



A report on the monitoring activities conducted by the Shukumisa Campaign during the 16 Days of No Violence Against Women (2008)

This report was compiled by Tshwaranang and RAPCAN, based on monitoring conducted by: Nisaa, OUT LGBT Well-being, Pro Bono, RAPCAN, Rehommo Women's Organisation, Teddy Bear Clinic, Thusanang Advice Centre, Tshwaranang Legal Advocacy Centre and Women'sNet.



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Shukumisa's Vision

Across South Africa, all sectors of society treat rape as a serious crime. Media reporting and other forms of public discourse no longer demonstrate prejudicial and stereotypical attitudes towards rape, its victims and perpetrators. A range of interventions, including training programmes, have been established and these are challenging and transforming gender and other power relations. A funded, strong civil society is active in ensuring survivors' access to justice and takes action against behaviours denying survivors their rights. Organisations across the country have set up a network to monitor how rape cases are dealt with, creating policy feedback loops which enable us to address challenges and resistance to change. Communities intervene constructively in cases of sexual abuse and do not treat sexual violence as 'private'.

Services and policies recognise that rape is a violation facilitated by gender and other forms of social inequality. Services and policies respond to survivors' heterogeneity and diversity by taking into account multiple forms of oppression and institutional marginalisation, which informs the context for action. As a result, rape survivors easily access health, criminal justice, psycho-social and other services. Health workers, police officers and court and NGO personnel know and apply the contents of sexual offences policies and laws in a non-discriminatory, non-judgemental manner. Victims know their rights and feel confident and supported to speak out against discrimination, or the failure to uphold their rights. Effective evidence-based treatment programmes for perpetrators are in place. As a consequence of these various interventions, the real rate of rape is coming down.

Shukumisa's Mission

In support of this vision, the Shukumisa Campaign builds organisations and local communities' capacity to monitor and hold government services to account for the (non) implementation of law and policy. This leads to the establishment of a network of organisations across the country able to undertake a series of monitoring campaigns over time. Campaign members undertake research examining the implementation of the Sexual Offences Act, as well as courts, health services and police responses to sexual violence. This information, in combination with the monitoring, is used to inform the further development of law and policy, along with other interventions combating sexual violence. Our information is also used to develop a range of follow-up actions intended to correct defects in the system. We create materials and training programmes that inform people of CJS procedures, available services and the rights of rape survivors in relation to these procedures, as well as their treatment by institutions. We also make innovative use of ICTs and other forms of media to gather and share information.

TABLE OF CONTENTS

1. INTRODUCTION	4
2. METHODS AND APPROACH.....	4
3. MONITORING FINDINGS.....	6
3.1 THE SOUTH AFRICAN POLICE SERVICES.....	6
3.1.1. <i>Station Signage, Accessibility and Condition</i>	7
3.1.2 <i>The Client Service Centre (CSC)</i>	9
3.1.3. <i>Posters and Pamphlets in the CSC</i>	10
3.1.4. <i>Policy and Legislation</i>	10
3.1.5. <i>Specialised station-level services and facilities for rape victims</i>	12
3.2. THE COURTS	16
3.2.1. <i>Signage, Accessibility and Physical Condition of the Court</i>	16
3.2.2 <i>Witness Waiting Rooms</i>	18
3.2.3 <i>Specialist Services for Victims</i>	19
3.3 THE HEALTH FACILITIES	21
4. CONCLUDING THOUGHTS.....	22

The Shukumisa Campaign

16 Days of Activism Monitoring Project

1. Introduction

South Africa reports some of the highest levels of violence against women in the world. In response the state has developed a range of policies and laws intended to provide effective services to victims of sexual offences. To track the translation of this policy and law into practice, the National Working Group on Sexual Offences (a network of 26 civil society organisations from around South Africa) initiated the Shukumisa Campaign.

The first pilot Shukumisa Campaign was undertaken during 2008's 16 Days of Activism to End Violence Against Women and Children and aimed to examine the extent to which the South African Police Services (SAPS) and Departments of Justice and Constitutional Development (DoJ&CD) and Health had met their commitments to providing services for victims of sexual offences.

Documents used to develop monitoring standards included:

- Policy and legislation specifically for the SAPS such as:
 - The Criminal Law (Sexual Offences) Amendment Act 32 of 2007 (SOA)
 - Regulations and forms related to the SOA (including forms for HIV testing of rape accused and information sheets for rape survivors about PEP and HIV testing)
 - SAPS National Instructions 3/2008 Sexual Offences
- The Victim's Charter (DoJ&CD);
- Minimum Standards on Services for Victims of Crime (DoJ&CD);
- Gauteng Provincial Guidelines and Standards on the Implementation of Police Station-Based Victim Empowerment Services (Gauteng Department of Community Safety);
- The Customer Service Charter for Court Users (DoJ&CD); and
- The National Sexual Assault Policy and National Management Guidelines for Sexual Assault Care (Department of Health).

2. Methods and Approach

To carry out this monitoring campaign, we visited:

- Thirty-four police stations in the three provinces of Gauteng (23 stations), North West (3 stations) and Western Cape (8 stations);
- Sixteen courts distributed across Gauteng (10 courts), North West (3 courts), Free State (1 court) and Western Cape (2 courts); and
- Two hospitals in Gauteng and one hospital in the Free State.

Sixteen monitors from participating organisations and volunteers from the community conducted the monitoring. No particular procedure was used to select the sample of courts, police stations and hospitals; rather, selection was based on which stations were in the monitoring organisation's area of operation.

Before monitors were dispatched to government facilities they underwent rudimentary training around the principles of monitoring and evaluating the different facilities. Each monitor was given a monitoring assessment guide and advised to carry their identity document. In some instances monitors went in pairs to stations and each made their own assessment. Letters outlining the purpose of the monitoring were also subsequently provided to assist some monitors with access to police stations.

