



Achievements 2015

Introduction

The Shukumisa Campaign was launched in 2008 by members of the National Working Group on Sexual Offences (NWGSO). The NWGSO was originally formed in 2004 to advocate around the proposed Sexual Offences Bill. When the Criminal Law [Sexual Offences and Related Matters] Amendment Act no. 32 of 2007 (Sexual Offences Act) was passed in late 2007, the NWGSO turned its focus to the implementation of the Sexual Offences Act and reformulated itself as the Shukumisa Campaign.

The Shukumisa Campaign aims to stir and shake up public and political will to develop and implement policies and strengthen laws related to sexual offences in South Africa. It periodically carries out monitoring at police stations, health facilities and courts to determine the extent to which government departments and service providers are meeting their commitments to providing services to victims of sexual offences.

The Shukumisa Campaign consists of 50 member organisations and four individual members across South Africa who work towards combatting sexual violence. The coalition is a mixture of community-based service organisations, research institutions and legal services. Our members work with adults, children, people with disabilities, sex workers and the lesbian, gay, bisexual, transgender and intersex community.

Shukumisa's success is based on the collaborative nature of its work, at times implementing projects through centralised funding and at others drawing on the collective resources to implement joint projects. It is Shukumisa members leading the different projects and advocacy action.

The coalition is governed by a steering committee comprising of 10 organisations plus the hosting organisation. Its coordination is housed at the Rape Crisis Cape Town Trust (RCCTT) and is assisted administratively by RCCTT and the Tshwaranang Legal Advocacy Centre (TLAC).

The Shukumisa Vision

We have a vision of a South Africa with well crafted, well implemented sexual offences legislation and a strong criminal justice system that supports rape survivor's access to justice and provides a clear deterrent to rapists.

The Shukumisa Mission

Our mission is to ensure that South African society takes the problem of rape seriously and does not tolerate stereotyped or prejudicial attitudes about rape; that civil society organisations are well resourced and engage in joint advocacy initiatives, and services to rape survivors are well resourced and well implemented; that laws, policies and systems are strengthened and improved; that conviction rates for rape are increased and there are more appropriate sentences for rapists.

Strategic objectives

- The Sexual Offences Act is well drafted
- The Sexual Offences Act is properly implemented
- The criminal justice system is strengthened and delivers high quality services that enable victims of sexual offences to access justice
- Civil society organisations have the capacity and resources to deliver high quality services and engage in joint advocacy
- The public is aware of the prevailing myths and stereotypes about rape and sexual offences

Advocacy Activities

A sustained campaign by a coalition of civil society organisations that will:

- Develop an evidence base about problems with the implementation of Sexual Offences related legislation and policy;
- Develop recommendations based on a strong analysis of the evidence gathered;
- Identify relevant stakeholders groups in order to present the evidence that can influence decisions that support these recommendations
- Identify platforms for engaging the identified stakeholders and make use of these platforms
- Develop a media strategy to enhance public awareness and involvement in influencing these stakeholders

These advocacy activities are divided into four themes:

1. Strengthening Law and Policy
2. Strengthening the Criminal Justice System
3. Strengthening the Gender Based Violence Sector
4. Strengthening the Shukumisa Campaign and Coalition

1. Strengthening Law and Policy

Engaging the Portfolio Committee on Justice and Correctional Services

The Shukumisa Campaign made a written submission to the Parliamentary Portfolio Committee on the Amendments to the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 in February 2015. This bill dealt with the criminalisation of adolescent sexuality and placement of the names of child offenders on the sex offender register. Shukumisa members presented their submissions at public hearings during March 2015.

In May Shukumisa members Rapcan and the Omar Dullah Institute (formerly known as the Community Law Centre) attended a parliamentary portfolio committee meeting at which it agreed to a version of the bill which reflected the submissions of civil society, including *Shukumisa*. The bill made:

- Changes to section 15 and 16 to ensure that adolescents are not criminalised for consensual sexual activity.
- Changes to the sections of the Act to prevent the automatic placement of convicted child offenders on the sex offender register.

