

**REMARKS BY THE HONOURABLE MINISTER FOR JUSTICE AND
CONSTITUTIONAL AFFAIRS, HON. P. SHAKANTU DURING THE LAUNCH OF THE
IMPLEMENTATION OF THE SEXUAL OFFENCES AND DOMESTIC VIOLENCE ACT
2018 BY THE JUSTICE SECTOR, ON 11 OCTOBER, 2018 - HILTON GARDEN INN**

THE PRINCIPAL SECRETARY

REPRESENTATIVE OF THE NATIONAL COMMISSIONER OF POLICE

REPRESENTATIVE OF THE COMMISSIONER GENERAL, HIS MAJESTY'S
CORRECTIONAL SERVICES

DIRECTOR OF PUBLIC PROSECUTIONS

REGISTRAR OF THE SUPREME COURT

REGISTRAR OF THE HIGH COURT

THEIR WORSHIPS, THE MAGISTRATES

PROSECUTORS

LADIES AND GENTLEMEN

I would like to express my utmost gratitude to all present in the first of many meetings where the justice sector strategizes on how to implement the Sexual Offences and Domestic Violence Act. I am saying many meetings because I am expecting reports on the implementation of the Act. This is more so as the sector plays a major role in the national effort to end gender based violence by ensuring that offenders are prosecuted and punished. In order to achieve this, the sector must create an environment where victims will feel affirmed and supported and thus will exercise their right to report crimes that have been committed against them as they will have confidence in the criminal justice system.

The Act makes provision that the cases under the Act be given priority. On that note, I urge the Registrar of the High court to ensure that the provision is complied with in respect of matters enrolled at the High court. Similarly, Magistrates and clerks of court are also expected to give priority to the cases. The spirit of the provision takes into cognizance a number of factors which include amongst others; witnesses (in particular victims) are to testify while the matter is still fresh in their minds and thereafter commence the 'healing' process, witnesses relocate to other areas and thus it becomes difficult and or cumbersome to locate them or in some instances not traceable at all which may result in charges being withdrawn against the perpetrator. Witnesses go through counselling immediately after being violated and start healing and then years later are called back to court where they are expected to recall and narrate events that occurred years back which results in secondary trauma. As years progress the status of the victims change in that some get married and do not disclose to their in laws or spouse what befell them years back. Thereafter, victim is served with a subpoena at the marital home to testify about a matter she never disclosed. This puts the victims in difficult situations which may end up negatively affecting them and thus the issue of expediting and concluding the criminal matters cannot be over emphasized as the system has to ensure that the victims receive adequate care and support while in the process of healing from the unfortunate and heinous crimes that befell them.

On the issue of bail applications, while I am aware of the presumption of innocence until proven guilty, I implore all of you to exercise professionalism by taking into consideration all the relevant factors by ensuring that the victims especially women and child victims are protected from the perpetrators until the matter is concluded in court. On that note, His Majesty's Correctional Services is requested to work in

involved in dispensing justice. The office must expedite to implement the electronic case management system as it will assist in the capturing of data, tracking the criminal cases from first appearance by the perpetrator in court until the matter is concluded. With this information in place, that is, the disaggregated data may then inform interventions on how gender based violence can be combated in the country.

Before, I conclude my remarks, may I express my sincere thanks and appreciation to UNICEF for the support in ensuring that this meeting takes place. I wish you fruitful deliberations as we plan on how to effectively implement the Act whilst mindful of the fact that as we are discussing, people are enduring different forms of abuse especially sexual and domestic violence, and we must bring this to an end.

THANK YOU