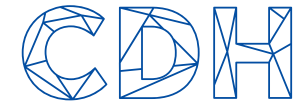


Pro Bono & Human Rights

ALERT | 18 July 2025



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SOUTH AFRICA

Deadly delays caused by SAPS' failure to confront crimes against children



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PRO BONO & HUMAN RIGHTS ALERT

Deadly delays caused by SAPS' failure to confront crimes against children

Every child in South Africa has a constitutional right to be protected from abuse, neglect and violence. However, two recent parliamentary meetings have laid bare a painful truth: the South African Police Service (SAPS) is failing to meet its constitutional obligations. Instead of serving as a safeguard, it is perpetuating a system where child victims of violence are failed at every turn through delays, mismanagement and indifference.

On 11 June 2025, the Portfolio Committee on Women, Youth and Persons with Disabilities and the Portfolio Committee on Police (Police Committee) held a joint meeting to interrogate SAPS' handling of gender-based violence and crimes against children. This was followed by a second Police Committee meeting on 25 June 2025, where SAPS considered its 2025/26 budget and its annual performance plan. Both sessions echoed a singular conclusion: SAPS is not only failing in its core mandate but doing so in ways that are deeply harmful to the most vulnerable in our society – our children.

A clear theme that emerged was SAPS' inability to respond effectively to crimes involving children with the urgency and competence required. This is partly due to **staffing shortages, broken forensic systems and gaps in police infrastructure.**

The Deputy National Commissioner of Policing (Deputy Commissioner) confirmed SAPS' ongoing reliance on private security companies in high-crime areas and highlighted critical gaps in personnel and resource allocation. At Florida Police Station, for instance, a severe shortage at junior management level persists, despite the station being tasked with serving densely populated communities. While new constables are expected to arrive in August 2025, the gap continues to compromise service delivery.

More concerning is SAPS' **dysfunctional forensic laboratory system**, which continues to derail investigations, particularly in sexual offences and murder cases involving children. Without timely processing of evidence, justice is delayed and often denied.

Evidence of SAPS' failures

The Deputy Commissioner's account of four separate child victim cases served as damning evidence of SAPS' failures:

1. Ivadene Louw, an innocent bystander, was shot in gang-related crossfire, in Helenvale, Gqeberha on 29 March 2025. The police at Gelvandale Police Station waited until 2 April 2025 to obtain witness statements and photographic evidence of the crime scene. The suspect, a known local gang member, was released on bail.
2. Tamiah Botha was reported missing to Paarl East SAPS in September 2022. Her body was found the next day. After an unsuccessful three-month investigation, the case was left dormant until it was transferred, two years later, to the National Cold Case Investigating Unit following a directive from the National Commissioner of Policing.
3. In the third case, a nine-year-old girl was reported missing and found on the same day. However, her recovery was due to an exceptional tactical response – not routine policing.
4. In the fourth case, a child's body was discovered the day after the child was reported missing. The matter was only investigated thanks to community pressure, with SAPS allegedly refusing to search for the child until local residents and media intervened.

These cases are not isolated. They are emblematic of a larger pattern of delayed action, insufficient resources and procedural failures.



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Further violations of statutory obligations were revealed during the 11 June meeting. Members highlighted SAPS' failure to serve protection orders within a 24-hour period, along with incomplete SAPS forms and general non-compliance with the Domestic Violence Act 116 of 1998.

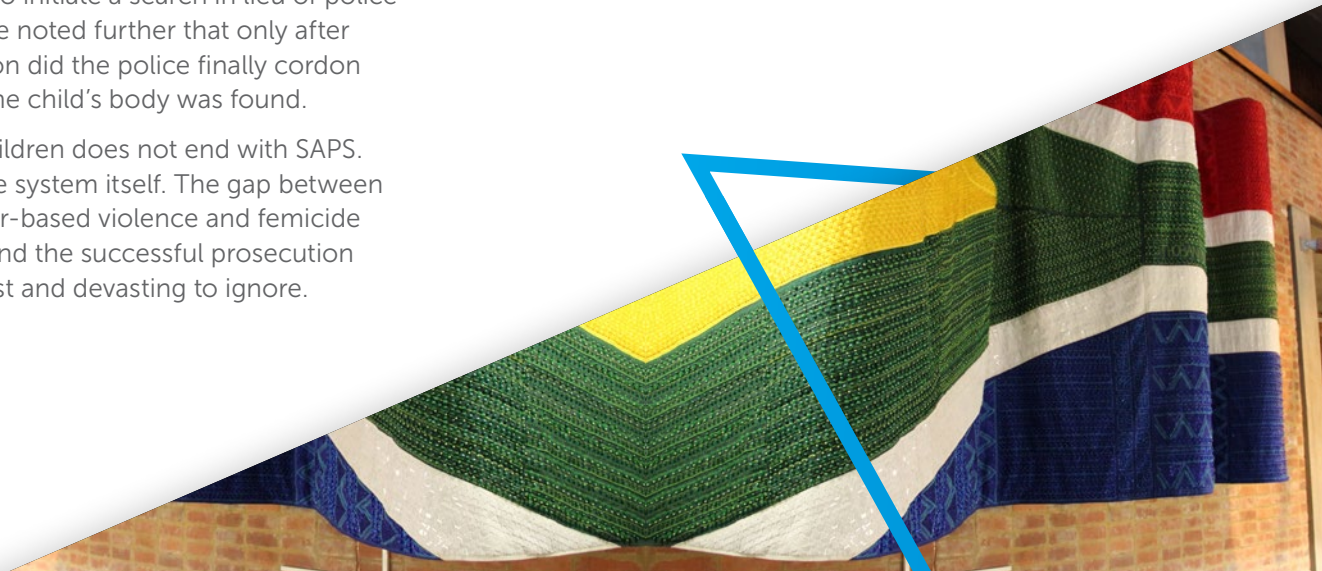
Moreover, SAPS' fourth quarter 2024 crime data was found to be inaccurate and unreliable, making it difficult to track trends or intervene meaningfully. This not only impedes accountability but actively undermines the national Gender-Based Violence & Femicide Action Plan.