To gain access to information, monitors relied on the service standard around information and awareness contained in the *Minimum Standards for Service Delivery in Victim Empowerment (Victims of Crime and Violence)* issued by the Department of Social Development. In terms of this standard service providers will inform communities on availability of and access to resources+ and provide information on referral procedures.+ Because monitors were both members of the community, as well as of organisations advocating for rape victimsrights, in theory the courts and police stations should not have been able to turn them away or refuse to answer any of their questions.

Positive feedback was received from the monitors on the monitoring process, but there were challenges to the process:

- A couple of police stations declined to be monitored because the monitor did not have letters of authorisation from the provincial Commissioner of the SAPS. A few courts also refused to participate.
- In some cases monitoring was conducted after office hours and so either very little information was shared, or monitors were asked to return during office hours. This was not always possible due to time constraints.
- Some trained monitors passed on their mandate to a third party who was not necessarily knowledgeable about the monitoring process and, as a result, some returned monitoring forms that were incorrect or insufficient in their detail.
- Because this was a pilot project, a relatively small sample of service areas was used. Therefore, this may not substantially reflect the current situation in the country as a whole.

3. Monitoring Findings

3.1 The South African Police Services

Drawing on relevant policy, SAPS National Instruction 3/2008 in particular, monitors were asked to:

- Describe the physical condition and location of the police station;
- Investigate police officers' knowledge of and familiarity with the documents and procedures regarding sexual offences and how easy it was to access these documents;
- Investigate the existence of specialist detectives, services and facilities for sexual offences at each police station; and
- Identify the particular issues that the police station prioritised for public awareness as evinced through the choice of posters and pamphlets on display.

The police stations monitored during the Shukumisa Campaign included:

Gauteng Province:

1. Pretoria Central
2. Sunny Side
3. Protea Glen
4. Ikhaya Lethemba (Police component of the one-stop centre)
5. Krugersdorp
6. Eldorado Park
7. Actonville
8. Naledi
9. Jabulani
10. Kliptown
11. Moroka
12. Sophiatown
13. Linden
14. Fairlands
15. Randburg
16. Orlando East
17. Diepkloof
18. Langlaagte
19. Orange Farm
20. Benoni
21. Meadowlands
22. Sebokeng
23. Vereeniging

North West Province:

1. Taung
2. Mmabatho
3. Lehurutse

Western Cape:

1. Kleinvele
2. Mitchell's Plain
3. Atlantis
4. Cape Town
5. Wynberg
6. Philippi
7. Lingeletu West (Khayelitsha)
8. Kuils River

On the whole most police stations were helpful and polite to the monitors. However, access was denied, or made difficult, at the following stations:

- Jabulani station . the Superintendent asked the monitors to wait and after an hour told them he was still busy. However, the monitors observed him to brush off the secretary who was trying to explain the purpose of their visit and so formed the opinion that he was not interested in being of assistance.
- Benoni station . the Superintendent refused to give the monitor access on the grounds that he did not possess such powers. The monitor was asked to return the following day to speak to the Station Commissioner. The next day both the Station Commissioner and Superintendent were unavailable and the monitor left after waiting for an hour.
- Pretoria Central . an inspector informed the monitors that he was specifically not allowed to talk to them and had, in any case, never opened a sexual offence case in his 15 years of being a police officer. The monitor was eventually assisted.
- At Orlando East police station, the Superintendent to whom the monitor was referred to was impatient, told the monitor to wait, kept her waiting for 30 minutes, and then eventually informed her that he could not assist her.
- Monitors at Diepkloof police station were kept waiting for 40 minutes before eventually being assisted.
- Kleinvele station . the station commissioner refused to participate in the interview without a clearance letter from both the monitor's organisation and his Head of Department.
- Cape Town station . the captain declined an interview for fear of criticism and asked the monitor to return during office hours when the Inspector (his subordinate) would be available.
- Philippi station . the monitor was asked to come back during office hours to be assisted by the Station Commissioner.
- No permission to monitor police stations in the Free State was ever obtained.

3.1.1. Station Signage, Accessibility and Condition

Table 1: The accessibility of stations generally

	<i>Easy Accessibility</i>	<i>Good Directions</i>	<i>Good Signage</i>	<i>Clean/Good repair</i>
<i>Gauteng</i>	20	19	18	22
<i>North West</i>	2	1	1	3
<i>Western Cape</i>	6	8	8	6

Gauteng

Twenty-three stations were monitored for accessibility in terms of how close the station was to the main road; its proximity to public transport; and the direction markers to the station.

Stations which did not meet all criteria determining accessibility included:

- Vereeniging, which had its signs in place, but was situated far from public transport.
- The entrances to both Sophiatown and Benoni police stations were hard to locate.

- Monitors visiting Eldorado, Benoni and Randburg did not find clear direction markers to the station in the roads leading to the station.
- Eighteen stations made provisions for access for persons with disabilities. All but three stations . Protea Glen, Benoni and Langlaagte . had wheelchair ramps. Benoni Police station also had a lot of stairs and was located a fair distance from any public transport route. Police officers at Actonville police station had constructed a makeshift wheelchair ramp in order for those with physical disabilities to gain entry to the station.
- Fairlands police station is situated in the middle of a suburb relatively far from a main road or public transport. At the time of the monitoring most of the streetlights did not work. The streetlights were also not functioning outside Kliptown police station.

The majority of the stations monitored in Gauteng were generally kept clean and in good repair. Naledi police station was the only station identified as having a problem with cleanliness. The station was extremely dirty, rubbish bins had broken outside and the pavement was covered in litter.

North West

In the North West province, three stations were monitored.

