

CHAPTER EIGHT

8. Recommendations

8.1 Key Recommendations

1. To develop a system that is premised on the best interests of the child and thus is child friendly.
2. Sexual violence against children should be treated as a priority by government at national, provincial and local levels and criminal justice agencies involved in the fight against crime.
3. National government needs to fast-track the legislative review process on the Sexual Offences Act, the Child Care Act, the Child Justice Act, as well as relevant aspects of the Criminal Procedure Act currently under review at the South African Law Commission.
4. The Gauteng Programme of Action for Children (GPAC) should initiate a process aimed at improving and harmonising the National Policy Guidelines for Victims of Sexual Offences and the Multi-disciplinary Child Abuse Protocol and should confirm the status of the Protocol.
5. GPAC to immediately develop an effective strategy for improving systemic responses to child sexual abuse. Such a strategy should:
 - 5.1 address the effective implementation of the Multi-disciplinary Protocol and the National Policy Guidelines for Victims of Sexual Offences by all role players bound by these documents;
 - 5.2 include a strategy for training all personnel working in these agencies on procedures for the management of child sexual abuse as set out in relevant legislation, the Multi-disciplinary Protocol and the National Policy Guidelines for Victims of Sexual Offences. Training should include child development and other psychological issues pertaining to children; and
 - 5.3 ensure that the Multi-Disciplinary Protocol and the National Policy Guidelines is distributed to all officials involved with the management of sexual violence cases against children.
6. Post exposure prophylaxis (PEPs) to be dispensed to child victims of sexual violence in all cases.
 - 6.1 Information on the sustainability of PEPs to be widely distributed.
7. The Gauteng government needs to ensure the monitoring and evaluation of the implementation of the Multi-disciplinary Protocol and the National Policy Guidelines on an ongoing basis.
8. Systems to be put in place to ensure the filtration of information among role players involved in the management of sexual violence against children at all levels of government.
9. More resources, both financial and human, to be made available for the implementation of the strategy referred to in 4.
10. An express rollout of specialised sexual offences courts.

8.2 Specific recommendations

The SAPS

1. Police officers have to be alert to the psychological context of children at all times when dealing with sexually abused children and to adapt their investigation procedures to accommodate the child's development and the best interest of the child at all times.
2. All police officers in Gauteng should undergo basic training on the management of child sexual abuse cases. A module on child sexual abuse case management should be included as a module in training for new police officers.
3. All police officers to take appropriate measures to improve the quality of statements taken from complainants when a case is reported.
4. Police management at station level to ensure strict observance of policies and procedures by all police officers handling child abuse cases and take appropriate action in the event of transgression of National Police Instructions.
5. Police officials must refrain from the practice of handing J88 forms and crime kits to sexually abused children and their parents/caregivers and should ensure that all forensic evidence is procedurally handled. Disciplinary measures to be taken against non-compliance.
6. All reported sexual abuse cases should be treated seriously and without prejudice, particularly cases involving children between the ages of 12 and 17. This refers particularly to young persons who report.
7. Appropriate measures should be taken to ensure the accessibility of CPUs in all areas. Such measures should include the establishment of satellite offices and the deployment of specialist police officers in remote areas.
8. Ongoing feedback should be given to sexually abused children and their parents/caregivers on the progress or otherwise of the investigation and they should be informed about material and relevant information. Ensure that the abused child his/her parents/caregivers or any other person not to withdraw a child abuse case once it is lodged with the police, even where the child and his/her parents/caregivers do not want to continue with the case.
9. Ensure that secondary forensic evidence is collected in all cases even after the required 72-hour period has lapsed so that cases can still be prosecuted.
10. The investigating officer should work very closely with prosecutors when investigating cases from as early as when a decision to prosecute is made.
11. Ensure early intervention by social workers/psychologists or other support providers in all child sexual abuse cases.
12. Utilise the expertise of the forensic social worker.
13. Police officers need to be trained in sign language or have easy access to an interpreter.

Health Care Professionals

14. A comprehensive child sexual abuse training programme for all health care professionals should be put in place. All health care professionals and practicing doctors to undergo training. An accreditation system to be put in place for appropriately trained doctors.
15. All health care professionals to strictly comply with the Multi-disciplinary Protocol and the National Policy Guidelines when dealing with sexually abused

children including provisions relating to the treatment of sexually abused children.

16. The Health Care Professional Council to promote and provide education around the handling of child sexual abuse cases among their members.
17. Some of the current South African Qualifications Authority (SAQA) accredited training on child sexual abuse conducted by NGOs.

