

Have your say on GBV Bills

Parliament has urged all South Africans to participate in the public consultation process to strengthen the current draft legislation dealing with gender-based violence (GBV).



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Parliament, through the Portfolio Committee on Justice and Correctional Services, is processing three crucial Bills that will change the landscape in terms of how government departments, law enforcement and the courts deal with cases of violence against women and the vulnerable.

The three Bills - the Domestic Violence Amendment Bill, Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill and the Criminal and Related Matters Amendment Bill - are currently open for written submission and public comments until 30 September 2020.

The Presiding Officers, led by National Assembly Speaker Thandi Modise and National Council of Provinces Chairperson Amos Maseko, emphasised that perpetrators of GBV must have no place to hide.

The Presiding Officers said the full might of the law must come down hard on perpetrators.

"We urge all South Africans to put their heads together and contribute to this process to ensure that we have a watertight legislative framework that will close all gaps in current laws, and reinforce the hand of our criminal justice system to

decisively break the back of the scourge of gender-based violence in our country,” the Presiding Officers said.

Domestic Violence Amendment Bill

The purpose of the Domestic Violence Amendment Bill is to amend the Domestic Violence Act to, among others, further provide for how acts of domestic violence and matters related thereto must be dealt with by certain functionaries, persons and government departments; and further regulate the obtaining of protection orders in response to acts of domestic violence.

Criminal Law Amendment Bill

The aim of the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill is to amend the Criminal Law (Sexual Offences and Related Matters) Amendment Act to, among others, extend the ambit of the offence of incest and introduce a new offence of sexual intimidation.

It also regulates the inclusion of particulars of persons in the national register for sex offenders, and further regulate the reporting duty of persons who are aware that sexual offences have been committed against children, and to provide for matters connected therewith.

Criminal and Related Matters Amendment Bill

The Criminal and Related Matters Amendment Bill aims to amend four Acts, namely the Magistrates' Courts Act, the Criminal Procedure Act, the Criminal Law Amendment Act and the Superior Courts Act.

The Bill's purpose is to amend the Magistrates' Courts Act to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings; amend the Criminal Procedure Act to regulate the granting and cancellation of bail and the right of a complainant in a domestic-related offence to participate in parole proceedings.

The bill also amends the Criminal Law Amendment Act to further regulate sentences in respect of offences that have been committed against vulnerable persons; and amend the Superior Courts Act to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings.

The Presiding Officers said too many women are dying at the hands of their partners, relatives and acquaintances, who are men they ordinarily should trust with their lives.

“While the law itself is not a panacea to all social ills - as the role of men, communities and families are also key in this battle – we are confident that these pieces of legislation are our most critical, significant and boldest intervention in the war against gender-based violence.

"We must at all times challenge and work towards changing these harmful and backward social norms that have been used to justify women abuse. In our society, it is common to use women's choices, including their style of dress and sexual orientation, to justify male sexual entitlement and violence. This must come to an end," the Presiding Officers said.

The Presiding Officers have also urged public representatives, including male leaders in society, to exercise caution in their public utterances and conduct, particularly in relation to the welfare or issues of women, girls and the elderly.

“Leaders are duty-bound to lead by example, which should entail resisting the temptation for populism and reckless rhetoric which undermines our collective battle as a nation against these dangerous and abhorrent social ills.”

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