- Taung and Lehurutshe were located out of town and did not have clear directions. However, they were fairly accessible by public transport. There were two taxi ranks in the vicinity of Lehurutshe station, while Taung and Mmabatho stations were within walking distance of a public transport route.
- Mmabatho was the only station with clear direction markers to the station in and around the roads leading to the station. Mmabatho was also adjacent to the Magistrates Court.
- Mmabatho and Taung had facilities for disabled persons while Lehurutshe did not.
- All three stations were in good physical condition in terms of their cleanliness and state of repair.

Western Cape

- All eight stations in the Western Cape were well marked, with signs clearly identifying the station and clear direction markers.
- Six of the stations were easily accessible to the public, being within walking distance and close to taxi drop off points.
- Wynberg and Philippi were found to be inaccessible. Wynberg is quite a distance from the taxi points but a few meters from the main road. Philippi is a considerable distance from the main road and accessibility would be difficult for members from the farming community nearby because there is no public transport serving the area.
- Cape Town and Wynberg stations did not have facilities to accommodate disabled persons. All other stations were reported to have disability access. Kleinvllei however, had a narrow entrance which could have made entry for wheelchair users difficult.
- The Kleinvllei, Mitchell's Plain, Wynberg, Cape Town, Kuils River and Philippi police station were all rated as clean.
- Atlantis was tidy but it had dirty floors and therefore, like Khayelitsha had their standard of cleanliness rated as fair. Atlantis also had a broken window while Mitchell's Plain had broken toilet seats and no toilet paper in their ablution facilities. Overall though, stations were considered as being in a good state of repair.

3.1.2 The Client Service Centre (CSC)

According to the Victim's Charter, every victim of crime has the right to be attended to promptly and courteously by the relevant criminal justice department, institution and agency. This should be done with minimal inconvenience to the victim. The service received at the CSC is, therefore, an important and critical aspect of receiving adequate assistance and victim support.

Gauteng

At the time of the monitoring, most CSCs were observed to adequately accommodate and serve the general public. They also had enough officers on duty to not keep people waiting in a queue for too long.

- Pretoria Central, Protea Glen, Krugersdorp, Naledi, Sophiatown, Linden and Randburg's CSC areas were particularly well-organized, having signs indicating where to queue for a particular service. Notably, Linden was the only police station with a special desk to address violence against women and children.
- Five stations were described as cramped and uncomfortable. The CSCs in Naledi, Sunnyside, Kliptown, Langlaagte and Sophiatown were small. Naledi had space for three to four chairs, and Sunnyside had seating for six people. Kliptown police station had such limited space that individuals who not there to open a case were ordered to leave.

Poor service was noted at Sunnyside, Orlando East, Fairland and Diepkloof:

- At Sunnyside, the 14 or so officers behind the front desk were observed chatting, socialising and generally being idle while a long queue waited for assistance. A police officer attending to a client at the front desk was observed talking on his personal cell phone while taking a statement. When the monitor left the station some time later, she observed the same people still waiting to be helped.
- At the Orlando East police station, a similar situation was observed with police officers socialising and ignoring the individuals in the queue waiting for assistance.
 - Fairlands police station had a queue of people waiting with only one police officer available to assist.
 - Linden police station only had three assisting police officers at the front desk although there was a long queue waiting to be served.

North West

In the North West all CSC areas were staffed and operational. In Taung there were seven people at the station and two of them were being served. In Mmabatho five people waited to be served by the three officers manning the area.

Western Cape

In the Western Cape the CSC areas were also well-staffed regardless of the time the stations were visited. Queuing systems were also evident. The officers on duty struck the monitor as helpful, prompt and polite. No negative comments were made about the service offered at the CSC.

3.1.3. Posters and Pamphlets in the CSC

The posters and pamphlets on display in the CSC reflect, to a certain extent, the issues that are most important to the police, those that specifically affect a certain area and also, importantly, help to facilitate awareness of certain issues within the community. The Shukumisa Campaign was deliberately structured to be administered during the 16 Days of Activism against Women and Children meaning that, ideally, most police stations, through posters and pamphlets, should have been supporting the 16 Days campaign.

Gauteng

- Most stations in Gauteng had posters on their walls relating to sexual offences, domestic violence and child abuse. These posters were produced by the SAPS, Centre for the Study of Violence and Reconciliation, People Opposing Women Abuse and the Department of Health. All posters relating to sexual offences were in English. Only one station, Eldorado Park, had a poster on the 16 Days of Activism.
- Stations also displayed many other posters addressing, amongst other issues, gun control, human trafficking, HIV/AIDS and safer sex, xenophobia, rehabilitation and reintegration and drug and alcohol abuse.

North West

All three stations in the North West had over five posters, all in English and most produced by the SAPS themselves. However, only Mmabatho had put up posters on sexual offences. For the rest, stations were papered with a miscellany of posters dealing with children's rights, victim's rights, the SAPS Service Charter, traffic fines, unlawful police action and safe sex, as well as posters by the Departments of Agriculture and Labour.

Western Cape

In the Western Cape only Atlantis had posters referring to rape and domestic violence. Wynberg station had posters addressing various forms of child mistreatment while Kleinvelei and Mitchell's Plain had posters addressing victim support. For the remainder, posters addressed substance abuse, HIV/AIDS awareness, firearms and gun violence, disability awareness, basic sign language for the SAPS and the Western Cape Service Charter.

3.1.4. Policy and Legislation

The existence of clear policy guidelines relating to the conduct and procedure expected in the investigation of sexual offences, and adherence to these policy guidelines, is critical to ensuring effective service delivery by the police service for victims of sexual offences. At the stations visited, monitors asked the persons assisting them to show them copies of the following documents.

In terms of National Instruction 3/2008, every station should have had all these documents readily at hand.