After the amendment Bill was sent to the National Council of Provinces, the Select Committee on Security and Justice voted to pass it without any changes on 18 June 2015. The debate is on YouTube. The consideration of the bill starts at 4hrs 35 min into the video <https://www.youtube.com/watch?v=L8weJTt6f1Y>. The statements by the MPs reflect the 'key messages' document that was compiled and shared among Shukumisa members - making sensible statements that criminal law is not the place to deal with our moral issues about adolescent sexuality. The success of this effort was the power of members repeating similar clear messages to the different structures during the long process of reviewing the Bill. The version that was accepted as the amendment is a big improvement compared to what the DoJ & CD had originally put on the table.

The Act was amended on 7 July 2015 Act No. 5 of 2015: Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act, 2015

Engaging the Department of Justice and Constitutional Development

Following our submissions and engagements with the legislatures regarding the formalisation of Sexual Offences Courts in 2014, in November 2015 the Shukumisa Campaign sent a written submission to DoJ & CD on the Regulations Relating to Sexual Offences Courts as well as the Draft National Strategic Implementation Plan for the Re-Establishment of Sexual Offences Courts to the DoJ & CD. Shukumisa received an email, that our input is highly appreciated. We are awaiting the final versions of the documents to assess the impact of our submissions.

Engaging the Civilian Secretariat for Police (CSP)

Resulting from provincial consultations around the content of the policy of *Reducing Barriers to Reporting Sexual Offences and Domestic Violence* at which Shukumisa members participated in 2014 and 2015, the CSP launched the policy in August in Nyanga. The Shukumisa Campaign was given a slot at the launch event and Sanja Bornman from the Women's Legal Centre addressed the audience on behalf of Shukumisa.

Shukumisa published a press statement after the launch event, welcoming the new CSP policy and the involvement of civil society organisations in drafting them.

It is important to note that the SAPS's performance appraisal system is directly linked to the number of rape cases opened at the station, hence a reduction in rape statistics only reflects a reduction in reporting, not a reduction of incidents.

In October Shukumisa sent a letter to the Minister of Police appealing to make the full, final versions of these policies publically available in inclusive formats that take into consideration the various levels of literacy in South Africa. No response was received by the end of 2015.

Shukumisa attended a round table organised by African Policing Civilian Oversight Forum (APCOF), the Women's Legal Centre (WLC) and Sonke Gender Justice to present and discuss Joy Watson's paper *The role of the State in addressing sexual violence: Assessing policing service delivery challenges faced by victims of sexual offences*.

In response to the round table, Shukumisa organised a meeting for GBV organisations to discuss the White Paper on Security and Safety (WPSS). Participants discussed and drafted an input from civil society organisations. The Heinrich Boell Stiftung hosted this meeting at their offices in Cape Town. A joint submission on the Draft WPSS was sent to CSP on 18 September 2015.

Engaging the UN Special Rapporteur on Violence against Women (SRVAW)

In February 2015, Shukumisa responded to a call by the SRVAW, Ms Rashida Manjoo to engage with civil society organisations ahead of her visit. We submitted a letter with a guiding document to the Shukumisa Dossier compiled in 2014, which serves as a resource on available documents relating to the formulation and implementation of legislation and policies pertaining to Sexual Offences in South Africa.

In May 2015 Shukumisa members TLAC and WLC sent a letter to the Parliamentary Portfolio Committees on Justice and Correctional Services, Police, Social Development and Women to address the cancellation of the visit of the SRVAW to South Africa. This was followed up by another letter in June, with Shukumisa expressing its disappointment and concerns over the cancellation. Shukumisa developed a template that was sent out to Shukumisa members encouraging them to fill in their logo, organisations name and signature and send to same portfolio committees. Letters were sent by Rapcan, Grip and Jaw. No response was received.

In November Shukumisa and the Wits Centre for Applied Studies (CALs) sent a letter to the SRVAW, Dr. Dubravka Šimonović, welcoming her visit to South Africa and signalling our availability as CSOs to meet and engage with her.

Shukumisa together with CALs coordinated her visit to Wits University which was attended by Wits Institute for Social and Economic Research (WiSER), Sex Workers Education & Advocacy Taskforce (SWEAT), People Opposing Women Abuse (POWA) and NISAA. Other meetings attended by Shukumisa members included one in Diepsloot organised by Sonke Gender Justice, Africa Tikkun and Lawyers for Human Rights, one at the Nonceba Centre in Khayelitsha organised by Nacosa, and one in East London organised by Masimanyane.

