



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



PAPER 2/4

**TOWARDS A MONITORING TOOL
FOR SELECTIVE SITES IN THE
CRIMINAL JUSTICE SYSTEM**

COURT MONITORING TOOL

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PAPER 2/4 TOWARDS A MONITORING TOOL FOR SELECTIVE SITES IN THE CRIMINAL JUSTICE SYSTEM: COURT MONITORING TOOL

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1. INTRODUCTION

In respect of the justice sector, it is clear that effective justice delivery is fundamentally dependent on the **availability, functionality, and proximity of court facilities**. Courts must not only exist within reasonable reach of communities, but must also be equipped with appropriate infrastructure, staffing, and systems to deliver services efficiently. In addition, specialised courts such as the Sexual Offences Courts must comply with Regulations to ensure they provide services that limit the secondary victimisation of survivors of Gender Based Violence.

Court monitoring is therefore primarily a diagnostic tool that can be used by the Portfolio Committee on Justice and Constitutional Development, Select Committee on Security and Justice as well as individual Members of Parliament to achieve three interrelated objectives:

- **Oversight:** To strengthen Parliament's ability to conduct structured, evidence-based oversight of court performance and service delivery.
- **Operational.** To enable standardised data collection across courts, support real-time or near real-time reporting, and facilitate comparative analysis across jurisdictions.
- **Strategic.** To support long-term monitoring of trends, identify systemic challenges, and enhance accountability within the justice system through improved follow-up and reporting mechanisms.

This paper on a court monitoring tool (paper 2 of 4) identifies:

- Examples of international and domestic monitoring tools for both general courts as well as sexual offences courts, and lessons for application in the development of a Parliamentary tool
- A draft checklist to assist in the development of a general court monitoring tool (for Magistrates and Superior courts)

- A draft checklist to assist in the development of a monitoring tool for Sexual Offences Courts.

2. CONTRIBUTING TO A CAPABLE AND DEVELOPMENTAL STATE

To guide the work of the 7th Administration, the **2024–2029 Medium-Term Development Plan (MTDP)** sets out Government's strategic priorities for implementing the National Development Plan (NDP). Central to this framework is **Strategic Priority 3: Building a Capable, Ethical and Developmental State**. A core element of such a state is a **functioning, accessible, and effective justice system**, capable of delivering timely and fair justice to all. Within this context, the **Department of Justice and Constitutional Development (DoJ&CD)** and **Office of the Chief Justice (OCJ)** make a direct and substantial contribution to Priority 3 by ensuring that courts are operationally functional, administratively efficient, and accessible to the public, particularly vulnerable court users.

During the **2025–2030 strategic planning cycle**, the Department has committed to:

- Prioritising increased access to justice by **reducing case backlogs** at district and regional courts;
- Expanding its physical and digital footprint by **increasing the number of courts offering additional justice services**, including the roll-out of **virtual court proceedings** to reduce travel burdens and improve efficiency;
- Improving **administrative support to the Judiciary**, a responsibility exercised in coordination with the **Office of the Chief Justice (OCJ)**, to ensure the effective delivery of justice.
- **Strengthening victim-centred service delivery**. A total of 180 courts are scheduled for upgrades in alignment with the National Strategy for Court-based Support Services for Victims of Domestic Violence,
- **Investing in alternative power and water solutions**. This includes the registration of 431 projects for the installation of generators, as well as the provision of solar panels, inverters, Uninterrupted Power Supply (UPS) systems, water tanks, and boreholes. These measures are aimed at ensuring that courts remain operational during load shedding and water supply interruptions, particularly in rural and under-resourced areas.

Success in meeting these MTDP commitments, however, may be hampered by the fact that many courts, continue to experience significant infrastructure and capacity challenges, including outdated IT systems, poor physical facilities, and insufficient staffing. Shortages of magistrates, clerks, and interpreters contribute to delays and undermine case flow management, while fiscal constraints limit the pace of modernisation and digitisation.

3. WHY COURT SERVICE DELIVERY MONITORING MATTERS

A capable and developmental state is, however, not only defined by policy commitments, but by the ability to monitor implementation and respond to identified gaps. In this regard, a court monitoring tool provides Parliament with a practical mechanism to assess whether strategic commitments—such as reducing backlogs, improving infrastructure, and enhancing access—are being realised at facility level.