- The SOA;
- The National Instructions 3/2008;
- The station orders around sexual offences;
- The regulations and forms related to SOA (forms for the HIV testing of the rape accused and information sheets for rape survivors about PEP and HIV testing);
- Information about hospitals providing PEP to rape survivors; and
- A list of organizations providing services to rape survivors

Table 2: Number of stations with copies of documents

	<i>Gauteng</i>	<i>North West</i>	<i>Western Cape</i>
<i>2007 Sexual Offences Act</i>	12	-	1
<i>National Instructions 3/2008</i>	12	-	-
<i>Station Orders around sexual offences</i>	12	-	-
<i>Regulations and forms related to SOA (forms for the HIV testing of the Rape accused, Information sheets for rape survivors about PEP</i>	8	-	-
<i>List of hospitals providing PEP to rape survivors</i>	11	-	-
<i>List of organizations providing services to rape survivors</i>	13	-	1

Gauteng

Eight stations (Actonville, Naledi, Moroka, Sophiatown, Randburg, Langlaagte, Orange Farm and Sebokeng) had copies of all the documents asked for and the assisting officer seemed to know about the documents and located them easily. Moroka was something of an exception in this regard. On the first visit to the station, the monitor noted that the Station Commander was only able to show them an incomplete copy of the SOA and told them that the regulations were kept at the Nthabiseng Centre of Chris Hani-Baragwaneth Hospital. Nine days later another monitor made a second visit to the station and was shown all the documents by the constable in charge of the station's Trauma Centre.

Five stations . Orlando East, Pretoria Central, Jabulani, Kliptown and Meadowlands . were unable to produce any of the requested documents. Explanations given for the non-availability of these documents included that a copy of the regulations and forms related to the SOA were apparently in the Constable's car and could not be accessed, while at another station the Captain informed the monitors that the SOA was only available in a hospital.

- The constable who assisted at Krugersdorp police station expressed complete ignorance about the existence of the regulations and forms related to the SOA but also stated that he was new in the office. Similarly, at Sunnyside Police station, the first police officer approached for assistance admitted that the police officers at the front desk, most of whom were constables, were not actually familiar with the procedures related to sexual offences and usually referred victims to more senior officers.
- At Orlando East police station the monitors were referred to the counsellor in the trauma room who did not understand what they were asking about. They were then referred to another police official who dealt with sexual offences cases, but the said official was experienced as impatient and arrogant. He told the monitors to wait for him but then never returned.

- At Meadowlands, the monitors could not get anyone to help them obtain the documentation as the police officials at the station were preparing for activities related to the 16 Days.
- Although the police official in Diepkloof was helpful, the monitors indicated that she did not know about the documentation they asked for. The officers in Krugersdorp and Linden also had to spend some time searching for the documents as they were not readily available.

North West

None of the three stations monitored in the North West was able to produce any of the documents asked for.

- At Taung station the police officer said copies of the regulations and forms relating to the SOA and the National Instructions were available on the SAPS intranet, while a copy of the Act itself could be obtained from the Human Resources department.
- At Lehurutse the Inspector asked for help from two other officers to search for the documents but none were found.
- The response at Mmabatho was fairly similar. The Detective Inspector who assisted the monitor looked for the documents for about 20 minutes and was still unable to locate them, even with assistance from another officer.

Western Cape

In the Western Cape, only one of the eight stations monitored was able to show the monitor at least one copy of legislation.

- Upon request, the captain at Wynberg easily produced a copy of the SOA and a list of organisations providing services to rape survivors. He said that the local family violence, child protection and sexual offences (FCS) Unit kept the rest of the documentation as they dealt directly with all sexual offences cases.
- Kleinvllei and Philippi refused entry to the monitor so the availability of these documents could not be evaluated.
- Although Cape Town station declined an interview, the monitor was able to ask to see the documents in question but was told to come during office hours when the administrator would avail them.
- The Sector Commander of the Atlantis Station was surprised at the enquiry and told the monitor that his senior Commander would be able to show her the legislation. He was not available at that time however.
- Kuils River was unable to produce the documentation.
- The Superintendent of the Mitchell's Plain stations was unable to produce the documents even after checking the archives. He said that the officer who deals with the victim support unit and keeps the documents was out of the office at that time.
- There were no policy papers or legislation available at the Khayelitsha police station.

3.1.5. Specialised station-level services and facilities for rape victims

The Victim's Charter places an obligation and duty on victims' service agencies to provide a victim of crime with information concerning any relevant services available to them by other service providers. This also includes an obligation to make an appropriate referral to available specialised social, health and counselling services. In terms of the Victim's Charter, therefore, the SAPS has an obligation to refer victims directly to support services and should be in a position to readily do so. These services need to

address the diversity of victims and accommodate sexual orientation, disability, religion and age.

Discretion, privacy and confidentiality must be ensured when taking a statement from a rape victim. Ideally this should be done in a comfortable room completely separate from the CSC where the public is served and away from the busy parts of the police station. Interview rooms should be quiet, clean, and comfortable and should ideally be child-friendly to accommodate the needs of child victims. The National Instructions obligate the police officer to immediately request the victim to accompany them to an appropriate area away from the main duty desk in the CSC, out of the sight and hearing of other persons.

