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## **WOMEN'S JUSTICE AND EMPOWERMENT INITIATIVE**

# **REPORT ON THE PROCEEDINGS OF THE FIFTH SEXUAL OFFENCES INDABA JUNE 6-8, 2012**

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# Women's Justice and Empowerment Initiative (WJEI)

Report on the Proceedings of the Fifth Annual Sexual Offences Indaba, June 6-8, 2012  
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<sup>1</sup> RTI International is a trade name of Research Triangle Institute.

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## 1. Welcome and Opening Address

On June 6, 2012, the Acting National Director of Public Prosecutions (ANDPP) – Adv. N Jiba - on behalf of the National Prosecuting Authority (NPA) and the Justice and Crime Prevention family officially opened the three-day fifth Sexual Offences Indaba (SOI) thematised as follows:

- Day 1: Developing a Culture of Leadership and Accountability;
- Day 2: Towards Service Delivery Excellence
- Day 3: Sustained Gender Based Violence Interventions.

Approximately 190 participants were heartily welcomed by the ANDPP. The participants included representatives from national and provincial departments of Justice and Constitutional Development (DoJCD), South African Police Service (SAPS), Correctional Services (DoCS), Social Development (DoSD), Health (DoH), Basic Education (DoBE), Danish Government, USAID, Research Triangle Institute (RTI), UNICEF, civil society (non-governmental organisations (NGOs), community based organisations (CBOs) and faith based organisations (FBOs), personnel from Thuthuzela Care Centres (TCCs) and the NPA. Mr Dan Plato, the Member of Executive Council (MEC): Social Development, Western Cape, was also in attendance on the first day.

The event was held just after the Child Protection Week - an indication of the level of commitment by the Sexual Offences and Community Affairs (SOCA) Unit of the NPA in the fight against Sexual and Gender Based Violence (SGBV).

The ANDPP address emphasised the following:

- The importance of the SOI is a vehicle that enables engagement with each other “*sizoxoxa*” as a nation on how to protect, prevent, respond and partner as communities to ensure protection of children and adults against such violent crimes. In addition, to share best practices among each other that would improve quality of service, ensure that people are treated with respect and dignity and are able to assert choice and control over the services they receive;
- The SOI has brought national and provincial role players together with implementing partners responsible for the rollout of TCCs, to review progress made since 2011 and consolidate plans, while deliberating on the inculcation of a leadership and accountability culture among role players for effective performance and service delivery;
- The important commitment made by the Minister of DOJCD in Parliament during the State of the Nation address regarding the resuscitation of dedicated sexual offences courts in dealing with victims and the perpetrators of sexual offences crimes; and
- Acknowledgement and recognition of the support provided by the donor partners – including USAID, UNICEF and the Danish government - through the establishment of 23 TCCs under the USAID-funded WJEI programme and 12 TCCs through the Danish government-funded SGBV programme.

## 2. History and Purpose of the 2012 Indaba and Alignment to NPS Strategic Thrust

Advocate Thoko Majokweni in her usual manner spoke very highly about the SOI as an annual meeting for top experts of SGBV to have a deeper conversation on the subject and a consultative forum for sexual offences in the country whose aim was to prevent and contain these types of crime, and also respond effectively and decisively. She also raised the following issues:

- The SOI is an occasion to consult programme implementers based on two elements - respect and accountability. The introduction of the self-assessment tool for use by the implementation teams within TCCs not only restores a sense of accountability among service partners but also offers an opportunity for partners to continuously review service delivery protocols, improve services and provincial plans so as to meet the needs of the clients.
- SOIs have facilitated the implementation of the TCC model but also created awareness on sexual offences. Reference was made to the fourth Indaba that highlighted the concern around the attacks against black African Lesbians. The Human Sciences Research Council through Professor Vasu Reddy raised the issue before it became a societal concern. The re-establishment of the Family Violence, Child Protection and Sexual Violence (FCS) units within SAPS bears testimony to government and civil society's commitment to prevent and combat crimes against children in particular and the nation.
- The USAID-funded WJEI and Danish-funded Programmes are nearing closure soon and the NPA, on behalf of the Inter-Departmental Management Team (IDMT), expressed gratitude to the United States and Danish Governments, the development partners and other agencies for the technical assistance in the implementation of programmes to fight gender injustices.
- The importance of telling victim's stories in order to empower them rather than to embarrass them by referring to Pierre Croquet, the author of the book "*The Pinky Promise.*"
- The nation's important achievements including the enactment of the Sexual Offences and Related Matters Act (SORMA), the tabling of Trafficking in Persons (TIP) Bill, the evaluation of all centres providing services to victims, the dedicated sexual offences courts, an increased engagement of men and boys in SGBV.
- The three days of the 5<sup>th</sup> Indaba should address the following questions – where are we today, in the present? Where shall we be or do we wish to be, and it cannot be a mere wish – where shall we be when the 6<sup>th</sup> Indaba arrives? It is these questions which the 5<sup>th</sup> Indaba must grapple with and provide answers to fundamental matters and issues such as a National Policy Framework for Sexual Offences, National Strategy for Family Violence, Children and Sexual Offences, the plight of lesbians as victims and survivors of sexual violence

### **3. Message of Support from Partners**

#### **3.1 USAID**

Blake Chrystal, Director for the Regional General Development Office (RGDO) at USAID expressed the US Government's gratitude for SOCA's commitment to fight GBV. The TCC model has been recognized as efficient in providing services to survivors. 20,000 survivors have been served through the two initiatives supported by USAID.