2. Strengthening the Criminal Justice System

Monitoring the SAPS and DoJ & CD

In order to track the implementation of policies and laws that provide services to victims of sexual offences, the Shukumisa Campaign initiated a monitoring project to examine the extent to which the South African Police Service (SAPS) and the Department of Justice and Constitutional Development (DoJ&CD) had met their commitments. The project was initiated in 2008 and has produced annual monitoring reports since then.

The monitoring report for 2013 – 14 focused on SAPS stations in Gauteng, the Western Cape, Eastern Cape and KwaZulu Natal. The Teddy Bear Clinic (TBC) compiled the report of quantitative and qualitative data about police stations' compliance with provisions of the Sexual Offences Act (SOA) and the National Instructions published in terms thereof. An editor was appointed to edit the overall report and to split it into separate provincial chapters. The editor also compiled recommendations for advocacy action as well as for future monitoring initiatives.

Responding to the Release of SAPS Crime Statistics

In August the Institute for Security Studies (ISS) invited Shukumisa to participate in a civil society consultation to discuss a collective response to the data given by SAPS, and to discuss the options for encouraging cabinet to review the current policy.

This initiative resulted in an organised media response after SAPS released the annual crime statistics in September. It included Shukumisa members GRIP – Rape Intervention Programme, Thohoyandou Victim Empowerment Project (TVEP), Voice Movement Therapy (VMTEC), Women's Legal Centre (WLC), Ekupholeni, Teddy Bear Clinic (TBC) and Lisa Vetten (Gauteng). They were interviewed by Ndalo Media, Eyewitness News, Cape Talk, Sunday Times and eNCA.

The Daily Maverick published a fact sheet by ISS that was *prepared in collaboration with the Shukumisa campaign* - <http://www.dailymaverick.co.za/article/2015-09-29-factsheet-south-africas-201415-assault-and-sexual-crime-statistics/#.VsxPDvl97IU>

In November Shukumisa sent a letter to the Minister of Police, copied to the Portfolio Committee of Police and Statistics South Africa, to raise a number of queries in relation to the 2014/2015 sexual offences statistics, as well as other matters related to figures for crimes against women and children. In addition to Shukumisa members the letter was also endorsed by the Governance Crime and Justice Division of the Institute for Security Studies (ISS), Save the Children South Africa and the Gender and Health Research Unit of the SA Medical Research Council (MRC). Shukumisa received a prompt response from Statistics SA in relation to the Victims of Crime Survey (VOCS) – the sensitive nature of reporting sexual offences and the care that is necessary when comparing data between different years.

In December Shukumisa sent a letter to the Acting National Commissioner of SAPS welcoming his statement on the inconsistencies in the crime stats at the Police Portfolio Committee meeting in November.

16 Days of Discontent Campaign

During the 16 Days of Activism, Shukumisa asked the big question *what has changed from the previous year's 16 Days of Activism to this year?* Shukumisa produced 12 fact sheets to show that not as much has changed as it should have. The fact sheets focused on the care and the quality of services provided by government departments and organisations to victims of violence. They served as score cards rating the different institutions. They also brought to the fore some forgotten draft laws and policies, explored new possibilities for curbing violence against women and made suggestions around how South Africans can work towards ending it. The factsheets were widely shared via email, Facebook and Twitter and reached up to 3 600 people in one day and were shared up to 42 times on FB. Radio 702 featured the fact sheets in daily slots and interviewed various Shukumisa members.

3. Strengthening the Gender Based Violence Sector

Lobbying the Department of Social Development's (DSD) funding practice

In 2014, Shukumisa member, the Women's Legal Centre (WLC), got an advocate's (counsel) advice to explore the possibility of a legal opinion regarding the possibility of launching a legal challenge to the manner in which the state provides funding, or fails to provide funding, to organisations that provide post-rape care services. WLC compiled a chronological memorandum in January. Throughout 2015 the steering committee discussed the matter.

In November Shukumisa organised a strategic care work meeting with 20 organisations made up of Shukumisa members and other networks. Participants identified problems and proposed solutions around government funding for the care work that their organisations provide. They also developed strategies for better access to funding and how to demand accountability and action from government departments. Subsequently this workshop resulted in the Joint Gender Fund providing a grant for this work to be continued in 2016.