Gauteng

- Nine police stations had separate buildings that served as victim support centres, namely Ikhaya Lethemba, Eldorado Park, Lehurutse, Actonville, Naledi, Kliptown, Moroka, Diepkloof and Langlaagte. Actonville police station's victim support centre was an actual house.
- Sunnyside, Ikhaya Lethemba, Eldorado Park, Kliptown, Sophiatown, Randburg and Orlando East police stations' trauma rooms were described as well organised and relatively victim-friendly with furniture (desks, chairs and couches), pictures, a TV and toys for children. However, Diepkloof police station's trauma room looked dirty and disordered.
- Some of the trauma rooms were locked and the key could not be readily located. This was the case at Pretoria Central, Naledi, Sophiatown and Linden police stations. If an actual victim was present, there would be a considerable delay in accessing a private area to take a statement.
- Randburg police station had bags for rape victims that contained clean underwear, soap and a washcloth, sanitary towels, a toothbrush and toothpaste.
- Naledi police station had vans available to transport victims of crime and complainants home after hours.
- Stations which said they had volunteers or organizations able to provide victim support services 24 hours per day, seven days a week included Pretoria Central, Naledi, Kliptown, Moroka, Linden, Fairlands, Randburg and Langlaagte police stations. A further ten stations claimed to have volunteers, NGOs or CBOs working from their premises but could not name or identify these individuals or bodies.
- Sophiatown and Orlando East said they had no volunteers or NGOs or CBOs affiliated to their station which could provide such services.
- Fifteen stations said specialist detectives from the FCS units were based at their premises. These included (number of such officers indicated in brackets where known):
 - Pretoria Central (2), Naledi, Kliptown (2), Moroka, Sophiatown (2), Linden (2), Fairlands (2), Randburg (6), Diepkloof (1), Langlaagte (2), Orange Farm (4), Sebokeng (5), Meadowlands, Ikhaya Lethemba (6) and Vereeniging (6).
 - The Constable at Krugersdorp was unsure as to whether or not any FCS detectives were based at the station, while Sunnyside, Protea Glen, Eldorado Park and Actonville said they had no such officers based at their premises. However, as sub-stations, Protea Glen and Eldorado Park had access to FCS detectives based at Moroka and Kliptown police stations respectively.

Deaf victims

- With regard to taking statements from deaf victims, many stations did not have any kind of referral system for this, although some stations had officers trained in sign language such as Pretoria Central, Naledi, Moroka and Langlaagte.

- Actonville police station had an ad-hoc system that involved police officers untrained in sign language assisting literate deaf victims with the use of a sign language chart.
- Meadowlands police station regularly contacted an officer trained in sign language from Dobsonville police station for assistance.
- Two referral organisations were specified for deaf rape victims: DeafSA (Eldorado Park) and the Cheshire Home for the Deaf and Disabled (Kliptown). Sunnyside police station requested assistance from a church which, they mentioned, was not always available to provide this assistance.

LGBTI (lesbian, gay, bisexual, transsexual and inter-sex) victims

- Many police stations claimed not to distinguish between LGBTI and heterosexual victims of sexual violence. In theory, while the treatment of both groups should be similar in terms of the police investigation, specialised referrals for subsequent assistance may be necessary. Where stations did make referrals these were to the local church, People Opposing Women's Abuse (POWA), Ikhaya Lethemba, the Zola Medico-Clinic and Thuthuzela Centre at Chris Hani-Baragwanath hospital. Finally, at one station there was apparently a lesbian police officer who usually dealt with such cases.

Mentally disabled victims

- Stations said they referred victims who were mentally disabled to either the local hospital or the FCS Unit. Only Linden appeared to be aware of the specialised service offered to victims with mental disabilities by the Teddy Bear Clinic. One station said they referred such victims to Tara hospital, a psychiatric facility. This suggested some confusion between a psychiatric disability and a cognitive impairment.

North West

Lehurutse had two specialist detectives that dealt only with child protection and sexual offences matters. Their station also housed a Crisis Centre which consisted of an office, two bedrooms, a kitchen and a bathroom and operated during office hours. While the station did not have the ability to deal with Deaf victims, cases involving lesbian and gay victims, as well as the mentally disabled, were referred to the social worker based at the Centre.

Mmabatho too retained specialist detectives but did not specify how many. They stated that they were able to call in someone capable of communicating in sign language to help Deaf victims. Victims raped on account of their sexual preference and those with mental disabilities were referred to the Thuthuzela Centre or Bophelang hospital.

Taung stated they had no specialist FCS detectives. Instead, cases involving children (but not adults) were referred to Pudimore station which specialised in child protection. Where victims were Deaf, lesbian or gay, the provincial office would be contacted for assistance. Victims with mental disabilities would be taken to the hospital for completion of the J88 and then to a psychiatrist.

When dealing with cases of rape, all three stations offered some form of privacy to the survivor by taking them to a separate room.

- The Taung Inspector claimed to have a trauma room but the room shown to the monitor was an office with three officers seated in it.
- Lehurutse uses their radio room as a makeshift trauma room so it is not particularly appropriate to survivors' needs.

- Mmabatho had a trauma room with a single bed, table, chair, bench and toys. A table and chair for children was also noted.

None of the three stations had volunteers, NGOs or CBOs providing services from their premises.

Western Cape

- Only one police station . Wynberg . was reported to have specialist detectives.
- Mitchell's Plain took a statement and then called the FCS unit for assistance.
- Atlantis opened a skeleton docket and then referred the victim to Elsie's River police station.
- At Khayelitsha the police took skeleton statements and then referred the matter to Mitchell's Plain Police Station and the specialised Simelela Centre.
- Kuils River used Delft FCS unit located at Bellville police station.
- Cape Town, Philippi and Kleinvei did not give details on how they dealt with cases requiring specialist detectives.
- Mitchell's Plain, Wynberg, Kuils River and Atlantis did not take statements in the CSC but in a Victim Support Room (VSR) or Comfort Room. These rooms were described as comfortable and adequate to their purpose. All rooms were run by volunteers called in when the need arose.
- In Mitchell's Plain the SAPS and the community policing forum (CPF) managed the volunteers. In Atlantis, the volunteer who ran the VSR represented an organisation called Women Who Care. This particular VSR was staffed on a 24/7 basis by volunteers who worked in shifts. It was also equipped with a bathroom, some basic remedies for shock and tea, coffee and biscuits.
- Mitchell's Plain had an impressive referral system, with the telephone numbers of 15 different organisations providing a range of services all recorded on speed dial.
- Mitchell's Plain also housed a Child Protocol room established by the Department of Social Development (DoSD) and intended to deal with child neglect and abuse. The volunteer commissioned by the DoSD reported that she ran the Child Protocol room from 16:00 . 24:00 every weekday and 24 hours a day during weekends. The service was intended for all children under 18 and was established as the emergency DoSD after-hour service and care centre. However, as was the case the in Gauteng, the existence of a facility did not guarantee its use.