Given the existing infrastructure and capacity challenges affecting the justice system the monitoring tool can:

- **Assist Parliament to determine in terms of Infrastructure and Facilities Management, whether court environments are accessible, safe, functional, responsive and fit for purpose.** By evaluating criteria such as:
 - Accessibility,
 - Courtroom functionality,
 - Waiting area adequacy,
 - Staffing
 - Sanitation,
 - Visible security, and
 - Reliable power and IT systems
- **Allow for a comparison of courts visited by establishing uniform measurements.**
- **Provide for the gathering and capturing of independent information** that could be used when interacting with the Executive Management and staff of the DOJ&CD and OCJ.
- **Allow for identification of successes (best practices) and problems between courts and justice service points.**
- **Strengthen the institutional memory of the Portfolio and Select Committees** in so far as it provides a reference point when a court is revisited in order to measure progress or regression.¹
- **Provide for practical examples that Parliamentary Committees can use during interactions with DOJ&CD executive management** around budget allocations, infrastructure investment, and staffing decisions.
- Provide **insight into court performance and case flow**, including delays, postponements, and inefficiencies that affect access to justice.
- **Standardised oversight**, by Members of Parliament (from the National Council of Provinces and the National Assembly).
- **Assist to measure the standard and effectiveness of Services to Vulnerable Groups**, by providing insight into:
 - Accessibility
 - The availability and quality of services such as maintenance and domestic violence protection measures
 - The specialised services provided at sexual offences courts
 - The extent to which courts in general deliver **victim-centred services** (such as the availability of separate waiting areas, respect for privacy during enquiries, trauma-sensitive staff interactions, and clear referral pathways to support services).

4. DEVELOPING A COURT MONITORING TOOL FOR PARLIAMENT

The specific achievements of a court monitoring project depend on the objectives set. Two tools are proposed for development for this project:

- (i) A general court monitoring tool (for Magistrates and Superior courts)
- (ii) A monitoring tool for Sexual Offences Courts

As part of the development process guidance may also be sought from selected domestic and international projects. Some examples are considered as follows:

4.1 GENERAL COURT MONITORING TOOL

¹Van Wyk A, Parliamentary oversight of the police in South Africa: Lessons and opportunities (Accessed at https://apcof.org/wp-content/uploads/2016/05/No-10-Parliamentary-oversight-of-the-police-in-South-Africa_-Lessons-and-opportunities-Annelize-Van-Wyk-.pdf?)

4.1.1 South Africa

- **Frontline Service Delivery Monitoring Programme**

Notably, the Department of Monitoring and Evaluation (DPME), has since 2011, through the **Frontline Service Delivery Monitoring Programme**, (in collaboration with Offices / Departments of the Premier), been monitoring public service facilities through both unannounced visits and improvements monitoring meetings. Ultimately the goal of the programme has been to:²

- Catalyse service delivery improvements and highlight the importance of monitoring to sector departments; and
- Instil a culture of self-monitoring in these sector departments so that improvements to the quality-of-service delivery is realised, with an overall aim of advancing planning, accountability, responsibility and reporting through monitoring.

To date, the programme has conducted unannounced visits to public service facilities, (**including magistrates courts**), in a bid to assist these facilities to improve the identified poor performing areas. The programme monitors the quality-of-service delivery by assessing the levels of compliance to service delivery standards of public service facilities.

Eight (8) generic Key Performance Areas (KPA's) are assessed alongside sector specific service delivery standards. These key performance areas have been specifically chosen as proxies for assessing the quality-of-service delivery due to their relevance to Batho Pele Principles, which are the service principles used throughout Government for delivering quality service to users of facilities. Specifically, these are:

- Location and Accessibility
- Visibility and Signage
- Opening and Closing Times
- Dignified Treatment
- Cleanliness and Comfort
- Safety
- Service Availability and Efficiency
- Complaints Management Systems

Each aspect is assessed using a **standardised scoring methodology**, enabling comparison across facilities and over time. Importantly, findings are translated into **improvement plans**, which are tracked through follow-up visits.