The facilitated self-assessments that have been conducted in 34 TCCs are aimed at assisting the implementation teams within communities with improving service delivery at TCCs. In addition, the TCC Information Management System (TIMS) which is in pilot form but will most certainly help SOCA and NPA to identify TCCs that need guidance and support.

The TCCs have served as a best practice model to support survivors. The model has been applied in various contexts as different as Nigeria and Chile. USAID congratulated skilled professionals for their support and courage in assisting survivors of sexual offences.

In a few days, South Africa will commemorate Youth Day. In the last weeks, the horrifying news regarding the rape of a child with disability has reinforced Government's and society's commitment to fight all forms of sexual violence and to create a safer SA for everyone.

Mr. Chrystal referred to the relationship between USAID and the SA Government as unique. The establishment of 23 TCCs and work by RTI through the WJEI programme is commendable. The South African Government has full ownership of the TCC programme, an indication of its level of commitment to service excellence for vulnerable women, the aged and children. Mr Chrystal further quoted Nelson Mandela saying: "There can be no keener revelation of a society's soul than the way in which it treats its children" – and I would add, the way it treats its vulnerable groups". Thus the work done at individual TCCs reflected the souls of the community; a place of healing and restoration for the individuals. He made reference to the use of the words "partnership" and "ownership" in development work and the importance of sustainability of any development support. Through USAID support, almost 50 TCC staff employed across the country has been absorbed by the South African Government, testimony to the sustainability of the programme.

Finally the hard work and commitment by RTI through the WJEI program as well as the initial TCC work that took place going back as far as 2006 with the LGSP program was acknowledged. And although the WJEI program is coming to an end this year, the work it has done will continue to make a difference in the lives of many South Africans for many years to come.

#### **3.2 Danish Government**

Mr Mads-Emil Staerk, the Political Counsellor from the Danish Embassy expressed the Danish Government's commitment to supporting the SOCA Unit through the establishment of 12 TCCs over the past two years (2010-2012), as well as support to the IDMT through direct technical assistance in the form of the creation of a Project Management Unit (PMU) that implements and monitors the prevention, support and response strategies and programmes on SGBV. The PMU also provides technical assistance and capacity to enhance overall monitoring and evaluation of SGBV programmes within the IDMT. It is also part of the agreement that UNICEF has been capacitated to assist the SOCA unit to meet its objectives. As the Danish-SA-UNICEF tripartite partnership comes to an end in June 2012, the Danish Government will forever be grateful for the lessons and relations that were forged

during the partnership, and encourages all to continue working tirelessly in protecting the rights of women and children.

### **3.3 UNICEF**

Aida Girma, UNICEF country representative, said that the true magnitude for sexual violence may be hidden because of under-reporting. She indicated that sexual violence is a gross violation of children's rights, a moral and ethical degeneration and a stain on our collective conscience. Sexual abuse can lead to lost childhoods, abandoned education, physical and emotional problems, the spread of HIV, and an often irrevocable loss of dignity and self-esteem. She continued to say that sexual violence and abuse lead to the spread HIV and AIDS and loss of dignity and livelihood and that the risk factors are alcohol and drug abuse. She also indicated that research shows that a strong social system will have the effect of reducing this type of crime. She concluded by saying although South Africa has a strong legal framework for protecting its children, when we look at the official statistics on violence and abuse, it becomes all too apparent that progress has been limited, and a wide gap remains between the strong and progressive laws and policies and the reality for children.

During Child Protection Week, all actors were urged to work together to fight violence against women and children. Looking at the SAPS data, 54,000 cases of violence against children (VAC) were reported last year, half of them being sexual offences. But evidence shows that many of these crimes go unreported.

Homes and schools, which are supposed to be places of safety, are too often the environments where children experience violence. When considering VAC, the needs of the most vulnerable children have to be taken into account. Disabled children, for example, are two times more likely to experience physical and sexual violence.

South Africa has a great institutional framework. In addition to Article 28 of the Constitution, the Children's Act, the Child Justice Act and the Sexual Offences Act protect the rights of children. The challenge is to translate the very progressive policies into programmes.

There is evidence that the social security system is an efficient way to combat violence against children (VAC). The Child Support Grant, reaching 11 million children, has achieved great results in lowering risky behaviours for adolescents. The TCCs have offered great support for survivors. They have offered support to 20,000 people last year, of whom nearly 50% were children. However, there is a need for prevention and addressing the social norms that sustain violence against women and children.

UNICEF is committed to working with the Government and all the other partners to fulfil the obligations of the Convention on the Rights of the Child.

The issue of sexual violence is often taboo but evidence shows that silence is not an option. How do we prevent sexual violence from ruining life? What are the root causes of this violence? All professionals will provide different answers that are all pieces of the same puzzle. The response must be based on a multi-sectoral approach. Collaboration with UNICEF has contributed in establishing twelve TCCs.