At the time of the monitor's visit to Mitchell's Plain, a child rape survivor was brought to the VSR for assistance. It was observed that this child was not assisted by the volunteer at the Child Protocol room. According to the VSR volunteer community members were often unaware of the extent of services offered by the station and perhaps did not know to ask for them (explaining why the child survivor had not seen the volunteer at the Child Protocol room).

Information on the treatment of specialist groups was only available for Mitchell's Plain, Atlantis and Wynberg.

- At all three stations gay and lesbian victims were not treated any differently from other victims.
- Mitchell's Plain used court personnel familiar with sign language for cases with a deaf victim and had trained officers to assist with mentally ill victims.
- Wynberg's trauma room volunteers helped deaf and mentally ill victims.
- Atlantis opened a skeleton docket and then referred the case to an investigating officer.

3.2. The Courts

As with the police stations, we monitored the courts according to a specific checklist of criteria:

- The physical condition and location of the court, namely its accessibility by public transport, the centrality of the court compared to the city centre and the cleanliness and condition of court buildings;
- The signage identifying the building as a court, clear road signs directing people to the courts and provision for people with disabilities;
- The availability of certain facilities at the court, including specialised facilities for victims of sexual offences;
- An individual present to provide assistance at the information desk and this official's designation; and
- The witness room and its facilities.

The courts monitored for the Shukumisa Campaign were:

Gauteng Province:

1. Meadowlands
2. Sebokeng
3. Vereeniging
4. Krugersdorp
5. Court 6, Protea North
6. Pretoria Central
7. Orlando East
8. Randburg

North West Province:

1. Lehurutse
2. Taung
3. Mmabatho

Western Cape:

1. Blue Downs
2. Mitchell's Plain

Free State Province:

1. Phuthaditjhaba

Monitors were denied permission to assess Kliptown and Benoni courts. Two courts on this list, Randburg and Orlando East, did not deal with sexual offences but referred them to Wynberg and Protea North courts respectively. A third court, Meadowlands, also referred sexual offences matters to Protea North court. Nonetheless, we have included general information about these three courts, but obviously excluded them from the discussions concerning specialist facilities for victims of sexual offences.

3.2.1. Signage, Accessibility and Physical Condition of the Court

According to the Customer Service Charter for Court Users, those accessing court facilities should be provided with clear direction signs, a clean court house which is accessible and specialised services, such as ramps for those with disabilities. Court facilities should also be safe, accessible and convenient to use. The Charter also guarantees victims of crime that access court services the following facilities:

- *An information desk for the provision of information services;*
- *Refreshment facilities;*
- *A room for NGO services;*
- *Separate witness waiting rooms for victims of sexual violence;*
- *Separate room with a closed circuit television (CCTV) facility; and*
- *Court preparation services.*

Finally, the Charter obligates the courts to provide clean and accessible public toilets for its users.

Table 3: The accessibility of stations generally

	<i>Gauteng</i>	<i>North West</i>	<i>Western Cape</i>
<i>Accessible by public transport</i>	8	2	1
<i>Disability access</i>	6	3	1
<i>Identification Signage</i>	6	2	-
<i>Direction Signage</i>	1	1	1
<i>Clean/Good repair</i>	7	3	1

Gauteng

- According to the monitors, neither Krugersdorp nor Meadowlands had signs clearly identifying these buildings as courts. Vereeniging was the only court noted as providing clearly marked directions to the building.
- It appeared as if all the courts had ramps for wheelchair users. However, conflicting information was received about Sebokeng, with one monitor noting the presence of a ramp and another not.
- Orlando East court was described as being in poor physical condition.
- At the time of the monitors visits only Randburg appeared to lack an information desk. Where information desks did exist, they were staffed by security guards for the most part.
- Suggestion boxes were observed at three courts: Sebokeng, Vereeniging and Pretoria Central.
- Orlando East had neither a witness waiting room nor CCTV facilities.
- At the time of the monitoring Sebokeng, Vereeniging, Krugersdorp and Protea North had NGO services onsite.

North West

- The Mmabatho court was clearly marked, had road signs leading to the court and was close to public transport. Similar observations were made of Lehurutse and Taung except in respect of road signs, the latter two courts not having clear direction markings.
- All three courts were found to be clean, in a good state of repair and to have ramps for wheelchair users.
- Both Taung and Mmabatho had information desks while Lehurutse did not. Where Taung's desk was staffed by a security guard, Mmabatho's was staffed by an employee of the Department of Justice. At Lehurutse the monitor was assisted by a magistrate.
- All three courts had witness waiting rooms, CCTV facilities and suggestion boxes (although at Lehurutse the keys to the box had gone missing so it is unknown how many of the suggestions were being retrieved). None of the courts had an office for NGO services.
- Only Mmabatho court offered refreshment facilities.