4.1.2 Comparative International Models and System Design Considerations

Internationally, court-monitoring is often seen as a useful diagnostic tool to collect objective information on the administration of justice and, through this data, to draw and disseminate conclusions regarding the broader functioning of the justice system.³ Such a tool may be implemented by either the judicial, executive, or legislative branches of government, as well as independent civil society bodies and the findings and conclusions may then be used to:

²DPME, The Frontline Service Delivery Monitoring Programme (Accessed at <https://www.dpme.gov.za/keyfocusareas/flsdSite/Pages/default.aspx>)

³OSCE, Trial Monitoring A Reference Manual for Practitioners (Accessed at <https://www.osce.org/sites/default/files/f/documents/5/f/94216.pdf>)

- (i) Prompt justice actors to improve their practices. For example, such data may be used by parliaments to urge the Executive to prioritize the allocation of resources needed to overcome identified shortcomings.
- (ii) Identify both weaknesses and strengths of justice systems and even generating recommendations for improved practices.
- (iii) Enhance transparency and accountability by helping hold courts accountable to users, institutions, and the wider public.⁴
- (iv) Provide quantitative and qualitative insights into court performance—such as case backlogs, timeliness, fairness, and access—enabling the promotion of evidence-based improvements.
- (v) Introduce standardised performance indicators to help compare courts, which may help administrators and policymakers design targeted interventions.
- (vi) Assist in the development of parliamentary performance dashboards / trackers, which provide an auditable record and help prioritise follow-up of critical issues.

The following comparative models provide useful insights.

- **European Commission for the Efficiency of Justice Court Quality and Infrastructure Framework**

The **European Commission for the Efficiency of Justice (CEPEJ)** provides a useful model for assessing the **physical and operational functioning of courts**. CEPEJ emphasises that courts must be evaluated as **user-oriented public spaces**, with structured assessments based on:

- Infrastructure audits and classification
- On-site inspections and stakeholder engagement

Key focal areas include:

- Accessibility (including disability access)
- Signage and navigation
- Reception services
- Courtroom and waiting area adequacy
- Security arrangements
- ICT infrastructure
- Staffing levels and distribution

CEPEJ explicitly links infrastructure and staffing conditions to the **efficiency and quality of justice delivery**.

- **Organisation for Economic Co-operation and Development: People-Centred Justice Framework**

The Organisation for Economic Co-operation and Development (**OECD Toolkit for Access to Justice and People-Centred Justice Systems**) provides a governance-oriented framework that complements facility-level monitoring. It emphasises that justice systems should be designed around **user needs**, focusing on:

- Accessibility and removal of barriers
- Service design and usability
- Institutional coordination

⁴Ibid

- Data-driven improvement

For monitoring tools, this reinforces the importance of:

- Measuring **user experience**
- Identifying **practical barriers to access**
- Linking monitoring to **system-wide reform**

4.1.3 Key Takeaways for Parliamentary Application

Local and international experience demonstrates that effective court monitoring tools increasingly focus on **practical service delivery conditions**. These approaches treat courts as **public service facilities**, where infrastructure, staffing, accessibility and user experience are central to the realisation of access to justice. Consequently, when considering the structure of a general court monitoring tool and the key focal areas for measurement some consideration could be given to the following:

- Accessibility: interpreter availability, signage, and disability access
- Staffing: vacancy rates and absenteeism
- Infrastructure: functionality of courtrooms and IT systems
- Responsiveness: complaint resolution times
- User experience: clarity of processes and staff courtesy
- Efficiency: case turnaround times and postponement rates

These indicators align closely with Annual Report themes such as court administration, access to justice, case flow management, and services to vulnerable groups. Importantly, they assist explain why performance targets are missed, linking under-performance to concrete causes such as staff shortages, poor roll management, or infrastructure failures.

4.2 SEXUAL OFFENCES COURT MONITORING TOOL

In the context of South Africa's persistently high levels of gender-based violence and femicide (GBVF), often described as a "second pandemic" and recently recognised as a national disaster, the need for a robust court monitoring tool becomes even more urgent. The scale and severity of GBV place extraordinary pressure on the criminal justice system, particularly on specialised Sexual Offences Courts (SOC's) that are intended to provide a more responsive, victim-centred form of justice. These designated courts must comply with the requirements of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (SOA), as well as the Regulations, which prescribe the operationalisation of the SOA.

SOC's are not only ordinary criminal courts with a different label; they depend on a particular mix of facilities, staffing, specialist expertise, victim-sensitive procedures and interdepartmental coordination.

Key requirements of a SOC that may be monitored include:

- Court preparation services: The programme familiarises a victim with court processes, procedures, services and benefits.
- A waiting room for victims and their supporters, which provides for privacy, access control and accessibility for people with disabilities. The waiting room must also be clean, well maintained, comfortably furnished and ventilated. The Regulations require the waiting room to be child-friendly due to how extremely traumatizing testifying can be on a child. Therefore, it is required that waiting rooms are painted

and decorated in a child-friendly manner (bright colours, illustrations) with comfortable furniture, ventilation and toys or educational items to distract or relax the child.

