



The Centre for Research in Women's Health
790 Bay Street, 7th Floor, Toronto, Ontario, M5G 1N8, CANADA
TEL 416.351.3800 FAX 416.351.3746 E-MAIL crwh.research@utoronto.ca

February 18, 2003.

Ms Cheryl Gillwald (MP)
Deputy Minister
Ministry of Justice and Constitutional Development
Private Bag X395
Pretoria 0001
South Africa

Dear Ms. Gillwald:

We were very honoured that you were able to come and meet us at the Centre on February 6th, and as promised, I have appended a short summary of my notes on your visit. Given its brevity, we thought it most useful to facilitate exchanges with Drs. Du Mont and Badgley and Ms. Green on the very specific issues of sexual offences, but as a WHO Collaborating Centre in Women's Health, we have access to a range of other medical and social science specialists in women's health, with research, clinical and policy expertise, for example, in mental health, reproductive health, trauma, and infectious diseases, among other issues.

As Dr. Maclean indicated, since the March 2002 visit of the Gender Violence Team from South Africa, we have been eager to strengthen our linkages and share resources on this issue, in an exchange in which we both stand to gain. While we recognize the very substantial differences in our legislative and social contexts, we were particularly interested to hear of your alternative prosecution strategy, and would value any further information you could provide, in the event this is the kind of approach that might yield good results for us as well. In addition to the specific content expertise offered by Du Mont, Badgley and Green, among others at the CRWH, we have also found great interest among many international collaborators in the methodological design and consulting support available through our rather distinctive research facilitation office, an issue we were not able to touch owing to the shortness of your visit.

I would be pleased to assist in any further exchange and look to your advice as to how this might be best facilitated. I can be reached at by telephone at 1(416) 813-4706 or by e-mail at janet.maher@utoronto.ca.

Sincerely,

Janet Maher
International and Policy Development

cc. Mr. Blendynn Williams, Head, Deputy Minister's Office
Mr. André Jaquet, High Commissioner for Canada
Ms Carole Adriaans, President, South African Women for Women
Dr. Heather Maclean, Director, CRWH

South Africa

*Visit to Centre for Research in Women's Health, Toronto of
Ms. Cheryl E. Gillwald, Deputy Minister of Justice & Constitutional Development,
and Advocate Blendynn Williams
February 6th, 2003*

In attendance:

- Ms Cheryl Gillwald, Deputy Minister, Advocate Blendynn Williams, Head, Deputy Minister's Office (South African Ministry of Justice & Constitutional Development);
- Dr. Heather Maclean, Director; Ms. Terri Myhr, Research Manager; Dr. Janice Du Mont, Research Scientist; Dr. Robin Badgley, Senior Research Scientist Emeritus; Dr. Janet Maher, International and Policy Development Officer (CRWH);
- Ms Vivien Green, Coordinator (Toronto Woman Abuse Council);
- Ms Carole Adriaans, Ms K. Asha Maharaj, board members (South African Women for Women).

Ms Gillwald summarized current issues and the approach of her government relating to disposition of rape and sexual offences and their concern to address both care for victim and improve their record of prosecution of offenders. There is no established family court system, but they are undertaking some pilot projects on offences against children. Although those results are promising (in particular the work of a cardiologist whose data and contact information the Deputy Minister will forward), her ministry has concerns on the sustainability of this as a medium term strategy. Although there are separate ministries, the Prime Minister has a strategy of interdepartmental committees to address issues; the Department of Justice has the lead on making recommendations on sexual offences.

In a brief summary of earlier exchanges with health personnel on this issue, Carole Adriaans commented on her April 2001 visit and the return of a South African delegation to the CRWH in March of 2002. Included in the March 2002 visit were 2 Department of Health program directors, Ms Esther Chiane Maluleke, a specialist on gender violence and Ms Siyani Marima, the women's focal point; 2 physician-researchers with expertise in women's health and forensic pathology, respectively, Dr. Rachel Jewkes of the Medical Research Council and Dr. Lorna Martin of the University of Cape Town; Dr. Elma Kortenaar, Chair of Nursing, University of the Western Cape, and Dr. Nommo Stubbs, a front line physician from Grahamstown, and Ms Tanya Jacobs, Coordinator of the Gender Based Violence & Health project. In July 2002, Ms Sheila Macdonald of the Ontario Network of Sexual Assault and Domestic Violence Care Centres joined a counterpart from the British Columbia Centre for Women's & Children's Health to describe their practice for a conference of the Gender Based Violence & Health project. Dr. Du Mont has been invited to visit that group later this year.

Dr. Janice Du Mont described her recent research with the Ontario Network of Sexual Assault and Domestic Violence Care Centres—a group whose objective is in part to help women to navigate more easily the legal judicial system. Specialized nurse examiners have been trained for several years now in documentation of forensic evidence for use in the prosecution of offenders. Her research has examined the role of medical legal evidence in charge laying and conviction and the opinions and practices of health care professionals who collect it. Currently she is interviewing women who have been sexually assaulted about their experiences with the medical forensic evidence process. Findings to date suggest that the medical forensic evidence may not aid a woman's case to the extent intended, as the issue in Canada is less one of identification than of consent. For this reason, she believes it is important to maintain an ongoing evaluation of practice and process.

Dr. Robin Badgley spoke of his experience with a national inquiry he had headed in the early 1980s on the scope of sexual offences against children and young people. He noted that, as still persists in much of the world, the Canadian government took some persuading that this kind of activity was sufficiently widespread to require review. However, once they were persuaded, they ended up supporting the inquiry with 14 related studies. Recommendations were made in 4 broad categories:

- On going education of public and professionals and ongoing program of research
- National coordinating mechanism for action
- Criminal code amendments

- Continuing support for community agencies working on the issue.

In 1985 a program was set up which resulted in most recommendations being acted on by 1994. He provided the visitors with a copy of the executive summary of the inquiry report and volunteered to get contact data for Bernard Starkman, a key liaison on sexual offences in the Canadian Department of Justice. [Bernard Starkman, Senior Legal Advisor, Health Canada, POLICY DIVISION, Tunney's Pasture, Ottawa, Canada K1A 0K9; Telephone: (613) 952-2317; Fax: (613) 957-1204; Internet: bernard_starkman@hc-sc.gc.ca]

Ms Vivien Green of the Toronto Woman Abuse Council spoke briefly about Ontario's Domestic Violence Response Strategy and the Ontario experience with batterer programs which have been effective as part of a more comprehensive court diversion strategy for lower risk offenders. In Toronto these group programs are offered by a number of agencies in various languages, reflecting the racial and ethnic diversity of the city.

Dr. Heather Maclean concluded by offering to share the experience of and information available to the CRWH through its role in advancing research and policy in this area. She noted that she would continue to support linkages aimed at improving the safety and security of women in South Africa, and invited the visitors to continue to share information and information requests. She instructed Janet Maher to facilitate exchange of information among the visitors, CRWH researchers, and South African Women for Women.

February 17, 2003
JM