Western Cape

- Both the Blue Downs and Mitchell's Plain courts were not readily identifiable as courts. Blue Downs's signage was visible only from the Kuils River side, but not the Blue Downs side, while the sign for Mitchell's Plain was obstructed by a brick wall.
- Blue Downs did not have any direction markings and was five minutes from the taxi drop-off point. Mitchell's Plain, on the other hand, did have clear direction markings.
- The Mitchell's Plain court was in a poor state of repair and cleanliness and was not accessible to people with mobility impairments. Those using wheelchairs, for example, were carried up the stairs. By contrast, the Blue Downs court was reported to be clean, in a good state of repair and to have disability access.
- Blue Downs had an information desk staffed by an employee from the Department of Justice. Mitchell's Plain also had an information desk but at the time of the monitoring, the person staffing it was not at the desk.
- Blue Downs had refreshment facilities but did not have an office for NGOs or a suggestion box. Mitchell's Plain also did not have a suggestion box but did have an office for NGOs.

Free State

No information regarding the accessibility of the Phuthaditjaba court was provided by the monitor. In relation to other amenities provided by Phuthaditjaba:

- The information desk at the court both functioned as a site of inquiry, as well as a switchboard. The DoJ&CD employer was occupied both with giving directions to different offices and answering telephones.
- The court had a separate room with CCTV facilities. The room was kept locked and contained posters on human rights, a guide to court processes, turning rape victims into survivors and the girl child.
- Phuthaditjaba had an office for an NGO, NICRO, whose role it was to provide probation services children aged 15 and older.
- The court also had a suggestion box.

Public Toilets

Generally, the public toilets in all three provinces were in good condition. The public toilets were also not locked and therefore open to the public's use. Krugersdorp had one broken toilet while both Mmabatho and Mitchell's Plain's toilets had no toilet paper and were in a poor state of repair. Child victims at the Mitchell's Plain court however, had the use of the court staff's toilets. These were locked and in a fair state of cleanliness and repair.

3.2.2 Witness Waiting Rooms

Gauteng

- All the courts but for Orlando East had witness waiting rooms. With the exception of Meadowlands, these were reported to be in good condition. Meadowlands's room had the paint peeling from its walls and its roof apparently leaked when it rained.
- Some effort had been made at the Sebokeng, Vereeniging, Krugersdorp and Pretoria Central and Protea North courts to ensure the witness waiting rooms

were made somewhat child-friendly through the provision of toys and wall murals. A separate waiting room was available for adults at Protea North. This offered little privacy or confidentiality because it opened directly onto the passageway and had not been provided with doors.

- All waiting rooms had posters which addressed a variety of topics ranging from particular organisations services, through to children's rights, foster care, claiming child support grants and domestic violence.

North West

All three courts in the North West Province had witness waiting rooms. These were plainly furnished and had no pictures or posters on the walls. None of the three rooms could be described as child-friendly.

- Lehurutse had signposted their witness waiting room. The room was equipped with three benches but did not offer much privacy as it contained a public telephone and looked out onto the parking lot.
- Mmabatho had also signposted its room which contained four benches, while Taung room held two benches but was not signposted.

Western Cape

The Blue Downs court stood out in comparison to most of the other courts monitored

- Victims and witnesses of sexual offences victims were dealt with separately from the other criminal courts at the Blue Downs court. Victims were escorted from the main front entrance to and from the Sexual Offences Court by the Delft FCS Unit, unless they chose to make their own way to the Sexual Offences Court.
- The witness waiting room at the Blue Downs court was well-labelled and contained two benches able to seat 10 persons. It had no posters on the walls or pamphlets. The separate waiting room for children contained toys, as well as paintings and pictures on the walls. Court personnel had established strong relationships with surrounding retailers and received donations of clothing and toys from these shops. These waiting rooms were quite a distance from the Sexual Offences Court but victims were escorted to and from the Court by the Delft FCS Unit.
- The witness waiting room at the Mitchell's Plain court was previously managed by NICRO and now being run by the YMCA . which assisted victims and witnesses of crime generally. The only posters on the walls had been produced by NICRO and the YMCA and provided information about both organisations. The room was for both adults and children and not particularly child-friendly. It was also some distance from the court and not thought to offer particularly good security to witnesses.

Free State

There was no witness waiting room at the Phuthaditjhaba court.

3.2.3 Specialist Services for Victims.

Specialised services for victims of sexual offences should include a dedicated Sexual Offences Court staffed by specialised prosecutors, assisted by court preparation officers and intermediaries.

Gauteng

This section reports on the five courts monitored that did deal with sexual offences.

- Three of the five courts, Pretoria Central (4 prosecutors), Protea North (9 prosecutors) and Sebokeng (7 prosecutors), had prosecutors specialised in dealing with sexual offences. Protea North had also managed a dedicated sexual offences court until recently. However, this system had been dismantled and cases were being allocated to whichever court was available.
- Only Vereeniging did not offer intermediary services. Otherwise these were available at Krugersdorp, Pretoria Central, Protea North and Sebokeng courts. Intermediary services were provided by both state and non-state agencies, including the Teddy Bear Clinic (Protea North and Krugersdorp) and the Restorative Justice Centre (Pretoria Central). Government departments providing intermediary services included the Department of Social Development (Pretoria Central) and the National Prosecuting Authority (NPA).
- Again with the exception of Vereeniging, all courts offered court preparation services. These were provided by Youth for Christ (Sebokeng) and the Teddy Bear Clinic (Protea North and Krugersdorp) at some courts, while the NPA undertook court preparation at Pretoria Central court.

North West

- Of the three courts only Mmabatho had access to any specialised prosecutorial services and this was in the person of one prosecutor.
- In Lehurutse and Mmabatho intermediary services were provided by social workers from the Department of Social Development. Taung\$ intermediary service was provided by both social workers and teachers.
- None of the courts offered a court preparation service outside of the witness consultation service traditionally provided by prosecutors. The person interviewed at Lehurutse was of the opinion that most rape cases did not succeed at court due to this lack of preparation.

Western Cape

At the time Mitchell\$ Plain was monitored, a Christmas party was being thrown in the witness waiting room and so the intermediary assisted the monitor, the prosecutors being at the party.

