of national coordination structures. Development of Legislation (amendments and Regulations) and Policies. Internal monitoring and evaluation. Reporting on progress.
<b>Provincial</b>	Primary: Coordination of provincial coordination structures. Supportive: Implementation of projects. Case and Information Management.
<b>Local</b>	Supportive: Implementation of projects to prevent sexual offences at secondary level. Provision of Victim and Offender Services. Case and Information Management.
<b>Organs of State and Institutions</b> Chapter Nine Institutions	Primary: External monitoring and evaluation.
<b>Court Administration</b> Judiciary	Primary: Responsible for the effective adjudication of cases of sexual offences. Responsible for Judicial Education and Training.

## CHAPTER 2: THE FRAMEWORK



The Table below provides more detail on specific roles and responsibilities of various role-players, drawing from legislative requirements articulated in the Act and mandates of the departments within the CJS:

### Specific Role player's Roles and Responsibilities

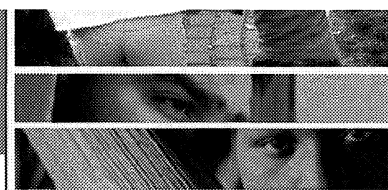
Stakeholder	Responsibility
<b>Parliament</b>	<ul style="list-style-type: none"> <li>• Receive the NPF (s65 (2) (a)).</li> <li>• Receive annual reports (s65 (2) (b)).</li> <li>• Receive amendments to NPF (s62 (2) (d)).</li> <li>• Receive annual reports on training (s66 (5) (6)).</li> <li>• Receive the NPA Directives and the SAPS National instructions.</li> <li>• Engage with government departments and institutions in the exercise of the oversight role over the implementation of the Act.</li> <li>• Engage with Civil Society Organisations (CSO) to receive their inputs regarding the implementation of the Act.</li> </ul>
<b>Directors-General: Intersectoral Committee</b>	<ul style="list-style-type: none"> <li>• Meet at least twice a year (s64 (1)).</li> <li>• Report to Minister of DOJ&amp;CD after each meeting (s64) (3)).</li> <li>• Develop NPF (s65 (1)).</li> <li>• Make recommendations on amendments to NPF (s65 (2)).</li> <li>• Monitor and review implementation and progress to ensure the effective and efficient implementation of the Act.</li> <li>• Develop and implement performance standards and the monitoring and evaluation systems.</li> <li>• Ensure the establishment of the DG-ISC secretariat to manage the intersectoral implementation of the Act.</li> <li>• Ensure adequate support to personnel dealing with victims of sexual violence.</li> </ul>
<b>DG - ISC Secretariat</b>	<ul style="list-style-type: none"> <li>• Set up a secretariat office, as directed by the DG-ISC.</li> <li>• List specific functions.</li> <li>• Convene the DG ISC meetings, and upon the request of the DG-ISC, invite representations from: <ul style="list-style-type: none"> <li>○ The Chapter 9 Institutions.</li> <li>○ National Networks.</li> <li>○ Specific NGO's who might be required to give expert or technical input or advice.</li> </ul> </li> <li>• Compile and distribute minutes timeously.</li> <li>• Follow up on the resolutions of the ISC.</li> <li>• Coordinate responses to resolutions of the DG-ISC.</li> <li>• Coordinate the execution of the responsibilities, functions and duties of the DG-ISC, as outlined in section 65 of the Act.</li> <li>• Coordinate the development and implementation of the monitoring and evaluation systems and standards, as directed by the DG-ISC.</li> <li>• Receive Quarterly and Annual Reports from stakeholders, and compile Annual Consolidated Progress Reports for the timeous tabling in Parliament by the Minister of the DOJ&amp;CD.</li> </ul>

## CHAPTER 2: THE FRAMEWORK

Stakeholder	Responsibility
DOJ&CD	<ul style="list-style-type: none"> <li>• Responsible for legislative developments, reviews and amendments.</li> <li>• Responsible for policy development and implementation, including reviews and amendments thereof.</li> <li>• Provide support to the improvement of the judicial role in the implementation of the Act;</li> <li>• Increase access to justice to all victims of sexual crimes, especially children, elderly, persons with disabilities, and LGBTI persons;</li> <li>• Develop and implement initiatives or projects for: <ul style="list-style-type: none"> <li>○ Research, analysis, and surveys;</li> <li>○ Progressive realization of specialized court services, which include the provision of specialist facilities and physical resources for victims of sexual violence at courts;</li> <li>○ Contribute in planning and coordination of Training interventions, in conjunction with Justice College and South African Judicial Education Institute(SAJEI);</li> <li>○ Prevention, including the execution of Public awareness and communication initiatives,</li> <li>○ Stakeholder management.</li> </ul> </li> <li>• Improve the effectiveness and the efficient execution of the court process.</li> <li>• Provide support to court personnel dealing with victims of sexual violence.</li> <li>• Develop and implement monitoring and evaluation systems and standards.</li> <li>• Submit Quarterly and Annual Reports to the DG-ISC.</li> </ul> <p><b><u>National Register of Sex Offenders (NRSO)</u></b></p> <ul style="list-style-type: none"> <li>• Manage the implementation and maintenance of the NRSO.</li> <li>• Coordinate the progressive realization of interface of NRSO with other Departments' systems.</li> <li>• Report on the effectiveness of the NRSO through annual reports.</li> <li>• Conduct public education and awareness-raising initiatives.</li> <li>• Report on the implications for extra-territorial jurisdiction.</li> <li>• Submit Quarterly and Annual Reports to the DG ISC.</li> <li>• Provide support to staff dealing with victims of sexual violence.</li> </ul>



## CHAPTER 2: THE FRAMEWORK

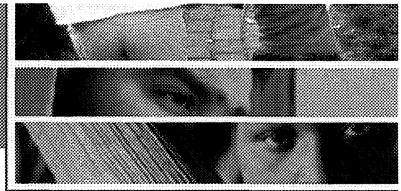


Stakeholder	Responsibility
<b>SAPS</b>	<ul style="list-style-type: none"> <li>• Investigate sexual offences cases.</li> <li>• Prevent and combat sexual offences.</li> <li>• Provide specialist services to victims (including the range of victims requiring special assistance).</li> <li>• Improve the numerical establishment of Dedicated Family, Child and Sexual Offences Family Violence, Child Protection AND Sexual Offences (FCS) Units and personnel.</li> <li>• Provide specialist facilities for victims of sexual offences.</li> <li>• Provide referrals to appropriate and victim- friendly services.</li> <li>• Maintain partnerships with NGOs and other service providers.</li> <li>• Improve the effectiveness of the investigation process, and interaction with the courts and other departments, including detection rates, and charges referred to court.</li> <li>• Public education and awareness.</li> <li>• Provide support to staff dealing with victims of sexual violence.</li> <li>• Services for HIV testing: <ul style="list-style-type: none"> <li>○ Information to victims.</li> <li>○ Completion of application forms (if requested).</li> <li>○ Maintain Register of applications for testing.</li> </ul> </li> <li>• Issue National Instructions.</li> <li>• Submit training manuals to Parliament.</li> <li>• Train Police officials.</li> <li>• Submit annual training reports to Parliament.</li> <li>• Submit Quarterly and Annual Reports to DG-ISC for tabling in Parliament.</li> <li>• Develop and implement monitoring and evaluation systems and standards.</li> <li>• Provide support to staff dealing with victims of sexual violence.</li> </ul>
<b>DOH</b>	<ul style="list-style-type: none"> <li>• Provide specialist services and personnel.</li> <li>• Provide Post Exposure Prophylaxis (PEP) to victims of sexual offences.</li> <li>• Dedicated Health facilities such as Clinical Forensic Medicine Centres(CFM)</li> <li>• Provide Medico-Legal services (including for HIV&amp;AIDS testing).</li> <li>• Provide referrals to appropriate psycho-social services, including clinical psychologists, social workers, and clinical social workers.</li> <li>• Designate CFM facilities.</li> <li>• Issue National Directives.</li> <li>• Train medical and health practitioners.</li> <li>• Provide annual training reports to Parliament.</li> <li>• Submit Quarterly and Annual Progress Reports to the DG-ISC.</li> <li>• Provide public information.</li> <li>• Develop and implement monitoring and evaluation systems and standards.</li> <li>• Provide support to staff dealing with victims of sexual violence.</li> </ul>