- A testifying room. This room ensures that a witness does not have to testify in the presence of the accused; it is predominantly used for child witnesses. It must be equipped with devices such as CCTV and a Microphone and a full set of anatomical dolls accurately illustrating human genitals.
- Intermediary services: If you are a child victim or a person with mental disability, the prosecutor will apply to court to allow you to testify in a private testifying room with the assistance of an intermediary.
- All personnel working within SOC's, including prosecutors, intermediaries and magistrates, are required to have specialised training on sexual offences.
- Witness fee services: The DOJCD provides witness fees to cover travelling costs and food while in court.

In a context where GBV has been elevated to a national priority, without systematic oversight, there is a real risk that these courts may exist in name but fall short in practice, undermining public trust and failing those they are designed to protect. In this regard, the development and implementation of such a tool may enable Parliament to:

- Track whether designated courts have the required infrastructure, private consultation spaces, waiting areas for complainants, intermediaries, case backlogs, dedicated prosecutors, trained magistrates and appropriate support services and are functioning in a manner that reduces secondary victimisation and supports complainants through the legal process; and
- Assess whether these elements are actually in place at court level, rather than relying only on policy commitments or broad departmental reporting.
- Identify;
 - those SOC's that may not meet the requirements of the Regulations and which may not be adequately resourced, accessible, and functioning; as well as
 - any uneven implementation between urban and rural courts, or between courts that are formally designated as specialised and those that are not yet operating at the expected standard.

Ultimately, linking monitoring to the broader GBV response strengthens Parliament's role in safeguarding constitutional rights, particularly the rights to dignity, equality and freedom and security of the person. It signals a shift from reactive oversight to proactive, data-driven intervention—ensuring that the justice system is not only processing cases but actively contributing to the national effort to combat GBV and restore public confidence in the rule of law.

A number of organisations have conducted monitoring projects to evaluate the effectiveness of the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (SOA) as well as the Regulations which prescribe the operationalisation of the SOA and the SOC's. These projects provide a useful reference point for the development of a Parliamentary Monitoring Tool.

4.2.1 Shukumisa Coalition

The "Shukumisa Coalition ("Shukumisa") is a coalition of over 60 organisations across South Africa working against sexual violence". Members include Sonke Gender Justice and Rape Crisis Cape Town Trust (RCCT). Since 2008, Shukumisa has been "advocating for legislation and policies that

reflect the best interests of adult and child survivors of sexual violence”.⁵ Between 2013 and 2014, Shukumisa conducted a “low-tech, pen-and-paper survey to monitor compliance with the Criminal Law (Sexual Offences and Related Matters Act) (“SOA”) Regulations” at police stations and sexual offences courts .⁶

Monitoring was conducted by citizens (Shukumisa staff members or volunteers) and focused on the following:

COMPONENT	PROCESS
Monitoring SAPS compliance with Sexual Offences Act Regulations⁷	• Monitoring sites included police stations across South Africa (as the first port of call for victims), to establish whether they provided adequate support to victims. • “The monitoring project consisted of a standardised questionnaire administered through face-to-face interviews, conducted by monitors trained to administer the questionnaire and conduct the interviews”. • Monitors would physically go into police stations, ask permission to conduct the interview and if granted, interview a suitable person or the person they first contacted. • If permission was not granted, the monitor would either fill out what they could from observations, or the questionnaire would be left blank. • The questionnaires were subsequently collected and scanned into Dropbox for analysis.
Data capturing and data management	• “For data capturing, Google Drive’s online data management system was used [which] allowed for multiple editors to simultaneously work on the same document”. • For qualitative data, the data capturers had to transcribe all qualitative information, including grammatical errors. • All captured data was thereafter imported onto an Excel spreadsheet for additional analysis.

The survey was undertaken using a standardized tool/ questionnaire that was divided into specific “checklists” that monitors filled out during site visits.⁸

Police Station Checklist:

The questionnaire focused on “hard” compliance (legal requirements) and “soft” standards (victim empowerment). Key questions included:

- **Signage and Access:** Is the station close to public transport making accessible to the community? Is there access for persons with disabilities (ramps)?
- **Infrastructure:** What is the physical condition of the station (cleanliness and state of repair)?
- **Client Service Centre (CSC):** Are the SAPS Service Charter and Victim’s Charter posters visible? Is the environment clean and professional?

⁵ Shukumisa (2026).