Appalling statistics

According to Natalie Solomons from the Women Empowerment Platform, over 24,000 children were victims of violent crimes in the fourth quarter of 2024 alone, including more than 1,000 cases of child murder. She shared further details in the fourth case mentioned above, noting that SAPS asked the child's mother to produce a hard copy photograph of the child as the station did not have a working printer. She explained that the police failed to search the last-known location of the child, forcing the community to initiate a search in lieu of police presence or support. She noted further that only after there was media attention did the police finally cordon off the scene at which the child's body was found.

The failure to protect children does not end with SAPS. It extends into the justice system itself. The gap between the prevalence of gender-based violence and femicide and child victimisation and the successful prosecution of perpetrators is too vast and devastating to ignore.

One such case, currently being run by our Cape Town Pro Bono practice, highlights this institutional betrayal. We represent a young woman, D, who reported being raped by a man who had befriended her parents. At the time, her mother, financially dependent on the perpetrator, pressured D to withdraw her complaint. When D later sought to reopen the case, SAPS failed to investigate further. The Director of Public Prosecutions withdrew her case and declined to prosecute the perpetrator. When the matter was referred for internal review, the Acting Deputy National Director of Public Prosecutions upheld the decision to not prosecute – without any further investigation or fact-finding endeavours, relying solely on the original conclusions of the Director of Public Prosecutions. This occurred despite clear indications of coercion behind D's earlier withdrawal. In this case, SAPS failed in its duty to investigate, and the broader justice system compounded that failure by prioritising procedural finality over a child survivor's right to be heard and protected.



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Compounding trauma

As we have seen firsthand, this case illustrates how institutional failures compound trauma for all survivors of gender-based violence, adults and children alike. Rather than offering protection or recourse, the justice system punished our client for the survival choices she made under threat – highlighting a bureaucratic culture that values procedural neatness over substantive justice.

This raises a critical question, is SAPS fulfilling its constitutional obligations? The answer is, no. Section 28(1)(d) of the Constitution, 1993 guarantees every child the right to be protected from maltreatment, neglect, abuse or degradation. Section 205(3) further mandates the police to prevent, combat and investigate crime. Yet, by failing to respond swiftly to crimes, secure crime scenes, manage evidence effectively, support survivors and properly co-ordinate with other actors in the criminal justice system, SAPS is in clear breach of both its constitutional and statutory obligations.

The culture of delayed response, administrative indifference and broken co-ordination reveals a system that has normalised its own failure. Children are being failed not only by perpetrators, but also by the very institutions meant to protect them.

This is a systemic crisis that demands urgent reform. When institutions meant to protect children become complicit in their harm, the consequences are devastating, and the promise of justice becomes hollow. The constitutional commitment to safeguard every child from violence is not aspirational – it is binding. But as long as those tasked with upholding it continue to act with indifference or delay, South Africa will remain a country where children are betrayed by their abusers and the very systems designed to protect them. The time for excuses has long passed. What remains is a simple truth: we are failing our children, and it must end.

Brigitta Mangale, Elgene Roos and Sibonokuhle Baart



Chambers Global 2025 Results

Pro Bono & Human rights

Chambers Global 2025 ranked our Pro Bono & Human Rights practice in:
Band 2: Administrative & Public Law.

Jacquie Cassette ranked by
Chambers Global 2021–2025 in
Band 3: Administrative & Public Law.

OUR TEAM

For more information about our Pro Bono & Human Rights practice and services in South Africa, Kenya and Namibia, please contact:



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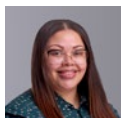
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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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