## CHAPTER 2: THE FRAMEWORK

Stakeholder	Responsibility
<b>NPA</b>	<ul style="list-style-type: none"> <li>• Institute criminal proceedings.</li> <li>• Prosecute sexual offences.</li> <li>• Issue Policy Directives on Prosecution process.</li> <li>• Provide Specialist services (including making services victim-friendly):               <ul style="list-style-type: none"> <li>◦ Court Preparation.</li> <li>◦ Manage TCCs.</li> </ul> </li> <li>• Provide specialist facilities.</li> <li>• Train officials.</li> <li>• Develop and implement monitoring and evaluation systems and standards.</li> <li>• Provide support to staff dealing with victims of sexual violence. Submit Quarterly and Annual Progress Reports to the DG-ISC for tabling in Parliament.</li> <li>• Provide Annual Training Reports to Parliament.</li> </ul>
<b>DSD</b>	<ul style="list-style-type: none"> <li>• Coordinate the implementation of the VEP.</li> <li>• Provide Specialist services for victims of sexual offences.</li> <li>• Issue Instructions, Policies, and Guidelines in terms of victims of sexual offences.</li> <li>• Provide access to appropriate psycho-social services, including clinical psychologists, social workers, clinical social workers, assessments, and victim impact reports.</li> <li>• Provide a funding framework and support for NGOs contracted to provide services to victims of sexual offences.</li> <li>• Provide inputs from consultations regarding training by DOH, SAPS and NPA. (s66 (1) (2) and (3)).</li> <li>• Train officials and personnel.</li> <li>• Develop and implement monitoring and evaluation systems and standards.</li> <li>• Provide support to staff dealing with victims of sexual violence. Submit Quarterly and Annual Progress Reports to the DG-ISC for tabling in Parliament.</li> </ul>
<b>DCS</b>	<ul style="list-style-type: none"> <li>• Develop and implement a strategy to manage sexual offences within Correctional Facilities (including Rehabilitation and Restorative Justice programmes) .Develop Policy, Standards and Guidelines in respect of the management of sexual offences.</li> <li>• Implement rehabilitative and restorative justice programmes.</li> <li>• Provide a funding framework and support for NGOs contracted to provide services to convicted perpetrators of sexual offences.</li> <li>• Participate in consultations with JCPS Departments on Training (s66 (1) (2) and (3)).</li> <li>• Train officials.</li> <li>• Strengthen Parole Boards.</li> <li>• Provide Quarterly and Annual reports to the DG ISC for tabling in Parliament.</li> </ul>

## CHAPTER 2: THE FRAMEWORK



Stakeholder	Responsibility
	<ul style="list-style-type: none"> <li>• Develop and implement monitoring and evaluation systems and standards.</li> <li>• Provide support to staff dealing with victims of sexual violence.</li> </ul>
<b>GCIS</b>	<ul style="list-style-type: none"> <li>• Coordinate and align government communication strategies on sexual offences (s65 (1) (a)).</li> <li>• Guide campaigns on behaviour and attitude change of all departments.</li> <li>• Develop and implement a coordinated public awareness campaign.</li> <li>• Provide Quarterly and Annual Progress Reports to the DG ISC for tabling in Parliament.</li> </ul>
<b>Civil Society Organisations</b>	<ul style="list-style-type: none"> <li>• Advocate for the protection of the rights of victims of sexual offences.</li> <li>• Provide psycho-social and legal advice services to victims of sexual offences (within organisational mandates, available resources and partnership agreements with departments).</li> <li>• Referral of victims to government services.</li> <li>• Report violations of rights of victims of sexual offences by government service providers.</li> <li>• Provide information and assistance through their experience and research activities, to monitor the implementation of the NPF and the Act.</li> <li>• Participate in governance and oversight mechanisms as provided for in the NPF (NOISC; local and regional oversight bodies), and provide progress reports.</li> <li>• Community awareness and public education.</li> <li>• Monitoring and evaluation.</li> <li>• Attain and maintain standards where services are provided to victims.</li> <li>• Provide support to staff dealing with victims of sexual violence.</li> </ul>
<b>Department of Basic Education</b>	<ul style="list-style-type: none"> <li>• Development of Policy, Standards and Guidelines on the management of sexual offences.</li> <li>• Training of educators on the management of sexual offences.</li> <li>• Monitoring and evaluation.</li> <li>• Support of staff dealing with victims of sexual violence.</li> <li>• Submit Quarterly and Annual Progress Reports to the DG ISC for tabling in Parliament.</li> </ul>
<b>Department of Higher Education</b>	<ul style="list-style-type: none"> <li>• Development of Policy, Standards and Guidelines on the management of sexual offences.</li> <li>• Training of educators on the management of sexual offences.</li> <li>• Monitoring and evaluation.</li> <li>• Support of staff dealing with victims of sexual violence.</li> <li>• Submit Quarterly and Annual Progress Reports to the DG ISC for tabling in Parliament.</li> </ul>

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Stakeholder	Responsibility
<b>Department of Women, Children and People living with Disabilities.</b>	<ul style="list-style-type: none"> <li>• Development of Policy, Standards and Guidelines on the management of sexual offences.</li> <li>• Monitoring and evaluation. Also provide stakeholders with Monitoring tools to guide the execution of activities and</li> <li>• Provide Parliamentary and country Reports.</li> <li>• Implement other activities as appropriate.</li> </ul>
<b>Department of Cooperative Governance and Traditional Affairs</b>	<ul style="list-style-type: none"> <li>• Provide training and skills development for traditional leaders.</li> <li>• Public education and awareness-raising, especially in issues relating to traditions and customs.</li> <li>• Provide support to victims of sexual offences.</li> <li>• Make appropriate referrals.</li> <li>• Monitoring and evaluation.</li> <li>• Submit Quarterly and Annual Progress Reports to the DG ISC for tabling in Parliament.</li> <li>• Implement other activities as appropriate.</li> </ul>

## 2.5 MONITORING AND EVALUATION MECHANISMS

### 2.5.1 Definition of Monitoring and Evaluation

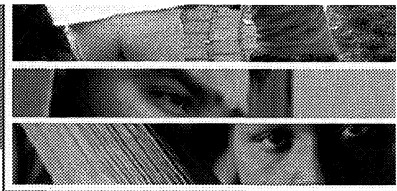
The ability of the NPF to achieve its legislative goals is dependent on the exercise of oversight, as well as regular monitoring and evaluation. While oversight is ultimately exercised by Parliament, the DG-ISC is also responsible for ensuring the effective and efficient implementation of the Act and its NPF.

