

National Assembly approves GBV bills

The National Assembly has passed gender-based violence (GBV) 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.



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The three bills - namely the Criminal and Related Matters Amendment Bill, Domestic Violence Amendment Bill and the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill - were passed during a sitting on Thursday.

The bills were introduced in Parliament following a Presidential Summit against Gender-Based Violence and Femicide (GBVF) held in November 2018.

The summit resolved, amongst others, to fast track the review of existing laws and policies on GBV making them victim-centred, as well as to ensure all other relevant laws respond to GBV. It also resolved to revisit and fast track all outstanding laws and bills that relate to gender-based violence and femicide (GBVF).

Criminal Law Amendment Bill

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).

The bill among others, 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.

It also aims 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 receive community-based care and support services.

It also aims to 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.

Domestic Violence Amendment Bill

The purpose of the Domestic Violence Amendment Bill is to amend the Domestic Violence Act 116 of 1998 to, amongst others, further provide for how acts of domestic violence and matters related thereto must be dealt with by certain functionaries, persons and government departments. It also aims to further regulate the obtaining of protection orders in response to acts of domestic violence.

Criminal and Related Matters Amendment Bill

The Criminal and Related Matters Amendment Bill aims to amend four acts, namely the Magistrates' Courts Act 32 of 1944, the Criminal Procedure Act 51 of 1977, the Criminal Law Amendment Act 85 of 1997 and the Superior Courts Act 7 of 2013.

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.

The bill also amends the Criminal Procedure Act to further regulate the granting and cancellation of bail and the right of a complainant in a domestic-related offence to participate in parole proceedings.

It 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.

Parliamentary spokesperson, Moloto Mothapo said the Bills will now be sent to the National Council of Provinces (NCOP) for concurrence.

Names recommended for SAHRC commissioners

The National Assembly has also approved the recommendation of the names of Philile Ntuli and Fatima Chohan for appointment as full-time commissioners of the South African Human Rights Commission (SAHRC) for a period of seven

years.

Chohan will serve as the Deputy Chairperson of the Commission.

The posts of the two commissioners became vacant following the death of the former Deputy Chairperson of the Commission, and the expiry of the term of one of the commissioners.

“Section 193(4) of the Constitution provides that the President, on the recommendation of the National Assembly, must appoint the members of the South African Human Rights Commission. The names of the two commissioners will now be sent to the President for appointment,” Mothapo said.

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