This multi-sectoral approach has proved to be very successful. It also contributes to placing survivors' need at the centre. The one-stop centres are quite unique and SA SADC neighbouring countries have shown an interest in the model. Technical support on the

initiative to these SADC countries will be coordinated by the NPA. That underlines the SA Government's commitment to the fight against sexual offences.

#### **4. Implementation Support to WJEI and Lessons Learned**

Dr. Peter Vaz, Senior Governance Advisor on the WJEI, and Virginia Francis, Chief of Party on the WJEI from RTI International presented the achievements and lessons learned under the USAID-funded Women's Justice and Empowerment Initiative (WJEI). We have had a very fruitful three and half years with implementing WJEI with the US and SA Governments and the program will end on 30<sup>th</sup> September 2012.

The WJEI program had five objectives: upgrade and expand the TCC network; improve care and treatment for victims; design, develop and implement a program for the solicitation, award and management of grants to NGOs and CBOs; provide institutional support to SOCA in order to be able to sustain the TCCs; and disseminate and promote best practices in sexual and gender-based violence internationally and regionally.

Successes and lessons learned as per the above-mentioned objective were highlighted as follows:

##### **Objective 1: Upgrade and Expand the TCC Network**

Five of 10 existing TCCs have been refurbished and 23 new TCCs have been established. Facilitated exchange visits between new and established TCCs for mentoring and expert guidance, protocol and implementation meetings and multidisciplinary training for TCCs. In addition, RTI also assisted SOCA Unit at NPA with identified national events, including SOIs. In addition overall achievements highlighted the following:

- Space has been created for 23 TCC centres;
- Protocol sessions for 23 centres and induction and shadowing for final 7 TCCs;
- Renovations for 6 TCCs were in progress; and
- One TCC Victim/Survivor Forum has been launched.

##### **Objective 2: Improve Care and Treatment for Victims Assisted by the TCCs**

Capacity building and technical assistance were provided to TCC implementation teams through self-assessments conducted in 34 TCCs. Mentoring of provincial managers, action planning, provincial cluster training and an Employee Wellness Study were completed. Brochures were translated into all SA official languages.

A study on barriers to accessing services in TCCs was reported nearing completion. A final audit of the services within the 23 TCCs will be conducted at the end of the project to inform the development of an institutional framework for the TCCs.

##### **Objective 3: Design, Develop and Implement a Program for the Solicitation, Award and Management of Grants to NGOs and CBOs**

Short term grants were awarded to 9 NGOs to support TCCs by providing and augmenting counselling services and administrative support for 24/7 in KwaZulu Natal, Free State, Mpumalanga, Eastern Cape and Western Cape *viz.* Lifeline in Edendale, Childline in Umlazi & Phoenix, Child Welfare in Tshepong, Masisukumeni in Tonga, Rape Crisis in Karl Bremer, Childline in Stanger & Umlazi; Lifeline Durban (Stanger & Umlazi); Masimanyane

(Mdantsane); FAMSA (Worcester). There was a challenge with grant implementation at Stanger TCC so it was moved to RK KhanTCC.

#### **Objective 4: Provision of Institutional Support to SOCA to ensure sustainability of the TCCs**

The TCC Blueprint was revised and distributed to provincial managers for comment. A website was designed and developed. A consultant was identified for a Roadmap to TCC Sustainability study. TIMs has been piloted in two TCC sites and NPA server; however, it is still to be tested between Court and NPA server and synchronized between site and court. The challenge was that a service level agreement between the NPA and SITA was not yet signed.

#### **Objective 5: Disseminate and promote best practices in sexual and gender-based violence internationally and regionally.**

Three Advisory Reference Group (ARG) meeting have been hosted, three exchange visits have been completed and SOCA staff participated in the Commission on the Status of Women (CSW), African Prosecutors Association (APA) and other conferences.

Overall, lessons learned highlighted the following:

- It is critical for implementation of Objective 1 for implementers not to be over-ambitious with regard to timeframes for establishment of TCCs;
- It is important to develop better M&E systems for TCCs;
- It would be useful to create induction packs for TCCs and provincial managers for quick on-boarding;
- It would help to promote regular brainstorming sessions to address bottlenecks; and
- It is imperative to keep proper paper/email trails.

(For details refer to attached presentation).

### **5. The Role of Leadership in the Management of Sexual Offences**

Jack Koolen, a private consultant, highlighted (1) the need for effective systems to be restored; (2) ability of the criminal justice system to help people to get their lives back (by finalizing cases); and (3) the need to build the nation.

Through decisive and committed leadership there is a need to:

- implement preventive programmes that prevent and protect the occurrence of the sexual offences;
- publicise TCCs nationwide as centres that assist, restore and help people to get their lives back as survivors;
- help victims to get their lives back by transforming victims into survivors;
- assist victims to bring closure through successful finalisation of the cases and conviction of the perpetrator; and
- offer continued relevant support/help and assistance to the victim.