Monitoring involves collecting, analysing and reporting data on inputs, activities and outputs in a manner that effectively tracks and measures the coordination of services and resources to achieve the desired outcomes. It aims to provide managers, decision-makers and other stakeholders with a framework that guides regular feedback on progress in implementation of the NPF. All the governance structures (DG ISC, National Operational Inter-sectoral Committee, the Provincial Operational Intersectoral Committee, the Justice, Crime Prevention and Security Cabinet Committee, Parliament etc.) are responsible for coordination of monitoring function at different levels.

The implementation of intervention actions must be time-bound and in line with the planned inputs, outputs, indicators and outcomes. Periodic analysis must be conducted to evaluate the impact of interventions on the beneficiaries. In evaluating services and interventions, the principles of relevance, efficiency, effectiveness and the sustainability of initiatives in the protection and promotion of the rights of victims must be addressed.

The evaluation of the NPF must adopt an evidence-based approach, which must be both qualitative and quantitative. The Policy requires that the impact assessment be conducted by an independent body so as to provide impartial outcomes and recommendations on the interventions.

## CHAPTER 2: THE FRAMEWORK



### 2.5.2 The Objectives of the Monitoring and Evaluation Function

The objectives of the monitoring and evaluation function are to:

- (i) Ensure that progress made towards the implementation of the Act and the NPF is systematically and periodically monitored;
- (ii) Ensure compliance with obligations set out in the Act and the NPF;
- (iii) Enhance early detection of challenges and the development of interventions that respond to these challenges.

### 2.5.3 Specific Principles of Monitoring and Evaluation

To determine whether the implementation of the Act achieves the goals and aspirations of the Act and the NPF, the following principles of monitoring and evaluation must be adhered to by the government departments, institutions and other relevant stakeholders:

- (i) Good governance framework must remain relevant through effective coordination and improvement of service delivery;
- (ii) The tracking of implementation and utilisation of resources must be supported by the utilization of integrated monitoring tools;
- (iii) Monitoring and evaluation must be outcomes-driven, evidence-based and integrative to meet the objectives of the Act; and
- (iv) The efficacy of the Act must be reviewed to guide corrective action.

### 2.5.4 Monitoring and Evaluation Reports

Reports will be provided by all the departments and institutions that are members of the DG ISC including the co-opted members. There are two (2) major sets of reports relating to oversight of the implementation of the Act, and these are:

#### (a) Progress Reports

##### (i) Annual Progress Reports on the Implementation of the Act

In terms of 65(3), each department and institution must submit reports on the implementation of the Act as a whole. These reports must be tabled in Parliament by the Minister of Justice and Constitutional Development, after consultation with the Cabinet members responsible for Safety and Security, Correctional Services, Social Development and Health and the National Director of Public Prosecutions.

The DG-ISC secretariat must compile a Consolidated Progress Report outlining progress made by various role player departments towards implementation of the Act during the course of the year. This report may be approved by the Justice, Crime Prevention and Security Cabinet Ministerial Committee prior to submission to Parliament. The detailed reports from the departments and institutions must be attached as annexures to comply with the provisions of section 65(3).

Annual Reports must give details of budget expenditure for each reporting period.

## CHAPTER 2: THE FRAMEWORK

### (ii) **Bi-Annual Progress Reports to the DG ICS**

The NOISC shall submit bi-annual reports to the DG-ICS.

### (iii) **Quarterly Reports to the NO ISC**

- a) The POISC shall submit quarterly reports to the NO ISC.
- b) National government departments shall submit quarterly reports to the NOISC.

### (iv) **Bi-monthly Reports to the POISC**

- a) Provincial government departments shall submit bi-monthly reports to the PO ISC and to their respective national departments.
- b) PO ISC shall compile quarterly reports for submission to the NOISC.

These reports must also give details of budget expenditure for the period of reporting.

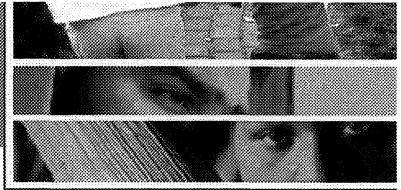
### (v) **Annual Training Reports**

The SAPS, the DOH and the NPA must table in Parliament the Annual Training Reports on the training conducted in respect of the implementation of the Act. However, these reports must first be submitted to the DG-ISC for recommendation for tabling. This is to ensure that the DG-ISC exercises its monitoring function to achieve the effective implementation of the NPF.

## 2.5.5 Outcomes

- (i) Improved services offered to victims of sexual offences
- (ii) Increased confidence in the criminal justice system in respect of sexual offences.
- (iii) Availability of data required for planning (interventions and resources), amendment of the Act and policies.

## CHAPTER 3: FIVE YEAR INTER-DEPARTMENTAL PLAN



### FIVE YEAR INTER-DEPARTMENTAL PLAN FOR THE MANAGEMENT OF SEXUAL OFFENCES 2012-2016

#### 3.1 Introduction to the Five year Inter-Departmental Plan

The implementation of the Act and the NPF shall be guided by a five year inter-departmental plan which must be developed as part of the NPF. The various role player departments and institutions must therefore coordinate the development of the Inter-Departmental Plan every five years when the NPF is reviewed. This plan shall be the basis for reporting progress to Parliament on an annual basis and must be reviewed periodically. Such a review must be conducted at least twice during each five year cycle of the implementation of the NPF. NGOs must be consulted as part of the coordination of the development of the plan.

#### 3.2 Content of the Inter-Departmental Plan

The Inter-Departmental Plan below is based on the Specific Objectives NPF. It also includes a section relating to Monitoring and Evaluation Mechanisms. In addition to Specific Objectives it also includes Strategic Outcomes, Strategic Priorities, Activities, Annual Targets, Outputs and Indicators. The Indicators are divided into Indicators for Outputs and Indicators for Outcomes.

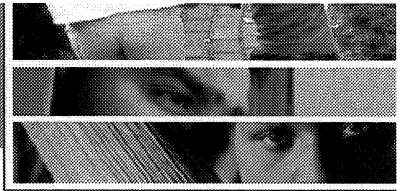
#### 3.3 Five (5) Year Inter-Departmental Plan for the Management Of Sexual Offences 2012-2016 Matrix

## CHAPTER 3

Specific Objective 1: To Establish Uniform Norms, Standards and Mechanisms for the Coordination of the Implementation of the Act.									
Strategic Outcome: Responsive legislative and policy framework, as well as institutional mechanisms and integrated coordination of role players involved in the management of sexual offences.									
Strategic Priorities	Activities	Annual Targets				Responsible Stakeholder	Output	Output Indicators	Outcome Indicators
		2012	2013	2014	2015	2016			
The review and amendment of the legal framework	Review the Act, as appropriate and table the amendment Bill in Parliament	5%	-	-	45%	100%	100% completion of review and tabling of the Amendment Bill in Parliament	Percentage in the completion of review and tabling of the Amendment Bill in Parliament	Responsive legislative framework; Improved court statistics. Improved judicial decisions.
	Review and possible amendment of Guidelines for Services for Victims of Sexual Offences and the National Policy Guidelines for Victim Empowerment.	20%	60%	100%	-	-	100% finalization of the Regulations by end March 2014	Percentage in the completion of the review and amendment of Guidelines by end March 2014	Responsive policy guidelines; Improved coordination in the intersectoral management of sexual offences
	Finalize the Independent Police Investigation Directorate 2011 Regulations	-	50%	50%	-	-	100% finalization of the Regulations by end March 2014	Percentage in the finalization of the Regulations by end March 2014	Improved management of sexual offences; IPID complaints records kept; SAPS disciplinary enquiry records.
	Develop Policy on the use of restorative justice and alternative dispute resolution mechanisms in sexual offences	-	-	50%	100%	-	100% completion of Policy by end March 15	Percentage of completion of the policy by end March 2015	Responsive policy framework; Expanded legal relief; Improved management of sexual offences