Department of Justice

18. Adopt a child friendly approach when handling child sexual abuse cases and to ensure that the best interest of the child are taken into account at all times during the prosecution.
19. The National Directorate of Public Prosecutions (NDPP) needs to monitor the compliance of National Policy Guidelines at all times when dealing with child sexual abuse cases.
20. There is a need for ongoing specialised training in child sexual abuse for all prosecutors.
21. Assess police statements, consult with the abused child and his/her parents/caregivers early and regularly during the investigation. Direct investigating officers to take a supplementary statement should the need arise.
22. The prosecution needs to investigate the possibility of establishing multidisciplinary teams prior to prosecution with a view to adopting a holistic approach to the case.
23. Professionals and expert witnesses who assist the court should not be kept waiting for unnecessarily long periods. If necessary specific times/days should be arranged for them to attend court to testify.
24. Ensure preparation of children before court and investigate the current programme with the NGO sector and establish partnerships.
25. Ensure that all proceedings are held in-camera.
26. The NDPP should fast track the process of establishing fully equipped sexual offences courts in all major centres and needs to equip all courts with child friendly facilities e.g., close circuit television and one-way mirrors.
27. The Department of Justice should take appropriate measure to reduce the high turnover rate in the prosecutors' profession and retain those already in their employ.
28. Ensure that separate waiting rooms are provided for victims and perpetrators.

Magistrates

29. The Magistrates Commission needs to investigate undue delays in the handling of cases and should use appropriate mechanisms to deal with these delays.
30. Apply measures provided for in the Criminal Procedure Act for vulnerable witnesses in all cases involving sexually abused children.
31. The Justice College should extend its training on child sexual abuse to all magistrates in Gauteng.

The Legal Profession

32. Attorneys should refrain from further traumatising sexually abused children during trial and should balance the interest of their clients against that of the

sexually abused child in a manner that reflects respect for section 28 of the Constitution.

33. The Law Society of the Northern Province needs to ensure that attorneys who defend persons accused of child sexual abuse are adequately trained to understand the child's development.
34. The Legal Aid Board should take the necessary steps to fast track legal aid in all child sexual abuse cases.

Social Workers

35. More resources should be allocated to the Department of Social Services to ensure the improvement of the quality of services offered to sexually abused children.
36. The Department of Social Welfare needs to make support services available to sexually abused children. Measures should be taken to ensure that all social workers, including those in private practice and forensic social workers, are given the mandate to engage in statutory social work.
37. The Department of Social Welfare should take measures to ensure that training for social workers is standardised and coordinated and that an accreditation system is put in place for institutions and individuals conducting training.
38. The Department of Social Services to provide accessible and well-resourced places of safety.

The Department of Education (DoE)

39. The Department of Education needs to ensure strict compliance of sexual harassment procedures in schools.
40. Teachers to strictly comply with their statutory duty to report child sexual abuse where it is brought to their attention.
41. There should be ongoing education of learners around issues of child sexual abuse. The DoE to look at current work being done by NGOs in the field.
42. Teachers to be trained to identify possible victims of child sexual abuse.
43. Learners to be informed of the procedures of reporting sexual abuse at school.

The Gauteng Programme of Action for Children (GPAC)

44. GPAC to embark on a vigorous campaign to promote and publicise their programmes.
45. There needs to be a wider distribution of GPAC materials that relate to child sexual abuse.
46. Ensure a sustainable multidisciplinary approach for the management of sexual violence against children by all role players.

National and Provincial Government

47. The Department of Social Services, SAPS, CJS should hold a workshop/seminar to investigate the viability of keeping a national register on child sexual abuse.
48. Ensure that there is a sufficient pool of trained intermediaries in all magisterial districts.

49. Develop sustainable post-trial interventions for children who have been sexually abused.
46. Ensure the establishment of a temporary place of safety in every area.
47. Because funds and resources are limited, efficiency is essential. It is therefore an economic necessity to appoint persons already involved in working with sexual offences to co-ordinate the changes needed to improve the children's plight and gather information, and also evaluate the efficacy of such proposed interventions.

South African Human Rights Commission (SAHRC)

50. The SAHRC should facilitate a consultative meeting on the report and share contents of the report with all relevant role players.
51. Strengthen the focal point for children within the SAHRC.
52. Develop a training module on child rights with an emphasis on child sexual abuse.
53. Continue to monitor programmes of GPAC and recommendations set out in this inquiry.