Engaging the DSD/DPME for the NPO Regulatory System

The Department of Planning, Monitoring Evaluation (DPME) and DSD embarked on the evaluation process of the NPO Regulatory System, carried out by DNA Economics. DSD decided to conduct a comprehensive review of the legislative framework and management systems that affect NPOs, including current delivery models used by different departments. The evaluation is aimed at to strengthen partnership between government and NPOs, particularly those focused on the provision of services to marginalised communities. The evaluation will provide substantive material to inform finalisation of the NPO policy and restructuring government partnerships with NPOs to improve access to services and fulfilment of socio-economic rights for disadvantaged communities. Lungile Kubheka (GRIP) and Christina Nomdo (RAPCAN) were nominated to represent the Shukumisa Campaign in this process. DNA Economics piloted questionnaires and compiled a literature review and evaluation framework.

Shukumisa assisted DNA Economics in identifying two organisations based in Johannesburg and working with children and substance abuse. DNA Economics piloted the questionnaire with Girls and Boys Town and Lifeline to see if the questions were easy to understand and follow and if they were comfortable for the interviewee. Shukumisa further assisted by sharing the members' database as the evaluators struggled to get hold of reliable data.

Researching the Thuthuzela Care Centre (TCC)

Shukumisa completed and published a comprehensive research into the Thuthuzela Care Centres (TCCs). The reports describes post-rape care provided by organisations based within the TCCs with a specific focus on emotional support services provided by NGOs, and identifies factors shaping these services. The TCC report was launched at the ActionAid South Africa office in Johannesburg in June. http://shukumisa.org.za/wp-content/uploads/2015/11/Shukumisa_TCC-Report.pdf

NACOSA (Networking AIDS Community of South Africa) published guidelines and standards for the provision of support to rape survivors. The development of the guidelines were informed by workshops that were conducted by NACOSA and formed part of the TCC research. Some of the organisations who were part of this process are Shukumisa members. <http://shukumisa.org.za/wp-content/uploads/2010/11/guidelinesstandardsrapesurvivors.pdf>

Implementing the Young Urban Women (YUW) Programme

Shukumisa works in collaboration with two partner organisations – Afrika Tikun in Johannesburg and Wellness Foundation in Cape Town. Shukumisa plays the role of an advocacy advisor to the groups of YUW that are managed by the two organisations. Shukumisa conducted three advocacy workshops with YUW in Cape Town and Johannesburg. One of the workshops included a visit to the TCCs at the Khayelithsa District Hospital and explored the accessibility and youth friendliness of the centre. The other two workshops focused on experiences by YUW in relation to sexual reproductive health rights (SRHR). The workshops resulted in advocacy action plans for the various YUW groups. Workshop reports and action plans are available on request.

Shukumisa facilitated the attendance of YUW at various events. In Cape Town YUW attended the CSO summit organised by GHJRU, the budget speech of the Department of Social Development, the CSP policy launch, Joy Watson’s research launch organised by Apcof, WLC and Sonke, the CGE and HRC community engagement in Atlantis, the Shukumisa workshop on drafting the submission for the WPSS. In Johannesburg YUW attended the TCC research report launch and a YUW session prior to the launch, a gender seminar at Wits University, and different events at TLAC as part of their breakfast series on GBV.

The following Shukumisa members in both cities subsequently became more involved with the YUW programme to explore possibilities for collaboration: NISAA, TLAC, Sonke Gender Justice, Rape Crisis Cape Town Trust, Rapcan, Mosaic, Aids Learning Network and WLC.

Seven YUW attended the session ahead of the TCC report launch in June to learn about the purpose of the research and the importance of TCCs. YUW discussed how this research can be of use to them. It was decided to embark on a project to simplify the research report into a youth friendly booklet.

4. Strengthening the Shukumisa Campaign and Coalition

Membership & Administration

38 members attended the 1 ½ day general Shukumisa Members Meeting in April in Johannesburg. A face-to-face steering committee meeting was held after the general members meeting.

Steering committee tele-conferences were held in January, March, July (two), October and December. Minutes of the meetings were shared with all members from April onwards as per resolution at the general members meeting.

The terms of references and the membership form were amended in April in accordance with resolutions taken at the general members meeting.

The website got a facelift in October and some of the links were optimised.

Note: Submissions, letters, fact sheets and reports mentioned in this document are available on request.