## CHAPTER 3

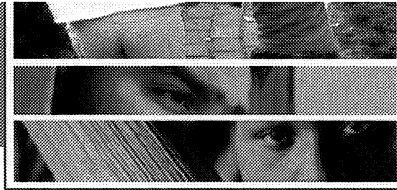


Specific Objective 1: To Establish Uniform Norms, Standards and Mechanisms for the Coordination of the Implementation of the Act.										
Strategic Outcome: Responsive legislative and policy framework, as well as institutional mechanisms and integrated coordination of role players involved in the management of sexual offences.										
Strategic Priorities	Activities	Annual Targets			Responsible Stakeholder			Output	Output Indicators	Outcome Indicators
		2012	2013	2014	2015	2016				
The establishment of the DG ISC and supporting operational structures at national and provincial levels and development of guidelines setting out governance and coordinating mechanisms for the implementation of the Act.	Review and amendment of guidelines and procedures outlining the manner in which the DG ISC, NO ISC and POISCs conduct their affairs.	-	100%	-	-	-	DG ISC	100% completion of DG ISC guidelines	Percentage in the completion of guidelines	Improved monitoring of the Act
	Set up the office of the DG ISC secretariat.	25%	50%	100%	-	-	DoJ & CD DG ISC	1 x DG ISC Manager 1 x Data analyst 1 x Administrator	Percentage in the finalization of the secretariat office by end March 2014	Improved management of the affairs of the DG ISC  Improved coordination in the management of sexual offences by stakeholders
	Submit periodic progress reports to the PO ISC, NO ISC, DG ISC and Parliament on the implementation of the NPF	Bi-monthly	Bi-monthly	Bi-monthly	Bi-monthly	Bi-monthly	POISC	6 x bi-monthly reports per annum	Number of bi-monthly reports to the NO ISC	Improved monitoring of the intersectoral management of sexual offences
		Annual Report	Annual Report	Annual Report	Annual Report	Annual Report	Minister DG ISC	1 x Consolidated Annual progress tabled in Parliament	Number of reports tabled in Parliament	Annual Report
		Annual Report	Annual Report	Annual Report	Annual Report	Annual Report	Minister DG ISC	1 x Consolidated Annual progress tabled in Parliament	Number of reports tabled in Parliament	Annual Report

## CHAPTER 3

Specific Objective 1: To Establish Uniform Norms, Standards and Mechanisms for the Coordination of the Implementation of the Act.									
Strategic Outcome: Responsive legislative and policy framework, as well as institutional mechanisms and integrated coordination of role players involved in the management of sexual offences.									
Strategic Priorities	Activities	Annual Targets				Responsible Stakeholder	Output	Output Indicators	Outcome Indicators
		2012	2013	2014	2015	2016			
	Hold periodic meetings	Annual Report	Annual Report	Annual Report	Annual Report	Annual Report	1 x Consolidated Annual progress tabled in Parliament	Number of reports tabled in Parliament	Improved monitoring of the intersectoral management of sexual offences
		Bi-monthly meetings	Bi-monthly meetings	Bi-monthly meetings	Bi-monthly meetings	Bi-monthly meetings	6 x meetings per annum	Number of meetings held per annum	
		Quarterly meetings	Quarterly meetings	Quarterly meetings	Quarterly meetings	Quarterly meetings	4 x meetings per annum	Number of meetings held per annum	
		2 meetings p.a.	2 meetings p.a.	2 meetings p.a.	2 meetings p.a.	2 meetings p.a.	At least 2 DG ISC meetings held per annum.	Number of Meetings held per annum	
Establish institutional mechanisms to engage civil society in the implementation of the Act and management of sexual offences.	Set up the National NGO-OISC that has combined representation of NO ISC and NGO's	-	100%	-	-	-	100% establishment of the NGO- OISC	Percentage in the establishment of the structure	Improved monitoring of the intersectoral management of sexual offences
	Hold periodical meetings	Bi-annual	Bi-annual	Bi-annual	Bi-annual	Bi-annual	At least 2 meetings per annum	Number of meeting per annum	Improved monitoring of the intersectoral management of sexual offences

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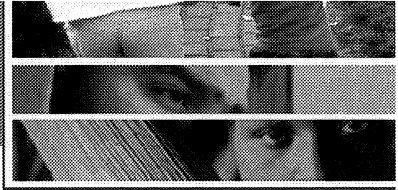


<b>Specific Objective 2:</b> Develop and Strengthen integrated and coordinated Services.									
<b>Strategic outcomes:</b>									
1. Improved provision of integrated specialized services to victims of sexual offences. 2. Adequately skilled personnel manage sexual offences cases effectively and efficiently. 3. Increased conviction rates. 4. Positive criminal justice experiences of victims of sexual offence.									
<b>Strategic Priorities</b>	<b>Activities</b>	<b>Annual Targets</b>				<b>Responsible Stakeholder</b>	<b>Output</b>	<b>Output indicators</b>	<b>Outcome Indicators</b>
Development and implementation of court reform initiatives to ensure improved provision of integrated specialized services for victims of sexual offences.	Finalize the Interdepartmental Framework on Specialization of Services for the JCPS Cluster	20%	70%	100%	-	DoJ&CD NOISC All role player departments.	100% completion of the framework by end March 2014	Percentage in the completion of the framework	Improved provision of integrated specialized services to victims of crime;
	Cost the approved Framework on Specialized Services			100%	-	Costing Units of all departments led by DoJ&CD	100% finalization of the Costing report	Percentage in the finalization of Costing	Increased conviction rate
	Implement the Interdepartmental Framework on Specialization of Services for the JCPS Cluster	-	-	25%	25%	DoJ&CD NOISC	25% implementation of the framework per annum by 2015	Percentage implementation of the framework	Positive criminal justice experiences of victims of sexual offence
	Conduct research of available victim-support services in rural areas.	-	20%	100%	-	DoJ&CD DG-ISC NOISC	100% finalization of the research by end 2014	Percentage in the finalization of the research	Improved provision of integrated specialized services to victims of crime;  Increased conviction rate  Positive criminal justice experiences of victims of sexual offence

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<b>Specific Objective 2:</b> Develop and Strengthen integrated and coordinated Services.									
<b>Strategic outcomes:</b> 1. Improved provision of integrated specialized services to victims of sexual offences. 2. Adequately skilled personnel manage sexual offences cases effectively and efficiently. 3. Increased conviction rates. 4. Positive criminal justice experiences of victims of sexual offence.									
<b>Strategic Priorities</b>	<b>Activities</b>	<b>Annual Targets</b>				<b>Responsible Stakeholder</b>	<b>Output</b>	<b>Output indicators</b>	<b>Outcome Indicators</b>
Capacity building of Criminal Justice Personnel to undertake effective preventative and responsive sexual offences initiatives.	Implement research recommendations.	-	-	-	25%	DoJ&CD National OISC All role player departments	25% implementation of recommendation per annum	Percentage implementation of recommendations	Improved provision of integrated specialized services to victims of crime;
	Develop and implement a five (5) year Action Plan to improve timeous case preparation for evidence collection, court preparation, prosecution, case management, case reporting, and conviction rate	30%	100%	-	-	NPA SAPS	100% development of plan	Percentage of the development of Plan	Improved conviction rate; Improved turnaround time in case management and disposition of cases; Improved case management; etc.
	Conduct a research analysis of the Act to determine specialized services and resource needs, as well as audit the existing services and resources.	-	-	100%	100% implementation of Annual Plan	NPA, SAPS and other relevant stakeholders	100% implementation of Annual Plan	Percentage implementation per annum	Adequately skilled personnel to manage sexual offences effectively and efficiently
	Conduct skills audit in the cluster to address identified gaps	-	-	100%	-	NOISC; Cluster HR Units; All role player Departments.	100% finalization of the audit by the end of 2014	Percentage of finalization of the audit	Adequately skilled personnel to manage sexual offences effectively and efficiently