- No specialised Sexual Offences Court or specialist prosecutors dealing with sexual offences existed at Mitchell\$ Plain. Two prosecutors dealt with all matters heard at the court, including sexual offences. It was reported that new facilities for sexual offences and domestic violence were being built and would be open in January 2009. These were also intended to better respond to the needs of persons with disabilities. The monitor could not however, gain access to these facilities at the time.
- Intermediary services at the court were provided by an employee of the DoJ&CD. This same person was also providing court preparation. Limited space was available to this individual who shared a small, cramped office with another member of staff. The equipment . the mono-system in particular . did not operate that well. The room was also not very clean.

The Blue Downs court had both a dedicated sexual offences court and prosecutors who specialised in this area. These personnel seemed very engaged with the community and on the day of the visit, prosecutors dressed in Santa costumes (in the sweltering heat of

about 28_C) were climbing aboard a fire engine taking them to a Christmas party for local children.

- Blue Downs had two dedicated prosecutors dealing with sexual offences cases only. Intermediary and court preparation services were provided by the NPA.

Free State

Phuthaditjhaba court did not have a dedicated sexual offences court. Because this court was based at Qwa-Qwa and managed by the District Magistrates Court in Bethlehem, Phuthaditjhaba court personnel could obviously not comment on its workings. However, they had allocated one prosecutor to dealing with sexual offences matters heard at the court. Notably, the Senior Control Prosecutor with whom the interview was conducted said that their staff had not been trained around the SOA and consequently felt incompetent in relation to the Act. Court preparation services were also available from the NPA.

3.3 The Health Facilities

Three hospitals were monitored: Leratong and Johannesburg General in Gauteng and Elizabeth Ross in the Free State. All three facilities were listed in the National Instructions 3/2008 as providing PEP to rape survivors to prevent HIV infection, as well as to undertake the compulsory testing of alleged rapists for HIV.

However:

- The senior staff member interviewed at Elizabeth Ross did not know whether compulsory HIV testing of alleged rapists was being undertaken at their facility; and
- Johannesburg General stated they did not provide PEP.

The National Management Guidelines for Sexual Assault released by the Department of Health in 2005 suggest that each facility should have a rape management protocol in place. While Elizabeth Ross and Leratong both had such protocols, Johannesburg General did not.

All three facilities said they were able to offer some form of counselling service to rape survivors.

- At Johannesburg General these services were provided by social workers and psychologists at the hospital. This assistance was described as limited.
- Similarly, Leratong referred victims to the social worker and lay counsellors at the hospital.
- Elizabeth Ross had access to a social worker from the Department of Social Development who was based in the hospital's crisis centre.

At Johannesburg General the after-hours service was provided by one individual, while at Elizabeth Ross it was provided by the medical and nursing staff on duty in the casualty department. At Leratong Hospital these services were provided by the trauma clinic in their crisis centre.

4. Concluding thoughts

The SOA was enacted in December 2007. Our monitoring, undertaken a year later, indicated that the implementation of both the Act, as well as other sexual offences policy, was not consistent across the government facilities visited. Only eight of the 34 stations visited, for example, had copies of all the documentation stipulated by the National Instructions. Further, a lack of knowledge around procedures relating to sexual offences was also evident, with levels of knowledge varying even within police stations. This makes effective help contingent upon who is on duty and available at any particular time.

Stations and courts had varying levels of access to resources. Some courts and stations appeared to have forged good links with community resources and had been able to improve their facilities accordingly, while others had little more than the basics. This suggests that some courts and stations were more invested in providing victim-friendly facilities than others. Randburg and Atlantis police stations, as well as Blue Downs court stand out in this regard.

Other examples of both indifferent and good practice were evident from the monitoring (such as Mitchell's Plain use of speed dialling facilities). These variations in practice and quality probably reflect more broadly upon the management of individual courts and police stations. Thus, informed and effective station and court management are also essential to ensuring the implementation of laws and policies.

We also noted that some courts and stations were critically evaluating their services and aware of their deficiencies. Sophiatown station for example, requested that we provide recommendations based on our monitoring around improving their victim support services. Indeed, following the monitoring, OUT had provided training to stations in the Pretoria area around understanding sexual orientation and responding appropriately to LGBTI victims.

Understanding of the needs of marginalised victims was limited, suggesting that these particular victims may be poorly served. This was evident in the conflation of mental illness with mental disability and the lack of attention to homophobia and its effect on individual officers' attitudes. Given mainstream religious views around homosexuality, referrals to religious bodies may not be terribly appropriate either.

Through this pilot campaign we tested an approach to monitoring the implementation of government policy. The exercise yielded useful information, as well as important lessons. While we had wanted to create a policy monitoring strategy that could be undertaken by anyone, this was not always the result in practice. While some organisations have been able to adapt the forms and repeat the monitoring in terms of their particular needs, others were not always able to collect the information accurately. This also reflected varying levels of knowledge of policies and laws amongst organisations, which was also reflected in some of the responses received from organisations staffing station trauma rooms. This alerted us to the need for more intensive training and supportive supervision of monitors in future. This is particularly so in relation to standards, which can become very relative.

A number of activities now flow from this exercise, not least being the follow up of gaps identified by the monitoring. For example, OUT embarked on training, while the Teddy Bear Clinic and Tshwaranang met with Gauteng Department of Community Safety to discuss how their victim empowerment programme could address the challenges identified at stations. Certainly there is a need to develop a provincial policy around the support to victims of sexual offences offered at police stations. This includes identifying

the minimum standards for the provision of victim empowerment services; trauma room standards; training standards; and service provider/NGO/volunteer standards.

Finally, the pilot campaign provided a baseline against which to measure progress in implementing sexual offences policy and law. It also showed how much still needs to be done for the promise held out by policy and law to be realised. This requires the monitoring to be repeated on a regular basis.