According to Mr. Koolen, the justice system can give life back to the survivors not only by solving the cases but also by restoration of trust, dignity and respect to victims of heinous crimes like sexual offences. The bigger challenges for the justice system are provision of assistance to the survivors; the system's ability to restore dignity to survivors and strengthening of response, support and prevention programmes on sexual violence.

Mr. Koolen stressed that leadership through the management of sexual offences was the best way for the state for restoring the system. He made a call to all SOI participants to find a way to work, now more than ever, to start altering the mind-set of the youth, men and integrate that in the fabric of society using the punitive role for use in the preventive task as leadership of the nation. According to the presenter, the management of sexual offences was also viewed as an opportunity to promote social cohesion within the nation.

## **6. Pinky Promise – Journey of Sexual Violence Survivors and Perpetrators**

Pierre Croquet presented the story of his book which is a journey of sexual violence of victims and perpetrators told by the survivors and supported and guided by him. The kind of work that inspired the author is the one that can help anyone learn about others. The book began as a project on why men rape women. The author has spent a lot of time learning about rape through the work of various organizations. It became then clear that the story that needed to be told was the one of child sexual abuse.

The book is a *Journey of Victims of Sexual Abuse and Perpetrators*. This is not just a book but also as a tool for professionals who deal with child abuse. The perpetrators included in the book give us clues of the nature of abuse. The book can raise awareness in families, homes, educational institutions, communities and society.

There is a need to raise awareness that is on-going, consistent and effective and that targets families. This can be done through parents' school meetings, community centres, doctor surgeries, cinemas, local newspapers and civil society structures.

Faith communities are another area where awareness should be raised. Churches play an important in safeguarding and supporting families. Churches need to have appropriate arrangements in place for promoting the welfare and protection of children. They should be expected to also have a policy that outlines their safe recruitment.

Schools were seen as essential partners and have a duty to provide a safe learning environment (child protection, health and safety). They need to be held accountable for promoting the welfare of children. Education has a critical role to play with the issue of disabled children. Each school should be assisted to identify a senior member of staff to serve as "designated child protection coordinator" to refer the concerns to the appropriate service providers.

Specialized training should be also strengthened. Social workers, police officers and prosecutors or law enforcement agencies should be trained to better convict the perpetrators based on the evidence provided by children. The trainings will help interpret the evidence given by child victim or witness and help improve the conviction rate.

Ms Pauline Tsoeu of Nthabiseng Social Work Consultancy highlighted the importance of public awareness, multi-agency training, investigations, victim assessment reports, court preparation skills and monitoring of people posing risks to children and women.

The presentation emphasised the importance of:

- Consistent and effective awareness-raising within families, churches, entertainment areas, educational institutions particularly among nurseries and preschools and communities at large.
- Development of recruitment policies and procedures for teachers and volunteers within educational institutions, churches and faith-based organisations.
- Effective multi-agency training on child protection, health and safety as a means to promote protection and security; joint investigations in child sexual abuse; recognition of child abuse, assessments and intervention, communicating with children, corroborating a child's statement in sexual abuse cases and identifying and focusing on individuals posing a risk to children, organised abuse, and safe practice.
- Integrated joint forensic assessment, investigation and interviews in child abuse cases by an integrated team of specialists resulting in strong and convincing evidence in court.
- Empowerment of court preparation officers, assessment reports by forensic social workers and strengthening of evidence on behalf of the child in court are key in improving conviction rates.
- How to effectively gather information and evidence that would be admissible in court, present oral and written evidence, be a competent expert witness, and respond/manage cross examination in court.
- How to advocate effectively the best interest of the child in court.
- Monitoring of individuals posing risks to children and women, which requires collaborative work through maintenance of the Sex Offenders Register (for both adults and young offenders).

## **7. Evaluation and Progress of the TCCs**

Advocate Pierre Smith, Acting Special Director for Public Prosecutions: SOCA, shared information on court performance and number of cases reported at the TCCs. The court performance in relation to the conviction rate of sexual offences reported at TCCs and referred to the courts over the past five years has unfortunately dropped due to a combination of various factors (as referred to in par 5, *infra*). A major contributor was the closing down of dedicated sexual offences courts; however it must be noted that a National Task Team under the leadership of DOJCD was appointed by the Minister of Justice in 2012 to investigate the possibility of reinstating the dedicated sexual offences courts.

Over the past five years, the conviction went from 75.3% in 200/08 with 9 TCCs to 60.7% in 2011/12 with 30 centres. It has to be noted that 52 centres actually provide services to survivors, some of them not being fully operational yet and not counted as fully-fledged TCCs (by March 2012).

Matters reported at TCCs went from 10,213 to 28,557 over the five years. Children versus adults reporting the case: 55.2% child complainants versus 44.8% adult complainants (2011/12 financial year). Cases received at Court, finalised and conviction rate: from 2,912/596/61.2% in 2008/09 to 10,949/2180/60.7% in 2011/12 respectively.

After the commencement of Act 32/2007, from 2008 until March 2012, the SOCA Unit has delivered 38 training sessions specifically for prosecutors attended by 993 delegates and also since 2011 delivered 24 integrated training sessions for stakeholders at TCCs attended by 483 delegates. Comprehensive training manuals were developed for these tasks and they are annually reviewed to be in line with the latest developments in law.