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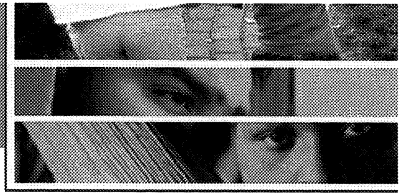
<b>Specific Objective 2:</b> Develop and Strengthen integrated and coordinated Services.										
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<b>Strategic Priorities</b>	<b>Activities</b>	<b>Annual Targets</b>				<b>Responsible Stakeholder</b>	<b>Output</b>	<b>Output Indicators</b>	<b>Outcome Indicators</b>	
	Progressively implement the HR Skills Plan.	-	-	15%	15%	NOISC Cluster HR units	15% progressive implementation per annum	Percentage implementation of the Plan		
	Develop SAQA accredited integrated skills training programmes for personnel managing sexual offences within the JCPS Cluster	-	20%	70%	100%	NOISC All role player Departments.	100% finalization of SAQA accredited skills programme	SAQA accredited integrated skills training programmes Percentage in the finalization of the programme		
	Amend the existing Integrated Training Programme on the management of sexual offences to align it with the unit standards.	-	-	-	50%	NOISC All role player Departments.	50% amendment of material	Percentage of finalization of amendment of material to comply with SAQA	Adequately skilled personnel to manage sexual offences effectively and efficiently	
	Conduct Integrated Training of Master Trainers in all JCPS clusters	200	200	200	200	All role player Departments.	1000 JCPS Cluster Master Trainers trained	Number of JCPS Cluster Master trainers trained per annum	Adequately skilled personnel to manage sexual offences effectively and efficiently	

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<b>Specific Objective 2:</b> Develop and Strengthen integrated and coordinated Services.									
<b>Strategic outcomes:</b> <ol style="list-style-type: none"> <li>Improved provision of integrated specialized services to victims of sexual offences.</li> <li>Adequately skilled personnel manage sexual offences cases effectively and efficiently.</li> <li>Increased conviction rates.</li> <li>Positive criminal justice experiences of victims of sexual offence.</li> </ol>									
<b>Strategic Priorities</b>	<b>Activities</b>	<b>Annual Targets</b>				<b>Responsible Stakeholder</b>	<b>Output</b>	<b>Output indicators</b>	<b>Outcome Indicators</b>
	Deliver integrated training for JCPS cluster personnel involved in the management of sexual offences.	20%	20%	20%	20%	NPA; JPSC Cluster	20% of Cluster personnel trained per annum	Percentage of personnel trained	Court statistics. Adequately skilled personnel to manage sexual offences effectively and efficiently
	Develop NRSO training programme to increase the use of ICMS NRSO.	-	-	100%	-	NRSO; NOISC; DG-ISC	100% Completion of training programme by end March 2014	Percentage in the finalization of programme	Increased conviction rate
	Implement NRSO training.	-	-	20% of relevant officials.	20% of relevant officials.	NRSO	60% of personnel trained involved in the management of the NRSO trained.	Percentage implementation	Positive criminal justice experiences of victims of sexual offences
	Collaborate with the South African Judicial Education Institute (SAJEI) to develop training programmes to improve judicial role in the adjudication of sexual offences.	Annually	Annually	Annually	Annually	SAJEI; DG-ISC	Annual judicial training programmes and curricular include training on sexual offences.	Periodical training	Adequately skilled personnel to manage sexual offences effectively and efficiently



## CHAPTER 3



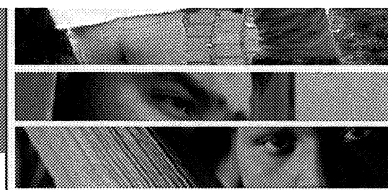
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<b>Strategic outcomes:</b>									
1. Improved provision of integrated specialized services to victims of sexual offences. 2. Adequately skilled personnel manage sexual offences cases effectively and efficiently. 3. Increased conviction rates. 4. Positive criminal justice experiences of victims of sexual offence.									
<b>Strategic Priorities</b>	<b>Activities</b>	<b>Annual Targets</b>				<b>Responsible Stakeholder</b>	<b>Output</b>	<b>Output indicators</b>	<b>Outcome Indicators</b>
	Collaborate with the COGTA and the National House of Traditional Leaders (NHTL) to develop and implement training programmes to improve the role of traditional leaders in the management of sexual offences.	-	50%	50%	-	DoJ & CD NOISC COGTA NHTL	100% finalization of programme	Percentage in the finalization of programme	Adequately skilled personnel to manage sexual offences effectively and efficiently
		-	-	-	30%	NPA, DoJ&CD; NOISC	60% of traditional leaders trained	Percentage of trained personnel	Adequately skilled personnel to manage sexual offences effectively and efficiently
	Profile service champions in the cluster					GCIS DoJ&CD NOISC Role player departments.	Quarterly publication	Periodical publications	Media reports. Improved provision of services; Positive criminal justice experiences of victims of sexual offences

## CHAPTER 3

<b>Specific Objective 2:</b> Develop and Strengthen integrated and coordinated Services.									
<b>Strategic outcomes:</b> <ol style="list-style-type: none"> <li>1. Improved provision of integrated specialized services to victims of sexual offences.</li> <li>2. Adequately skilled personnel manage sexual offences cases effectively and efficiently.</li> <li>3. Increased conviction rates.</li> <li>4. Positive criminal justice experiences of victims of sexual offence.</li> </ol>									
<b>Strategic Priorities</b>	<b>Activities</b>	<b>Annual Targets</b>				<b>Responsible Stakeholder</b>	<b>Output</b>	<b>Output indicators</b>	<b>Outcome Indicators</b>
Implement public education and outreach programmes to empower communities to use the Act to prevent sexual offences incidents and where such incidents have occurred, to ensure recourse through the criminal justice system.	Develop and implement a public education and outreach strategy to educate the public on the Act and on services available to victims of sexual offences	-	100%	-	-	GCIS NOISC DG-ISC Role player departments	100% finalization of the strategy by end March 2013	Percentage in finalization of strategy by end March 2013	Improved service delivery  Positive criminal justice experiences of victims of sexual offences
		-	-	100% implementation of Annual Plan	100% implementation of Annual Plan		100% implementation of Annual Plan	Percentage implementation of Annual Plan	



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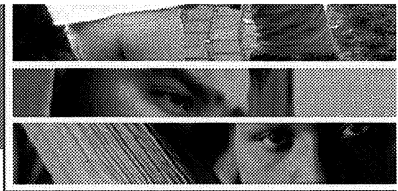


