

State mulls changes to sex offences law – Jeffery

The Department of Justice is mulling legislative changes to ensure successful implementation of the Sexual Offences and Related Matters Amendment Act, says a [TimesLIVE](#) report. Deputy Minister of Justice John Jeffery, reporting back on a two-day national forum on the implementation of the sexual offences legislation, held last month, said 'although there was some agreement that the current legislative framework is sufficient to provide for the effective implementation of the Act', **two areas of implementation 'need to be evaluated and possibly amended'. These include some technical details around the competency of children to testify, as well as the state's right to appeal on matters of fact.** Jeffery said the competency assessment of children to testify in court revolved particularly around section 164 of the Criminal Procedure Act. This section states witnesses who don't understand the nature and the import of the oath can still testify without taking the oath, so long as they are 'admonished to speak the truth' by the presiding officer. Jeffery also noted potential legislative changes would focus on extending the state's right to appeal cases on matters of fact. Currently, appeals by the state can only be lodged on matters of law. Gender violence researcher Lisa Vetten said that in comparing data from a 2003 study conducted in Gauteng with 2012 data, there had been little change in the number of arrests, cases referred to the courts, or convictions. 'So in those first four of five years of active implementation, there hadn't been very much change at all, in Gauteng at any rate,' she said.

Rape allegations against SA Football Association boss Danny Jordaan were raised when the importance of immediate reporting of rape was highlighted. Jeffery encouraged the immediate reporting of incidents of rape. 'I'm not sure why she didn't report it immediately but I can well understand that many women would not want to report a rape for various reasons. But the problem is, it does make it more difficult getting a conviction,' Jeffery said in response to questions from the media about the Jordaan allegations, notes a [News24](#) report. Former ANC MP and singer Jennifer Ferguson accused Jordaan of raping her 24 years ago at a Port Elizabeth hotel. During an interview on *Radio 702* last month, she said she was considering legal action. **During the radio show, it emerged that two other women, who have not disclosed their identities, have also accused Jordaan of sexually inappropriate behaviour.** Jordaan has denied Ferguson's allegations. Jeffery said he did not know the facts of the matter relating to Ferguson and Jordaan, but added that he had read about the allegations and Jordaan's response. 'One would hope that charges will be laid against Mr Jordaan so the law can take its course.'

Although 72% of sexual offences prosecuted lead to convictions, more needs to be done, head of the National Prosecuting Authority's unit for sexual offences, Advocate Thoko Majokweni, is quoted as saying in a [Beeld](#) report. Majokweni said **the conviction rate was far higher than in 1999 when only 48% of prosecutions ended in a conviction**, but conceded that they 'have to do more'. Jeffery says the prevalence of sexual crimes remain unacceptably high. In 2016/17, 49 660 sexual offences were reported to the police, but the actual figure is believed to be much higher.