⁶ Venter, T (2021)

⁷ Shukumisa (2026).

⁸Shukumisa, Monitoring the Implementation of Sexual Offences Legislation and Policies Findings of the Monitoring Conducted in 2013/2014 (Accessed at <https://shukumisa.org.za/wp-content/uploads/2017/09/Shukumisa-Monitoring-Report-2013-2014.pdf>)

- **Victim Friendly Rooms (VFR):** Is there a private room for statements? Is it used for anything else (e.g., storage or an office)? Is it available 24/7?
- **Policy and Legislation:** Does the station have physical copies of the **2007 Sexual Offences Act** and **National Instruction 3/2008**?
- **Information and Referrals:** Is there a visible list of local NGOs and hospitals that provide Post-Exposure Prophylaxis (PEP)?
- **Vulnerable Groups:** Are there specific protocols for assisting children, persons with disabilities, or LGBTI survivors?

Sexual Offences Court Checklist:

This section monitored the "specialised" nature of the courts. Key questions included: :

- **Infrastructure:** Are there separate witness waiting rooms to prevent complainants from seeing the accused?
- **Testimony Tools:** Does the court have functioning CCTV or one-way mirrors for children and vulnerable witnesses?
- **Personnel:** Is there a dedicated Court Preparation Officer? Are the prosecutors and magistrates specialized in sexual offences?

A number of **challenges** that were identified with the project included:

- Permission to monitor police stations and interview personnel was not granted beforehand.
- At 22 of the police stations, the SAPS did not allow monitoring for varying reasons.
- The validity or quality of the information gathered depended on the interviewer's ability to observe, ask questions and write down responses.
- Several interviewers were unfamiliar with the questionnaire, had minimal experience in the field and a limited understanding of the kinds of responses required.

4.2.2 Rape Crisis Cape Town Trust (RCCT): Monitoring Khayelitsha Sexual Offences Court⁹

In December 2019, RCCT conducted a "citizen-based monitoring project" of the Khayelitsha Regional Magistrates Court.¹⁰ All the monitors were employees of Rape Crisis, including counsellors, the advocacy team, and the court support co-ordinator who had attended training beforehand and were given question tool aids to further explain and clarify what to do and look out for. Critically;

- The Draft SOA Regulations were changed into a yes/no checklist with space for comments - a paper-based tool that had to be physically filled out at court.
- Five checklist surveys were completed by five different monitors walking through the court building together.
- On the day the monitors went to the court, the prosecutor would not give them access to certain facilities and the administrators then had to contact the senior prosecutor to get permission as the monitors were "outsiders" and were not known to court staff.
- After receiving permission, the monitors returned on a different day to complete the checklist.
- The five checklists were then handed back to the project co-ordinator.
- Once the surveys were collected, another face-to-face meeting was held for the monitors to clarify differences in responses, skipped questions and any errors.

⁹ Venter, T (2021)

¹⁰ Venter, T (2021)

- The checklists were transcribed and compiled into one electronic document. Finally, an advocacy specialist analysed the gaps between the monitoring findings and the Draft Regulations and compiled a report listing all the shortfalls at specified courts which was sent to Government departments.

A number of **challenges** that were identified included:

- The project was very labour intensive due to the two physical training and debriefing sessions, two physical visits to the court, and the manual inputting of the checklist results into an electronic version.
- This possibly made the monitoring process “nonreplicable” in other courts.¹¹
- Monitors often did not know where to go, or who to speak to.
- The monitoring tool was developed around the Draft Regulations as the SOA Regulations were not yet Gazetted.

4.2.3 2021 Pilot Study: Online Sexual Offences Court Monitoring Tool¹²

The pilot study by UCT Master of Laws Student, T Venter, was part of, and built on, the earlier monitoring project conducted by the Shukumisa Coalition.

- The pilot study sought to monitor implementation of the Regulations Relating to Sexual Offences Courts published on 7 February 2020.¹³
- The 2020 Regulations provided for the creation of sexual offences courts (SOCs), including the specialist facilities and services required at such courts.
- Venter created a tech-enabled data collection tool which enabled citizens already working within sexual offences courts (SOCs) to monitor the implementation of the SOA Regulations. The online monitoring tool was in the form of an online Questionnaire that was created using Survey Monkey, an online platform.
- The Questionnaire focused on the state of facilities of, and human resources at, sexual offences courts (SOCs) at selected courts in four provinces.¹⁴
- Sexual Offences Act Regulations were used as a guideline to determine whether various court facilities described on the monitoring tool (a) were present and (b) complied with the standards set out in the Regulations.
- For example, in respect of facilities for child victims / witnesses, the monitors were asked to indicate whether the surroundings, props like anatomical dolls and furnishings, were “child friendly”.
- Monitors were required to tick “yes” or “no” in response to most of the questions.
- Only at selected questions were they required to provide more detailed responses.
- Monitors were also required to upload photos of selected facilities on WhatsApp.
- The findings of the study showed that the tool, with a few minor improvements, could be utilised successfully by citizens to monitor and collect reliable information at all SOC.