Specific Objective 3: Provide resources for the effective implementation of the Act and the National Policy Framework.									
Strategic Outcomes: Progressive implementation of initiatives, projects, and programmes within available limited resources.									
Strategic Priorities	Activities	Annual Targets	Responsible Stakeholder	Output	Output indicators	Outcome Indicators			
Coordinated planning and costing of a 5-year NPF Strategic Plan.	Conduct costing of 5 year plan and annual plans	100%	-	100% Completion of the Costing	Percentage finalization	Implementation of initiatives, projects and programmes within available limited resources			
	Joint planning and budgeting by role player Departments for all initiatives and interventions aimed at implementing the Act and the NPF.	100%	-	100% finalization of the Plan	Percentage in the finalization of Plan				
Provide Resources for the effective implementation of the Act	Develop and enhance mechanisms and processes to ensure the appropriate allocation and efficient use of resources.	-	100%	100% development of Annual Integrated financial resource plans and budget.	Percentage finalization of plan development	Implementation of initiatives, projects and programmes within available limited resources			

## CHAPTER 3

Specific Objective 3: Provide resources for the effective implementation of the Act and the National Policy Framework.						
Strategic Outcomes:						
Progressive implementation of initiatives, projects, and programmes within available limited resources.						
Strategic Priorities	Activities	Annual Targets		Responsible Stakeholder	Output	Output indicators
Source donor funding to supplement existing available financial resources	Develop and implement a donor funding strategy.	-	100%	NOISC DG-ISC Role player departments (cluster Chief Financial Organisations and donor units)	100% finalization of Donor funding strategy	Percentage finalization of strategy
		-	-			Implementation of initiatives, projects and programmes within available limited resources

## ANNEXURE A: Monitoring and evaluation tool

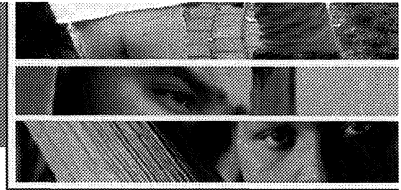


Monitoring and Evaluation Mechanisms									
Strategic Outcomes:									
1. Systemic monitoring and evaluation of the implementation of the Act and the NPF.									
2. Data required for policy, programme and financial planning, monitoring and evaluation is readily available.									
Strategic Priorities	Activities	Annual Targets				Responsible Stakeholder	Output	Output indicators	Outcome Indicators
Utilise and Review the monitoring and evaluation tool for the management of sexual offences.	Monitor and evaluate the management of sexual offences through the use of the Monitoring and Evaluation Tool and amend it when necessary.	100%	-	-	-	NOISC DG-ISC; National Operations Centre of the DOJ&CD	100% finalization of tool	Percentage of finalization	Systemic monitoring and evaluation of the implementation of the Act and the NPF.
	Develop integrated information management system for the management of sexual offences.	-	50%	70%	100%	NOISC DG-ISC	100% finalization of the development of the system by end 2014	Percentage finalization of the system	Systemic monitoring and evaluation of the implementation of the Act and NPF; Data required for planning and M&E is readily available
	Train designated personnel on how to use the above tools and evaluate for quality control purposes.	-	-	-	-	NOISC NGOs POISC	10 000 personnel trained by end 2016	Number of personnel trained	
	Commission the evaluation of the NPF and 5 year plan	-	-	-	-	DoJ & CD NOISC	30% Evaluation of the NPF and 5 year plan finalized.	Percentage finalization of evaluation	Systemic evaluation of programmes, projects and initiatives for the implementation of the 5 year plan

## ANNEXURE A

<b>Strategic Objective 1:</b> To Establish Uniform Norms, Standards and Mechanisms for the Coordination of the Implementation of the Act.						
<b>Strategic Outcome:</b> Responsive legislative and policy framework as well as institutional mechanisms and integrated coordination of role players involved in the management of sexual offences.						
<b>Strategic Priorities</b>	<b>Inputs</b>	<b>Activities</b>	<b>Output</b>	<b>Output Indicators</b>	<b>Outcome Indicators</b>	<b>Monitoring and Evaluation Mechanisms</b>
<b>The review and amendment of the legal framework.</b>	Human resources. Policy development and legislative review skills. Budget.	Review the Act as appropriate and amendable the amendment Bill in Parliament.	The Act is reviewed as appropriate and the amendment Bill is tabled in Parliament.	The amended Act.	Court statistics. Judicial decisions. Victims' survey. One Stop Centre Statistics. Court Preparation Statistics.	Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
		Amend the regulations to the Act.	The regulations are reviewed and gazetted.	Gazetted amended regulations.	Court statistics. Judicial decisions. Victims' survey. One Stop Centre Statistics. Court Preparation Statistics.	DoJ & CD Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
		The SAPS, NPA and DOH review their National Instructions and Directive on Sexual Offences to incorporate amendments to the Act.	National Directives and National Instructions are reviewed and amended as appropriate.	National Directives and National Instructions are tabled in Parliament and gazetted.	Gazetted Directives and National Instructions.	DOJ&CD submissions to Parliament SAPS, NPA, DOH Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
		Review Guidelines for Services for Victims of Sexual Offences and the National Policy Guidelines for Victim Empowerment.	Guidelines for Services for Victims of Sexual Offences and the National Policy Guidelines for Victim Empowerment are reviewed.	Review report. Amended Guidelines for Services for Victims of Sexual Offences and the National Policy Guidelines for Victim Empowerment.	NOISC reports.	DSD Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.

## ANNEXURE A



<b>Strategic Objective 1:</b> To Establish Uniform Norms, Standards and Mechanisms for the Coordination of the Implementation of the Act.						
<b>Strategic Outcome:</b> Responsive legislative and policy framework as well as institutional mechanisms and integrated coordination of role players involved in the management of sexual offences.						
Strategic Priorities	Inputs	Activities	Output	Output Indicators	Outcome Indicators	Monitoring and Evaluation Mechanisms
		Finalization of the Independent Police Investigation Directorate 2011 Regulations.	The Independent Police Investigation Directorate (IPID) 2011 Regulations have been finalised.	The gazetted Independent Police Investigation Directorate 2011 Regulations	IPID complaints records. SAPS disciplinary enquiry records.	IPID and SAPS Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
		Development of guidelines on restorative justice and alternative dispute resolution mechanisms in sexual offences.	Guidelines on the use of restorative justice and alternative dispute resolution mechanisms in sexual offences finalized.	Approved guidelines on the use of restorative justice and alternative dispute resolution mechanisms in sexual offences.	Court records.	DoJ & CD Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
<b>The strengthening of the DG ISC and supporting operational structures at national and provincial levels and development of guidelines setting out governance and coordinating mechanisms for the implementation of the Act.</b>	Human resources. Project management skills. Budget.	Develop guidelines, Norms and Standards, Protocols of the DG ISC, NOISC and POISCs to support the DG ISC in carrying out its responsibilities, functions and duties	The number of workshops held, consultative processes, drafts developed towards the production of the Guidelines, Norms and Standards	Reports of workshops or consultative processes or minutes of meetings	Improved coordination of structures, services and monitoring and evaluation	