The challenge of this SOI is to evaluate the performances of the centres and to address gaps and bottlenecks that negatively influence these performances but also strengthen the commitment and accountability of relevant stakeholders collectively in our fight against gender-based violence.

Challenges and interdependencies include *inter alia*: case flow management by presiding officers; closing-down of dedicated courts for sexual offences – cases no longer prioritised but merely distributed to all Regional courts; vacancy rate of prosecutors and staff at TCCs; TCC posts versus case load; loss or lack of dedicated skills and expertise; insufficient number of specialised prosecutors in GBV; limited number of FCS Units or related expertise affected quality and time-period of investigation; decrease of specialized services; stakeholder cooperation, accountability and commitment; inadequate or insufficient resources; and effective and efficient monitoring and evaluation.

Advocate Smith left us with a final thought: in the case of DPP N Gauteng vs. Thabete in 2011 in reference to sexual offences, the court has referenced the offence as a humiliating, degrading and brutal invasion of the privacy, the dignity and the person of the victim. The court stated that it is regrettable that the rape in the country has reached pandemics proportions. It is no exaggeration to say that rape has become a scourge or a cancer that threatens to destroy both the moral and social fabric of our society.

## **8. Survivor Forum**

Advocate Buyi Nkala, SOCA, NPA presented the concept of the survivor forum. Objectives for the forum were outlined as follows:

- To create a platform in which survivors can play a role in preventing further incidents of GBV;
- To obtain a critical evaluation of service provision at the TCCs and CJS;
- To investigate, through information sharing, areas where the TCC services need to be enhanced;
- To explore strategic use of media to disseminate message(s) of prevention, response and support in victim empowerment; and
- To facilitate empowerment and support of survivors/victims by other survivors through information sharing and skills development.

When the concept was mentioned during the SOCA International Advisory Reference Group meeting in November 2011, there were debates and controversies on who was going to facilitate the groups. On the 30 March 2012, a work session with Victim Assistance Officers (VAOs) and NGO grant partners on best practices for survivor follow up and PEP compliance was held where an action plan was conceptualised on development of the concept; guidelines for implementation; research; TCCs with support groups; and challenges for those who have implemented survivor forums.

The concept would afford victims and survivors a voice and a role to play in the fight against SGBV, can combine efforts that will assist other victims and is meant to play a dual role of empowering victims.

It creates a platform for victims for prevention, to obtain a critical provision of services and investigate the services that need to be enhanced. It aims to improve community safety and for the media to disseminate messages for information and skills development. The response of the TCCs and their strategies would be improved through the process. There are also concerted victim empowerment efforts to properly channel the response.

The nature and responsibility of the facilitators, as well as who can be a participant, are critical issues for implementation. Primarily, the facilitators are the VAOs. An exception is made for the centres without an available VAO. It also allows for subject matters experts to be invited on occasional events to be facilitators. For the participants, any victim of SGBV and beneficiaries of TCCs are eligible. Concerning preparedness of participants, it is determined by VAOs. It also needs to be verified by a psychologist, social worker or counsellor.

With regard to reporting and linkages, at a local level, there are victim empowerment structures. The local forum is to report to SOCA provincial management. Provincial managers will escalate the issues at a national level. The DoSD is officially the lead Department in terms of the Victim Empowerment Programme (VEP). Provincial VEP forums report to the national institution.

In terms of monitoring and evaluation, participants should be able to participate free from fear or prejudice. Some survivors are not necessarily literate but they will be able to be given a voice. Issues arising should first be discussed at the TCC and at implementation meetings and at VEP meetings. They can be handled locally, provincially or nationally.

With regard to resources, the forums can be implemented with minimal resources. The TCCs are the primary venue.

In terms of sustainability, after three months, an evaluation needs to be conducted to see if the forum informs the TCC intervention. The forums will hopefully be a standard sub-programme of the TCCs.

With regard to limitations, the sessions are not therapy sessions. Most victims are from impoverished areas and families and there is a challenge of their inclusion. The budget could also constitute a challenge.

## **9. Employee Wellness Study**

Dr. Madri Jansen van Rensburg from Resilience Analysis spoke about the trauma that staff at TCCs experience/go through and recommended concrete ways of dealing with it. She emphasized the need for all departments to get involved in providing the needed debriefing sessions and psychosocial support whenever needed.

There was a concern that people working in the TCCs need support to overcome work stresses and traumatic exposure and experiences. The aim of the study was to identify available services and the ways they could be enhanced. The TCCs consist of very unique staff members with very different backgrounds.

The stress levels are extremely high and need urgent attention for any staff member. Some manifestations of the stress were emotional and behavioural reactions, overprotection of the staff's family, increased suspicion and lack of trust, influence on relationships and social functioning. At work, the manifestations were less obvious because the TCCs are seen as safe places.

Individual factors of stress include age, personality, background as well as job security and benefits. The victim characteristics (children, severity and consequences of injuries, feeling of helplessness) and the perpetrator characteristics constitute other factors related to high stress levels. In the centres, the diversity in the team and the lack of feedback are main factors, along with high case loads and staff turnover. The lack of resources and coordination, including perceived level of support, follow-up, communication and relationships, are another source of stress. The TCC personnel/staff expressed the need to be recognized for their work. On available services, staff could access them only if they initiated it at a personal level.