4.2.4 Key Takeaways for Parliamentary Application

From an assessment of these projects some issues to consider in developing a Sexual Offences Court Monitoring Tool for Parliament include:

¹¹ Venter, T (2021)

¹² Venter, T (2021).

¹³ 7 February 2020. R. 108. Criminal Law (Sexual Offences and Related Matters) Amendment Act (32/2007): Regulations Relating to Sexual Offences. Courts, 2020

¹⁴ Eleven courts in metropolitan and outlying areas.

- The methodologies, successes and limitations encountered during the Shukumisa monitoring projects were used to inform and improve the online monitoring tool developed by UCT Master of Laws Student, T Venter in 2021.
- Venter's monitoring tool is closely modelled on what Parliament seeks to develop.
- Consideration should thus be given to adapt this tool specifically for Parliamentary oversight and use by Parliamentary staff and Members of Parliament.
- The success of the 2021 SOC online monitoring tool pilot study was attributed to the fact that prior to using the online monitoring tool, Ms Venter provided online training to monitors in the form of a short instruction video uploaded on YouTube.
- Additionally, the tool was user-friendly and provided participants with "information and education in an easy and accessible way".
- Monitors for the most part were required to tick "yes" or "no" in response to questions.
- From the feedback on challenges experienced with the 2021 online SOC monitoring tool, it is recommended that only at selected questions and where absolutely necessary, should there be a requirement for more detailed responses. *Perhaps a voice note option can be built into the tool for this purpose.*
- The unavailability of internet / network in certain rural or outlying areas might *require an offline functionality in the tool that can be uploaded automatically or manually as soon as an internet network becomes available.*

5. CONCLUSION

The development of a Parliamentary Court Monitoring Tool represents a shift towards structured, standardised, and evidence-based oversight of the justice system. The effectiveness of the monitoring tool will depend on how the data generated is utilised within Parliamentary processes. Key applications include:

- *Committee Oversight:* Informing targeted questioning during engagements with the Department of Justice and Constitutional Development and the Office of the Chief Justice
- *Budget Review:* Linking identified infrastructure and staffing gaps to resource allocation decisions
- *Follow-up Oversight:* Tracking whether previously identified issues have been addressed
- *Performance Analysis:* Comparing court functionality across provinces and identifying systemic trends
- *Public Accountability:* Enhancing transparency by providing credible, evidence-based insights into the functioning of courts

Over time, the aggregation of monitoring data may support the development of Parliamentary dashboards and scorecards, enabling a shift from reactive oversight to proactive, data-driven governance. **In doing so, this has the potential to strengthen Parliament's ability not only to observe the functioning of courts, but to actively drive improvements in service delivery, resource allocation, and access to justice.** This positions the Tool not only as a diagnostic instrument, but as a mechanism to strengthen:

- Accountability
- Resource allocation, and
- Systemic reform

6. SOURCES

Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007

Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 Regulations. GoN R561, G. 31076. 22 May 2008.

Criminal Law (Sexual Offences and Related Matters) Amendment Act (32/2007): Regulations Relating to Sexual Offences. R. 108. 7 February 2020.

CEPEJ, Guidelines on Court Infrastructure and Premises (Council of Europe)

CEPEJ, European Judicial Systems Evaluation Reports

DOJCD Strategic Plan 2025-2030

DPME, The Frontline Service Delivery Monitoring Programme (Accessed at <https://www.dpme.gov.za/keyfocusareas/flsdSite/Pages/default.aspx>)

DPME, Frontline Service Delivery Monitoring Programme (Accessed at <https://www.dpme.gov.za/keyfocusareas/flsdSite/Pages/default.aspx>)

Judicial Governance in South Africa (Accessed at <https://www.judgesmatter.co.za/state-of-the-judiciary/judicial-governance-in-south-africa/>)

