

## PLANS (Cont)

### ADVOCACY

- National commemorative days
- Awareness Raising programme

### CAPACITY BUILDING

- Government's training programme
- Civil society training
- Local government capacity building strategy

## CHALLENGES

- Lack of cohesiveness within the disability sector
- Strengthening of institutional arrangement and capacity (Structures)
- Placement and location of focal points
- Formulation of a uniform working national machinery (Restructuring)

## SUPPORT REQUIRED

- Request Minister and DG to support the process of creating cohesiveness and stronger leadership within the sector
- DG to assist at FOSAD level to encourage better collaboration with OSDP, e.g. attainment of employment equity targets, mainstreaming of disability at local government level and focal points

## SUPPORT REQUIRED (Cont)

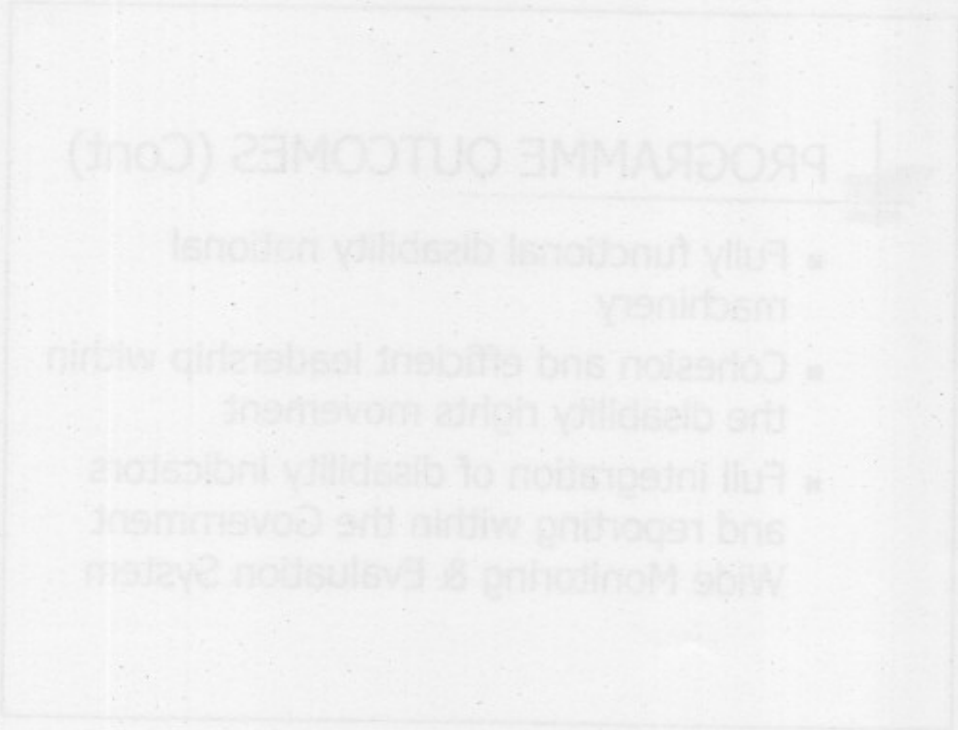
- Minister and DG to support the OSDP process of restructuring

## PROGRAMME OUTCOMES 2009

- Full implementation of the INDS and disability policy framework
- Ratification and implementation of the UN Convention
- Full implementation of the Continental Plan of Action of the African Decade in 15 countries

## PROGRAMME OUTCOMES (Cont)

- Fully functional disability national machinery
- Cohesion and efficient leadership within the disability rights movement
- Full integration of disability indicators and reporting within the Government Wide Monitoring & Evaluation System





Attention: The Committee Secretary: Ms Phumelele Sibisi  
Email address: [psibisi@parliament.gov.za](mailto:psibisi@parliament.gov.za)

Date: 29 August 2006

RE: SUBMISSION TO THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMMENDMENT BILL

INTRODUCTION:

1. Childline Gauteng has rendered preventative and counselling services to children who have been subjected to sexual abuse for more than 18 years. We are therefore in a good position to comment on issues relating to sexual abuse.
2. Childline Gauteng receives thousand of calls annually on our crisis line that relate to the sexual abuse of children. We have counselling services in Johannesburg, Soweto, Sebokeng, Katlehong and Tembisa and most of those cases are related to sexual abuse of children. Our Child Rights and Responsibility Programme focuses on prevention of abuse in schools and thousands of children are reached every month.

COMMENTS OF THE BILL

POSITIVES

1. The definition of rape in chapter 2 includes both genders and includes oral, vaginal and anal sexual penetration. This is a great improvement on the previous definition.
2. The behaviours contributing to the sexual exploitation of a child is comprehensively described in Chapter 3. The same can be said for Chapter 4, which deals with the sexual exploitation of a mentally disabled person.
3. Section 56 (Chapter 7) for extra territorial application, which means that South Africans who commit sexual offences against children abroad can be prosecuted.
4. Part 2 of Chapter 7 is very appropriate in that it provides for a National Policy Framework, the establishment of an Intersectoral Committee and describes the responsibility,

duties and functions of the committee. This will promote a coordinated approach by everyone who deals with sexual abuse.

## CONCERNS

1. The Bill is written in complex language and it is recommended that it is translated into a more user-friendly style of language. Section 16 and section 17 (Chapter 3) is particularly difficult to read and understand.
2. Chapter 5 (Section 30 to 35) is welcomed, but it is of concern that the treatment provisions are so limited. It only provides for the victim to receive PEP for HIV infection. Other important medical services should also be included, as well as treatment to address psychological trauma to the victim.
3. It is of great concern that there is no provision for the treatment and monitoring of sexual offenders. Long term treatment and monitoring of offenders, promotes the prevention of further offences and also assists with the management of the problem of child sexual abuse.
4. With regards to the use of an intermediary, it is strongly recommended that all children have the right to use an intermediary automatically, to avoid further trauma to the child. This decision is presently being made by magistrates and judges who seldom understand the developmental stages and vulnerable nature of children. It is also felt that the cross-examining of children by alleged sexual offenders should be prohibited, to avoid further trauma to the child.
5. There is no evidence that children's evidence is less reliable than that of adults, so it is very strongly recommended that the cautionary rule relating to the evidence of children be abolished.
6. Chapter 6 deals very extensively with the National Register for Sexual Offenders. There are two concerns here:

- ❖ International Research into the effectiveness of such registers indicates that they have not successfully contributed to the protection of children.
  - ❖ The children's Bill (December 2005) provides for a similar and much broader register and it is felt that duplication is unnecessary and costly.
7. It is also felt that the provision of a support person (i.e. family member, social worker or counselor) should be included in the bill, to support the child through the process of testifying in court. It is also recommended that the bill provide for the appointment of a "Watching Brief" to ensure that all judicial procedures are followed correctly. Perhaps then, we will have more convictions and justice for victims

Thank you for the opportunity to comment on the Bill

Yours Faithfully

Aileen Langley  
HOD - Children's Services - Childline Gauteng

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Thank you for the opportunity to comment on the Bill.

Yours faithfully,

Aileen Lavelle  
HOD - Children's Services - Children's Safeguarding