Recommendations: there is not a one size fits all solution for the stress level. There are different solutions needed according to the nature of the centres. Management and operational issues can relieve a lot of the stress. Support programmes including wellness (incentives, intellectual stimulation, wellness training, social events, team building) would be a great help, along with debriefing and events (crisis intervention, therapy, team debriefing, case conferences). Networking between TCCs, especially provincially, would be needed to exchange best practices. People felt that there should be a national coordination of wellness programmes and debriefing.

## **10. TCC Self-Assessment Tool**

Sipho Dayel from ECI Africa spoke about facilitated self-assessments and the tool used in the project. The project design and implementation had been facilitated in 34 TCCs nationwide. A guideline was produced and included a toolkit and an action plan to respond to the identified capacity gaps.

The methodology was to build the capacity of the implementation team for them to repeat the self-assessment every six months. The tool includes items related to governance, resourcing, service delivery, coordination and communication. 461 people received the training. Governance scored the lowest and service delivery the highest.

### *Common capacity gaps*

Governance (2.88 out of 5, 57.6%): poor knowledge of TCC Blue Print, a number of TCCs do not have updated site protocols, most TCCs do not have operational plans; irregular attendance at Implementation Team meetings and stand-in attendees are not briefed; no formal induction of Implementation Teams and TCC network staff; and lack of leadership by Implementation Teams.

Resourcing (3.3 out of 5, 66%): recruitment requirements escalated yet posts remain vacant; limited capacity needs assessment and interventions conducted; a few groups provide debriefing sessions; no human resource management plans and most do not forecast; no physical resource management plan; and a number of sites have insufficient physical assets and resources to perform their duties (vehicles, comfort kits, communication tools, stationery, etc.).

Service delivery (3.5 out of 5, 70%): some sites do not operate 24/7; reluctance of some doctors to fill J88 forms; a number of sites do not have psychologists; poor statement taking appears prevalent; evidence is not always gathered immediately; arrests are not always made within 24 hours; cases are not always registered on roll within 48 hours; cases are not finalised in 9 months or 2 years when DNA is required; no monitoring and evaluation framework and tools; and no analysis of data and trends.

Coordination (3.04 out of 5, 60.8%): limited understanding of role of the Implementation Team; too much dependence on the NPA staff; stakeholder mobilisation centred to TCC-based staff; limited appreciation of team effort and coordination.

Communication (3.41 out of 5, 68.2%): no information management systems; case decisions are not informed by data; communication with community structures is sporadic; community awareness campaigns are not planned jointly; most do not document lessons learned for future reference; limited feedback to Implementation Team.

In conclusion, resourcing varied from province to province; coordination is largely entrusted to the NPA; and communication is not coherent. On governance: definition of TCC is narrow and undermines stakeholder participation; no standards have been defined for the Implementation Teams; and participation of DoBE and DSD is inconsistent.

Recommendations include: monitor and support self-assessments and action plans; market the TCC Blueprint; produce a manual for the Implementation Teams; produce an induction pack for Implementation Teams and TCC staff network; stakeholders to appoint designated representatives to the Implementation Team meetings; rollout training of trainers programme and conduct value clarification workshops; strengthen corporate support and services; improve involvement of DSD and DoBE; service delivery indicators to be designed and monitored; and accelerate rollout of TIMS.

## **11. MEC for Social Development in Western Cape**

MEC Dan Plato of the Western Cape Department of Social Development commended the workshop as most valuable. In addition he emphasized the importance of the participation of politicians in both strategic and practical implementation sessions like the Indaba as such opportunities enable interaction with practitioners. He reiterated that we cannot allow the TCC programme to be the responsibility only of NPA. The empowerment of NGOs is crucial in making them equal partners. Every stakeholder should attend the meetings. A protocol has been agreed between NPA and a number of courts in the Western Cape. Since group sessions were to deliberate on provincial plans, he hoped that practical solutions, stakeholder commitment and resources would be part of the discussions.

## **12. Reflection: 2011 Progress Reports**

Progress reports were presented by the provincial managers for all 9 provinces. There was inconsistency in provincial reporting due to the absence of a standardized reporting format. As a result, except for KwaZulu Natal (KZN), Mpumalanga (MP), Western Cape (WC) and Gauteng (GP), most progress reports dealt mainly with the 52 TCCs that have been established nationwide rather than programmes dealing with violence against women and

children namely sexual offences, domestic, violence, child justice, maintenance and human trafficking. Eastern Cape (EC), Limpopo (LP), Free State (FS), Northern Cape (NC) and North West (NW) reports concentrated on the TCCs.