Murray R, Long D, Ayeni V and Somé A, 'Monitoring implementation of the decisions and judgments of the African Commission and Court on Human and Peoples' Rights' (2017) 1 African Human Rights Yearbook 150-166 (Accessed at <http://doi.org/10.29053/2523-1367/2017/v1n1a8>)

Muthoni M, Court Monitoring (Accessed at <https://baselgovernance.org/sites/default/files/2022-07/Quick%20Guide%2027%20court%20monitoring.pdf>)

OECD, Toolkit for Access to Justice and People-Centred Justice Systems (2023)

OSCE, Trial Monitoring A Reference Manual for Practitioners (Accessed at <https://www.osce.org/sites/default/files/f/documents/5/f/94216.pdf>)

Shukumisa (2026). Official website. <https://shukumisa.org.za/>.

Shukumisa, Monitoring the Implementation of Sexual Offences Legislation and Policies Findings of the Monitoring Conducted in 2013/2014 (Accessed at <https://shukumisa.org.za/wp-content/uploads/2017/09/Shukumisa-Monitoring-Report-2013-2014.pdf>)

Van Wyk A, Parliamentary oversight of the police in South Africa: Lessons and opportunities (Accessed at https://apcof.org/wp-content/uploads/2016/05/No-10-Parliamentary-oversight-of-the-police-in-South-Africa_-Lessons-and-opportunities-Annelize-Van-Wyk-.pdf?)

Venter, T (2021). Government accountability is in our hands: utilising tech-enabled methodologies to give citizens the power to monitor the implementation of the regulation relating to Sexual Offences Courts. Dissertation in partial fulfilment of Masters of Laws in Criminology, Law and Society Degree. University of Cape Town.

Yamamoto H, Tools for parliamentary oversight (Accessed at <https://www.ipu.org/resources/publications/reference/2016-07/tools-parliamentary-oversight>)

7. ADDENDUM A: DRAFT COURT SERVICE DELIVERY MONITORING CHECKLIST

COURT SERVICE DELIVERY MONITORING CHECKLIST

Purpose: To assess how well a court functions as a public service point, focusing on administration, accessibility, efficiency, and user experience.

PART A: COURT INFORMATION

Court name	
Location	
Date of monitoring	
Type of court	Magistrates / District/ Regional / High Court
Court section observed	Criminal / Civil / Maintenance / DV / Mixed

PART B: COURT FUNCTIONALITY CHECKLIST

Court Security

INDICATOR	YES/NO (✓ / X)	NUMBER/ FUNCTIONALITY	COMMENT
X-ray Machines			
Walk through metal detectors			
Handheld Scanners			
Cameras (external) ¹⁵			
CCTV control room			
Biometric Access			
Security Gates			
Court orderly's (SAPS)			
Security assessment			
Court security committee ¹⁶			
Security protocols ¹⁷			
Emergency response protocols ¹⁸			
Perimeter fencing			
Secure			

¹⁵ CCTV.

¹⁷ The Court Security Committee which consists of all stakeholders: Terms of Reference has been approved by National Office Security and Risk Unit.

¹⁸ If there is a security incident are any emergency response protocols in place?

INDICATOR	YES/NO (✓ / X)	NUMBER/ FUNCTIONALITY	COMMENT
Parking ¹⁹			
Security personnel ²⁰ (day shift)			
Security personnel (night shift)			

Court Accessibility

INDICATOR	Y/N ✓ / X	Comment
Clear signage		
Enquiry counter open and staffed		
Service Delivery Charter Visible		
Complaints mechanism available		
Staff wearing name badges for identification		
Are there special queues or provisions made for users with special needs (i.e. people living with disability, elderly persons, etc) to reduce waiting times?		

Facilities and Infrastructure

INDICATOR	Y/N ✓ / X	Comment
Access for persons living with disabilities (externally and internally/ ramps, seating, toilets) ²²		
Is the inside of the facility clean?		
Are the facility's buildings, fittings and fixtures well maintained? Any observable Infrastructure/ Maintenance challenges		
Are the facility's ablution facilities accessible, clean and in working order?		
Are fire safety systems (hydrants/ hoses/ emergency exits and or sprinklers) functional?		
Are waiting areas available and sufficient?		
Is the waiting area protected from adverse weather conditions?		
Availability of back-up Power / Water Supply (availability of generators, solar panels, inverters, Uninterrupted Power Supply (UPS) systems, water tanks, and boreholes.)		
No. and Functionality of Court Recording Technology		

¹⁹ For judicial officers, prosecutors legal aid personnel. Is there access control?