## ANNEXURE A

<b>Strategic Objective 1:</b> To Establish Uniform Norms, Standards and Mechanisms for the Coordination of the Implementation of the Act.					
<b>Strategic Outcome:</b> Responsive legislative and policy framework as well as institutional mechanisms and integrated coordination of role players involved in the management of sexual offences.					
<b>Strategic Priorities</b>	<b>Inputs</b>	<b>Activities</b>	<b>Output</b>	<b>Output Indicators</b>	<b>Outcome Indicators</b>
		Coordinate structures meetings, workshops or consultations consistently and efficiently	Quarterly meetings, workshops, consultations of coordination structures held at National and in the 9 provinces.	Copies of minutes, reports or documents produced and submitted to relevant authorities	Improved documentation and increased availability of information for use to enhance functions of the coordinating structures
	Human resources. Policy development and legislative drafting skills. Budget.	Hold workshops, consultations or meetings to review guidelines and procedures outlining the manner in which the DG ISC, NO ISC and POISCs conduct their affairs.	Number of guidelines, norms and standards or protocols reviewed and approved for the DG ISC, NOISC, POISC or intradepartmental committees	Minutes of DG ISC meetings. Minutes or Reports of NO ISC meetings. Minutes of PO ISC meetings.	Improved coordination of the DG ISC, NOISC, POISC
	Human resources. Organizational development skills Budget.	Build the capacity of the DG ISC secretariat.	Number of trainings, systems and processes established or streamlined to enhance the efficiency of the secretariat	Training reports, number and quality of systems developed and processes streamlined	Increased efficiency of the DG ISC, NOISC and POISC secretariat
	Human resources. Project management skills. Budget.	Submit periodic progress reports to the POISC, NOISC, DG ISC and Parliament on the implementation of the NPF.	Timeous submission of periodic progress reports to the POISC, NOISC, DG ISC and Parliament on the implementation of the Act and NPF.	Periodic progress reports submitted to the PO ISC, NO ISC, DG ISC and Parliament on the implementation of the NPF.	Enhanced responsiveness to challenges experienced in the implementation of the Act or the NPF
					All role player Departments' Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
					All role player Departments' Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.

## ANNEXURE A

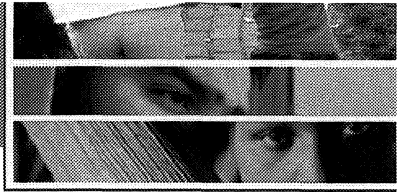
<b>Strategic Objective 1:</b> To Establish Uniform Norms, Standards and Mechanisms for the Coordination of the Implementation of the Act.					
<b>Strategic Outcome:</b> Responsive legislative and policy framework as well as institutional mechanisms and integrated coordination of role players involved in the management of sexual offences.					
Strategic Priorities	Inputs	Activities	Output	Output Indicators	Outcome Indicators
Establishment of systems for tracking and analysis of budget allocations and expenditure patterns, sexual offences trends and interventions in the management of sexual offences.	Human resources. Project management skills. Financial management skills Budget.	Develop and implement coordinated budgeting systems and mechanisms for analysing budget allocations and expenditure patterns in the management of sexual offences.	Budgeting systems and mechanisms are in place for analysing budget allocations and expenditure patterns of sexual offences are in place across all the departments/institutions responsible for the implementation of the Act or NPF.	Budget tracking systems or mechanisms are utilised.	Improved inter-departmental planning and resourcing of the inter-departmental plan
Coordinate Communication procedures, systems and tools to facilitate effective communication within the different	Human resources. Project management skills. Strategic planning and communication skills. Budget.	Develop and implement communication procedures, systems and tools to facilitate effective communication within the different levels of role player departments and institutions	Communication guidelines, systems and tools are developed or produced	Approved Inter-Departmental Communication Strategy and Tools, and signed off by the Chair of DG ISC	Communication intervention reports and data are readily available and easily accessible
Establish institutional mechanisms to engage civil society on the implementation of the Act and management of sexual offences.	Human resources. Project management skills. Organizational development skills. Community mobilization skills Budget.	Establish and coordinate the NGO-NOISC structure with representation of civil society organization.	Number of quarterly engagements between civil society organisations and NOISC/DG ISC	Minutes or reports of the meetings or consultative processes held between NOISC/DG ISC.	Increased information sharing and cooperation between government departments/institutions and civil society organisations
					DoJ & CD Management reports. PO ISC reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.

## ANNEXURE A

<b>Strategic Objective 2:</b> Develop and Strengthen integrated and coordinated Services.					
<b>Strategic outcomes:</b> <ol style="list-style-type: none"> <li>1. Improved provision of integrated specialized services to victims of sexual offences.</li> <li>2. Adequately skilled personnel manage sexual offences cases effectively and efficiently.</li> <li>3. Increased conviction rates.</li> <li>4. Positive criminal justice experiences of victims of sexual offence.</li> </ol>					
<b>Strategic Priorities</b>	<b>Inputs</b>	<b>Activities</b>	<b>Output</b>	<b>Output indicators</b>	<b>Outcome Indicators</b>
<b>Development and implementation of court reform initiatives to ensure improved provision of integrated specialized services for victims of sexual offences.</b>	Human resources. Project management skills. Legal skills. Gender mainstreaming skills. Budget.	Finalize the Framework on Specialization of Services for the JCPS Cluster	Workshop reports, minutes of meetings and draft documents on specialisation of services	Approved Framework of Services Specialisation of Services for the management of sexual offences within the JCPS cluster	Increase in specialisation in the management of sexual offences are available
		Progressively implement the Interdepartmental Framework on Specialization of Services for the JCPS Cluster	Additional specialist services for the management of sexual offences are in place	Number of additional specialist services in place within the JCPS Cluster	Increased efficiency in the management of sexual offences cases.
		Conduct research of available victim-support services in rural areas.	Number of research conducted in rural areas on victims of sexual offences	Research Reports on victim support services in rural areas	Increased understanding of the needs of victims of sexual offences in rural areas
		Implement research recommendations.	Progressive provision of victim support services in rural areas.	Number of victim support services established in rural areas.	Increase reliance on the criminal justice system for reporting violations.
		Develop and implement measures to improve timeous reporting, evidence collection, court preparation, rigorous investigations, prosecutions, case management and case report.	Protocols and Guidelines to improve timeous reporting, evidence collection, court preparations, rigorous investigation, prosecution of cases are developed	Number of Guidelines or Protocols produced over a period of time	Increased satisfaction of victims in rural areas with the services provided to them
					Conclusive investigations conducted by SAPS, decreased postponements and withdrawals for lack of evidence or witnesses' unwillingness to testify
					All role player Departments' Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.



## ANNEXURE A

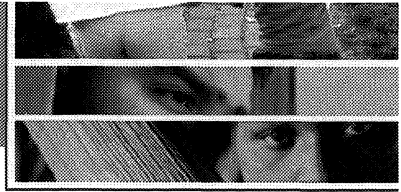


<b>Strategic Objective 2:</b> Develop and Strengthen integrated and coordinated Services.						
<b>Strategic outcomes:</b> 1. Improved provision of integrated specialized services to victims of sexual offences. 2. Adequately skilled personnel manage sexual offences cases effectively and efficiently. 3. Increased conviction rates. 4. Positive criminal justice experiences of victims of sexual offence.						
<b>Strategic Priorities</b>	<b>Inputs</b>	<b>Activities</b>	<b>Output</b>	<b>Output indicators</b>	<b>Outcome Indicators</b>	<b>Reporting Mechanisms</b>
Capacity building of Criminal Justice Personnel to undertake effective preventative and responsive sexual offences initiatives.	Human resources. Project management Skills. Legal skills. Gender mainstreaming skills. Skills development and training skills Budget.	Conduct a research analysis of the Act to determine specialized services and resource needs, as well as audit the existing services and resources.	Resources analysis needs of the Act finalized.	Resources analysis research report.	Increased availability of data enhancing the efficient and effective management of sexual offences	All role player Departments' Management reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
		Conduct skills audit in the cluster to address identified gaps.	Skills audit conducted and finalized.	Skills audit report.	Improved understanding of skills needs and better planning for training and development.	
		Develop SAQA accredited integrated skills training programmes for personnel managing sexual offences within the JCPS Cluster.	SAQA accredited integrated skills training programmes exist	Number of relevant programmes in place and learners trained through the programme	Enhanced capacity to manage sexual offences efficiently	
		Table the SAQA accredited programme and materials on the management of sexual offences in Parliament.	Training programme and materials presented in Parliament and Gazetted	Acknowledgement of receipt by Parliament.	Increased opportunity for improving the training from public comments on the training programmes and materials	
		Conduct Integrated Training of Master Trainers in CJPS cluster departments trained.	200 master trainers in cluster departments trained.	Training programme. Training participant's list.	Court statistics. Judicial decisions. Victims survey Personnel Performance Assessments.	