## **12.1 2011 Provincial Progress Reports**

For all provinces, the following were reported as common challenges regarding TCCs as an intervention on SGBV:

- Not all TCCs are fully staffed. With the high vacancy rate, the filling of vacant posts is taking too long.
- Staff retention continues to be a challenge.
- In terms of stakeholder coordination, provincial buy-in is a challenge. Mechanisms for accountability are lacking and there is a need to strengthen relationships;
- Not all of the TCCs are fully equipped and fully operational.
- Not all TCCs are operational 24 hour and patients are seen at casualty after hours; they are thus non-compliant with the TCC Blueprint. These include: Eastern Cape (EC) Butterworth, Mthatha, Libode, Lusikisiki, Bizana and Matatiele; Free State (FS) Metsimaholo, Kopano, KZN Edendale, Stanger; and Limpopo Mussina.
- There is a lack of dedicated healthcare practitioners to provide services at TCC; thus clients are still being seen at casualty– this risks secondary victimization of the patients while patient confidentiality and privacy are compromised.
- Owing to the absence of dedicated sexual offences courts, TCC cases are not prioritised in courts.
- There is an absence of dedicated social workers and NGOs based at TCCs to provide both short and long term counselling and conduct assessments.
- There is a lack of transportation for victims for the purposes of follow-up visits and social mobilisation of the communities within TCCs.

GP also reported on the Violence against Women and Children (VAWAC) prevention and victim empowerment programmes as follows:

- Provision of funding for 22 shelters for abused women and children, establishment of ward-based houses/shelters/safe places, the development of the Khuseleka One Stop Centre Model, provisioning of professional psycho-social support at Ikhaya Lethemba (DSD).
- Linking of survivors to economic empowerment opportunities. Stakeholder coordination, cooperation.
- Monitoring and evaluation of the implementation of the VAWAC programme which is the responsibility of the Provincial Intergovernmental and the Interdepartmental Gender Forum and the Gauteng Gender Machinery coordinated through the Office of the Premier, as well as the Provincial Gender-Based Violence Prevention Forum which is coordinated by the Department of Community. In addition monitoring also happens through Gauteng Children's Rights programme, Provincial Victim Empowerment Forum, Gauteng Shelter network and Provincial Disability Forum.

MP reported also on stakeholder coordination and the Human Trafficking (HT) task team that consists of all Departmental representatives especially those around the border and the Mozambiquean NPA together with the NGO called Save the Children which usually receives repatriated victims and illegal immigrants.

NC reported that there was no roll out plan for additional TCCs; instead, the objective was to strengthen existing TCCs. Inconsistent representation by stakeholders in the Gender Justice Fora was reported as a challenge.

NW reported also on stakeholder collaboration, a functional HT task team, VEP programme and capacity building conducted within the law enforcement agencies. Training and capacity building on SORMA was conducted for regional court magistrates, prosecutors, and intermediaries while Integrated Sexual Offences Training was conducted for TCC stakeholders in Klerksdorp TCC & Potchefstroom TCC. There was strengthened service for victims of sexual offences within TCCs through establishment of shelters, crisis centres and safe houses in the province to cater for victim support 24 hours and promote awareness and prevention.

WC reported that no sites have been identified for future roll out to date. However, through stakeholder consultative meetings, sites for future roll out were to be identified. Currently the challenge was how to deal with rural sites that have low volumes of clients to ensure maximal utilisation of the existing TCC staff within the rural sites. In addition, engagement with DSD regarding social workers in writing assessment reports was reported. Gender Justice Fora, Trafficking Task Team and Rapid Response Team are functional and addressing SGBV matters through analysis of case distribution on regional court roles. A database has been created to collect information on sexual offences prosecution performance within NPA. The database also includes recording of TCC matters and a Prosecutor Case Management initiative. (For detailed provincial reports see attached presentations).

A recommendation was made to develop, prior to the next SOI, a standard framework for provincial presentations to reflect the objectives of the Indaba (which is broader than TCCs) to enable uniform reporting.

### **13. Review of Annual Plans Inputs to 2011/12 Plan**

Management of SGBV within provinces was addressed through commissions that reviewed annual plans for 2011/12 led by provincial managers. Provinces reviewed annual plans under the following topics:

- Governance;
- Resourcing;
- Service Delivery;
- Coordination; and
- Communication.

For each topic, each group had to discuss challenges and solutions with regard to the above and identify five priority areas (one for each action point)

During the commissions, SOI provincial participants consulted and planned as stakeholders for improved service delivery through collaborative engagements and joint planning. Progress since the fourth SOI was reviewed with the aim of consolidating plans for 2012 by confirming existing priority areas and identifying new priority areas, medium and long term

interventions for management of gender based violence. The consolidated 2012/2013 plans were aligned with the following outcomes *viz.*:

- Service delivery excellence;
- Leadership and accountability culture in the management of sexual offences;
- Sustained medium to long term GBV interventions;
- Strengthened stakeholder cooperation;
- Strengthened intersectoral collaboration; and
- Provincial action plans with Monitoring and Evaluation (M&E) plans.

The consolidated provincial plans 2012/13 were presented at plenary. Despite having been furnished with a template for the consolidated plan, there were variations in the approach of the plans presented. For instance, LP, EC and NC presented TCC action plans rather than management plans for GBV.