²⁰ Private security guards

²¹ Rotation of physical guarding security personnel.

²² Is the facility accessible to persons living with disabilities and the elderly?

ICT availability and functionality (laptops, wi-fi, connectivity)		
File storage (manual or electronic)		

Staffing

INDICATOR	Number	Y/N ✓ / X	Comment
No. of judges (any vacancies)			
No. of Prosecutors (any vacancies)			
No. of Legal Aid attorneys (any vacancies)			
No. of Court orderlies present			
No. of interpreters (any vacancies)			
Court Manager			
No. of Administrative staff (any vacancies)			

PART C: USER EXPERIENCE SNAPSHOT

(Based on observation or brief informal interaction — optional)

Users appear confused about procedures	
Long periods of inactivity/waiting	
Users treated with courtesy	
Information provided proactively	
Effective Queue management	

PART D: IMMEDIATE RISKS OR CONCERNS

(Tick if applicable)

- ☐ Chronic delays
- ☐ Staff shortages
- ☐ Infrastructure failure
- ☐ Accessibility barriers
- ☐ Poor communication with court users

Brief description (if any ticked):

PART E: OBSERVATIONS/ RECOMMENDATIONS (PRACTICAL AND ADMINISTRATIVE) – SERVICE DELIVERY STRENGTHS AND CHALLENGES

8. ADDENDUM B: DRAFT SEXUAL OFFENCES COURT MONITORING CHECKLIST

SEXUAL OFFENCES COURT MONITORING CHECKLIST

Purpose: To determine:

- Compliance with the Criminal Law (Sexual Offences and Related Matters) Act 32 Of 2007 and Regulations; and whether court processes protect complainants from secondary victimisation. This includes oversight of:
- Physical infrastructure (separate waiting room, child friendly facilities, Sexual Offences System (SOS) testimony, privacy safeguards)
- Trauma-informed judicial and prosecutorial practice
- The availability and quality of specialised personnel (including intermediaries and court preparation services)

PART A: COURT INFORMATION

Court name	
Location	
Date of monitoring	
Date SOC Became Operational	
Average Monthly Caseload (last 12 months):	
Current Backlog (number of cases)	

PART B: COURT FUNCTIONALITY CHECKLIST

Court Infrastructure and Facilities

INDICATOR	YES/NO (✓ / X)	COMMENT
Dedicated Sexual Offences Courtroom		
Are the facility's buildings, fittings and fixtures well maintained?		
Any observable Infrastructure/ Maintenance challenges		
Separate waiting area for victim/family		
Child-friendly facilities (waiting room painted and decorated in a child-friendly manner)		
Availability of educational material, toys or books for children		
Full set of anatomical dolls available		
SOS / one-way mirror / intermediary room available and functional		
Connectivity and system reliability		
Private consultation rooms for prosecutors and complainants		

INDICATOR	YES/NO (✓ / X)	COMMENT
Accessibility of the courtroom/facilities for persons with disabilities		
Secure access and movement routes for complainants		

Staffing and Specialisation

INDICATOR	YES/NO (✓ / X)	NUMBER	COMMENT
Dedicated magistrate(s) assigned to the Sexual Offences Court			
Dedicated National Prosecuting Authority Sexual Offences prosecutor(s) assigned			
Specialised training completed by magistrates and prosecutors			
Availability and number of court preparation officers			
Availability and number of intermediaries			
Number of court administrative and support staff			
Vacancies or acting appointments (any impacting operations)			
Are workloads manageable?			
Any psycho-social support for staff?			

Victim Support Services

INDICATOR	YES/NO (✓ / X)	NUMBER	COMMENT
Court-based victim support officers available			
Victims informed of court processes, case progress, and protection measures			
Measures in place to prevent secondary victimisation			
Social workers or counsellors available (on-site or on call)			
Availability of witness fees			
Protection from contact with accused persons,			
Post-court support or follow-up			
Are victims informed of delays and outcomes			

Case Management and Court Performance

INDICATOR	YES/NO	COMMENT
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	(√ / X)	
Case-flow management practices implemented		
Any delays in receiving forensic reports		
Coordination with SAPS investigators and Forensic Science Laboratories		
Frequency of postponements		
Digital case tracking available		

PART C: SUMMARY OF OVERSIGHT FINDINGS

Compliance with regulations (non-compliance/ partial compliance, full compliance)	
Key Strengths Identified	
Key Challenges and Risks	
Immediate Remedial Actions Required	