**EDIA STATEMENT**

**JUSTICE AND CORRECTIONAL SERVICES COMMITTEE ADOPTS LAWS AGAINST GENDER-BASED VIOLENCE AND FEMICIDE**

**Parliament, Saturday, 29 May 2021 –** The Portfolio Committee on Justice and Correctional Services today adopted two pieces of legislation that are specifically aimed at strengthening laws fighting gender-based violence and femicide (GBVF).

The Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill and Domestic Violence Amendment Bill was adopted by the committee. Committee Chairperson, Mr Bulelani Magwanishe, said levels of GBVF in the country are among the highest in the world, and are acknowledged as a second pandemic.  He said a Presidential Summit against GBVF was held in November 2018, resulting in a declaration which resolved, among other things, to fast-track the review of existing laws and policies on gender-based violence to be victim-centred and ensure all other relevant laws respond to GBVF, implement the recommendations that have been identified from reviews and address legislative gaps and revisit and fast-track all outstanding laws and Bills that relate to GBVF.

He continued to say that in September 2019, the President expressed the country’s commitment to address the scourge of GBVF and announced an emergency response plan to tackle GBVF, which includes strengthening the applicable legal framework.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill proposes amendments to the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, being one of several legislative measures identified to strengthen South Africa’s response to GBVF, in particular the legislation regulating the National Register for Sex Offenders (NRSO).

Among other things, the Bill aims to expand the scope of the NRSO to include the particulars of all sex offenders and not only sex offenders against children and persons who are mentally disabled, and to expand the list of persons who are to be protected to include other vulnerable persons, namely, certain young women, persons with physical, mental, sensory or intellectual disabilities and persons over 60 years of age who, for example, receive community based care and support services, and increase the periods for which a sex offender’s particulars must remain on the NRSO before they can be removed from the register. The Bill further proposes to expand the ambit of the crime of incest, and introduces a new offence of sexual intimidation.

Mr Magwanishe said the committee considered making use of the SAPS’s (South African Police Service’s) criminal records system as an alternative to the NRSO, which has experienced capacity constraints in the past, but decided against this after being reassured that the NRSO is able to take on the expanded function. “After much deliberation, the committee is of the view that the register should remain with the Department of Justice and Constitutional Development for now but will require careful and regular monitoring going forward.”

In terms of the Domestic Violence Bill, he said that although legal measures cannot be regarded as an all-encompassing solution to address the complex social phenomenon of domestic violence, the state is obliged to promote legislation to afford effective protection to victims of violence in a domestic relationship.

The Bill seeks to amend the Act to address practical challenges, gaps and anomalies which have manifested since the Act came into operation. In particular, the Bill aims to broaden the conduct that is regarded as domestic violence, and impose obligations on persons to report domestic violence to appropriate functionaries, and extend the powers of members of the SAPS and peace officers to arrest persons in connection with domestic violence. It  further regulates the obtaining of protection orders against domestic violence and the powers of the court with regard to the welfare of affected children.

It further provides for domestic violence safety monitoring notices that may be issued by the court, provides for the attendance of witnesses at domestic violence proceedings, further addresses harassment as a ground of domestic violence and provides for measures to address cyber-harassment, and regulates the powers of the court in respect of reciprocal orders and applications.

It provides for electronic applications for protection orders and domestic violence safety monitoring notices and the establishment of the integrated electronic repository for domestic violence protection orders, broadens the powers of the court where a protection order has been issued, makes orders for the protection of victims of domestic violence, further regulates the seizure of weapons, further regulates applications for the variation and setting aside of protection orders.

It also extends jurisdiction in respect of applications for protection orders, further regulates the issuing of documents, further regulates cost orders, further regulates the prosecution of offences committed against a person in a domestic relationship and provide for the issuing of directives to regulate the functions of clerks of the court and other relevant persons when dealing with incidents of domestic violence.

Mr Magwanishe commended the Department of Justice and Constitutional Development, civil society, Members of the committee and officials for the hard work in meeting tough deadlines. “We thank the media for creating awareness. This was all to ensure the war against GBVF is won. We are indebted to you for your hard work. The country is proud of all those involved. Civil society enriched the process. The Bills are much richer because of the key role that it (civil society) played.”

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES, MR** **BULELANI MAGWANISHE.**