#### **14. Khuseleka One Stop Centre Model**

Ms. Modi Marishane from DSD presented the Khuseleka One Stop Centre Model which was described as a research-based model that took its cue from the Ikhaya Lethemba centre emphasising a collaborative approach to service delivery with services that go beyond support to empowerment of the victim. The continuum of services provided to all victims of crimes and violence of any form are psychosocial support, shelter advocacy, research, management, skills development and economic empowerment services. Synergies identified between Khuseleka and TCC models are the multisectoral approach, provision of psychosocial support and referral services, and stakeholder coordination and communication.

While the Khuseleka model provides a range of services according to norms and standards as outlined in the Victim Charter and VEP to victims of crime and violence, the TCC model focuses on sexual offences victims; thus there is room for collaboration between the stakeholders.

#### **15. Recommendations**

The following priority areas were presented at plenary as recommendations by Moti Motshwane, Programme Coordinator for the Programme Management Unit, SOCA, NPA.

##### **(a) Structure and Form of the Sexual Offences Indaba**

The SOI should be pitched higher and focus on sexual violence broadly and on government departments broadly rather than the NPA (TCCs). We need to see relevant DGs and MECs attending and also, as Advocate Majokweni mentioned, engage in a deeper conversation on the subject with top experts of sexual abuse and violence with a view to strengthen, review and revise legislation, policies and programmes. Also, we should use this type of gathering

to debate and put to rest issues like “the best interest of the child versus existing legislations and policies governing other professions like medical and social development”. The one missing link in the current SOI is the non-participation of the judiciary, politicians and private sector. There is a need for the judiciary to participate given its important role in the court environment.

The Gauteng model of reporting should be reviewed and possibly used in future SOIs because of its inclusiveness of other departments, provincial GBV programmes and linkages to the provincial and national government objectives. The Western Cape and KwaZulu Natal are also integrated but their future reporting needs to reflect the integration.

#### **(b) Develop and/or Strengthen NPA Research Capacity**

In order to make our known unknowns - known knowns- and to get to grips with the unknown unknowns, we need to build research capacity within the NPA. We need to come up with answers to all the known unknowns. It is not enough for us to say we do not have the answers. The research unit of the NPA should be staffed with subject matter experts or be able to outsource this expertise. If we do not do this sooner, we will continue to sing the same song come future SOIs. This research unit must be able to interact with other research units within relevant departments and outside government and also enter into joint research projects. It may be that there is in-house capacity at TCCs and somewhere else to assist in building this capacity. It was noted that the costs of strengthening this capacity maybe prohibitive and there is therefore a need to raise additional funds for this.

#### **(c) Strengthening Existing or Establishing an Administrative Unit to Support TCCs**

This Unit will be responsible for providing support (financial, logistic and human) to TCCs and also liaise with other governments departments to share resources. It will also ensure that TCC staff are brought into the NPA family because currently TCC staff feels they are regarded as appendages or outcasts and thus excluded from NPA activities (wellness programmes, etc.). It is not proper that we should be hearing complaints about lack of support year-in-and-year-out and not do anything.

#### **(d) Develop Induction Packages**

These packages should be developed for TCC staff, implementation teams and other role players. The packages should also include TCC Blue Print, Protocols, Service Level Agreements, *etc.*

#### **(e) Holding of Lekgotla**

Given the number of cross-cutting challenges raised which hamper the fight against sexual violence, it is imperative that relevant departments meet and discuss these challenges. NGOS should be included in these meetings. The challenges include staffing, cross-province dilemmas, duplication of efforts, logistics, etc. This Lekgotla should be pitched at a high level so that decisions reached will be able to be implemented. It will also provide an opportunity for different departments to ask the question as to whether they are using government resources optimally to achieve the same goals. It was highlighted that given the rising cases and brutality of sexual violence and the importance that government is attaching to its eradication, it is time that sexual violence receives a separate budget just like HIV and AIDS. It was also stated that it is very important to strengthen the coordination and management of the Department of Women, Children and People with Disabilities in order to turn the tide against this scourge.

#### **(f) Feedback/Debrief**

This is the 5<sup>th</sup> Indaba; however, there is no plan or structure to provide feedback to important role players. Beginning with this Indaba, feedback needs to be given to Directors of Programmes in all 9 Premier's Offices, Forum of relevant DGs, the Minister, *etc.* In this way issues raised and challenges identified in the fight against sexual violence will be escalated and acted upon.

#### **(g) Prevention**

As Advocate Majokweni remarked, we seem to be stuck in response, when we know that the best form of attack is defence. An elaborate and integrated prevention strategy needs to be developed and implemented as a matter of urgency. Included in this strategy will be performance indicators, the use of social media networks, roles of departments, NGOs,

A roundtable discussion will be held within 3 months to kick-start the concept and identify suitable indicators. The roundtable will be attended by the DWC&PD, UNICEF, DOE, and NPA and will be coordinated by Ms. Pumeza Mafani.

#### **(h) TCCs as Centres of Excellence**

This idea was raised during the last two SOIs. A concept paper needs to be developed and be discussed among role players including Institutions of Higher Learning.

### **16. Conclusion**

Advocate Majokweni concluded by thanking all participants and reiterating the need to strengthen coordination and management of efforts to eradicate this scourge. She urged all development partners and stakeholders to work together in order to pull South Africa out of this quagmire.