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<b>Strategic Objective 2:</b> Develop and Strengthen integrated and coordinated Services.						
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		Deliver integrated training for JGPS cluster personnel involved in the management of sexual offences.	All cluster personnel involved in the management of sexual offences have been trained.	Number of Training workshops conducted. Number of participant trained.	Increased confidence in the criminal justice system in respect of reporting sexual offences and less attrition rate	
		Develop NRSO training programme to increase the use of ICMS NRSO.	NRSO Training programme and training materials developed.	Approved training programme for ICSM NRSO users.	NRSO data.	
		Implement NRSO training.	80% of personnel trained involved in the management of the NRSO trained.	Training programme. Training participant's list	NRSO data. Personnel Performance Assessments.	DoJ&CD Department Management reports. NOISC Reports. DG-ISC Reports. Annual Report to Parliament.
		Collaborate with the Magistrates' Commission and the South African Judicial Education Institute (SAJEI) to develop training programmes to improve judicial role in the adjudication of sexual offences.	Annual judicial training programmes and curricular include training on sexual offences.	Approved judicial curriculum.	Training reports for the judiciary.	DoJ&CD Department Management reports. NOISC Reports. DG-ISC Reports. Annual Report to Parliament.

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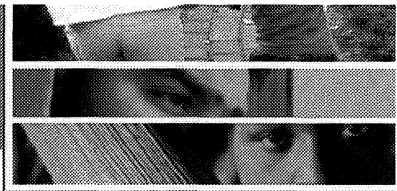


<b>Strategic Objective 2:</b> Develop and Strengthen integrated and coordinated Services.						
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		Collaborate with the COGTA and the National House of Traditional Leaders (NHTL) to develop training programmes to improve the role of traditional leaders in the management of sexual offences. Profile service champions in the cluster.	50% of traditional leaders and tribal authority officials trained on sexual offences. Service champions are profiled and recognized regularly.	Training materials. Training programmes. Participant's list Quarterly newsletter articles published in role player departments' newsletters and in public media profiling service champions.	Victim surveys. Records of traditional and community courts. Media reports. Personnel performance assessments, newsletters and in public media profiling service champions.	NHLL Reports. NOISC Reports. DG-ISC Reports. Annual Report to Parliament. All role players' Departmental reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
<b>Implement public education and outreach programmes to empower communities to use the Act to prevent sexual offences incidents and where such incidents have occurred, to ensure recourse through the criminal justice system.</b>	Human resources. Project management skills. Gender mainstreaming skills. Skills development and training skills. Media skills. Budget.	Develop and implement a public education and outreach strategy to educate the public on the Act and on services available to victims of sexual offences.	Public education and outreach strategy finalized.	Public education campaigns. Outreach campaigns. Pamphlets Booklets Recordings of various media interventions i.e. radio, TV, news clips.	PO ISC reports. NO ISC reports. DG ISC reports. Reports to Parliament. Victim surveys.	All role players' Departmental reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.

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Strategic Objective 3: Provide resources for the effective implementation of the Act and the National Policy Framework.					
Strategic Outcomes: Measures, programmes and initiatives provided for in the Act and in the NPF are implemented progressively within available limited resources.					
Strategic Priorities	Input	Activities	Output	Output Indicators	Outcome Indicators
<b>Coordinated planning and costing of a 5-year NPF Strategic Plan.</b>	Human Resources. Project Management Skills. Organizational Development Skills. Strategic Planning skills. Budget.	Coordinate planning and budgeting by role player Departments for all initiatives and interventions aimed at implementing the Act and the NPF.	Appropriate resources made available for the integrated implementation of sexual offences initiatives and interventions.	Departmental strategic plans and budgets. The NPF five year plan and its costing report Minutes of DGISC, NOISC and POISC meetings.	Better prioritization of interventions within the available resources All role players' Departmental reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
<b>Provide Resources for the effective implementation of the Act</b>	Human Resources. Project Management Skills. Financial Management Skills. Strategic Planning skills. Budget.	Develop and strengthen mechanisms and processes to ensure the appropriate allocation and efficient use of resources.	Coordinated financial resource plans, cluster budgets and budget.	All role players participate in cluster-budgeting processes and submit departmental budget including inputs within the cluster budget proposal.	All role players' Departmental reports. Departmental budgets. NOISC Reports. DG ISC Reports. Annual Report to Parliament.
<b>Source donor funding to supplement existing available financial resources</b>		Develop and implement a donor funding strategy.	Donor funding strategy is finalized.	Approved Donor funding strategy.	All role players' Departmental reports. NOISC Reports. DG ISC Reports. Annual Report to Parliament.



**ANNEXURE B: Additional monitoring and evaluation guide****ANNEXURE B: ADDITIONAL MONITORING AND EVALUATION GUIDE**

The Act requires monitoring and evaluation in terms of section 65 states that the NPF must be developed to:

- measure progress on the achievement of the NPF objectives;
- ensure that the different organs of state comply with the primary and supporting roles and responsibilities allocated to them in terms of the NPF and the Act; and
- monitor the implementation of the NPF and of the Act.

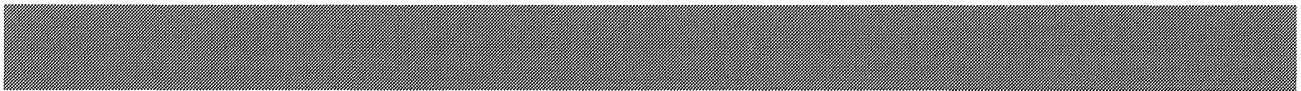
In addition, in terms of section 65(3), the Minister of Justice and Constitutional Development must, after consultation with cabinet members responsible for Safety and Security, Correctional Services, Social Development and Health and the National Director of Public Prosecutions, within one year after the implementation of this Act, submit reports to Parliament, by each Department or institution contemplated in section 63(2), on the implementation of the Act; and every year thereafter submit such reports to Parliament.

This framework seeks not only to measure state compliance with the provisions of the Act and the NPF, but also to examine its capacity to realise the protection of the rights of survivors of sexual offences. It seeks to create a benchmark in terms of which services can be measured and resources allocated, and will be able to use the information gathered in the monitoring process to analyse trends. This framework therefore draws both on conventional approaches, as well as rights-based approaches, to monitoring and evaluation.

The table which follows defines indicators which could be utilised to provide the data needed in monitoring and evaluation of the implementation of the Act and the NPF. As can be seen from the table not all information relating to those indicators is currently available and it is envisioned that the Monitoring and Evaluation process will be incrementally realised over time and as improved information technology is developed and put in place.

[illegible]

[illegible]



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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001  
Publications: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504  
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737  
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001  
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510  
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504  
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737  
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