

# Legal Framework South Africa VBG

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Legal Framework South Africa - In order to compact GBV in South Africa, the South African judiciary established Fast Track Courts to handle GBV cases.

**South Africa has established “Sexual Offences Courts” which offers a range of services to support survivors of gender-based violence.**

Legal Framework South Africa -In which two provinces are the Fast Track Courts for GBV based?

**Sexual Offences Courts are located in all 9 provinces in South Africa.**

Legal Framework South Africa-In order to receive free medical treatment GBV victims not need to report their case to the South African Police.

**You do not have to report in order to receive free medical treatment.**

Legal Framework South Africa-The Anti-Gender-Based-Committee established the Anti-Gender-Based-Violence-Act to provide the protection of victims of GBV.

**Some notable statutory GBV bodies in South Africa consist of:**

**The Gender-Based Violence Command Centre (GBVCC) which operates under The Department of Social Development.**

**The Interim Steering Committee on Gender-Based Violence Femicide which produced The Gender-based Violence and Femicide National Strategic Plan.**

**Department of Department of Women, Youth and Persons with Disabilities which published the National Council on Gender-Based Violence and Femicide (NCGBVF) Bill.**

**The Commission for Gender Equality (CGE) whose mandate is to contribute to strengthening and deepening constitutional democracy in South Africa through the promotion, protection, development, and attainment of gender equality.**

**The South African Government has introduced new GBV laws aimed at strengthening efforts to end gender-based violence (GBV) in South Africa: the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act and the Domestic Violence Amendment Act.**

Legal Framework South Africa-What act defines GBV as "any physical, mental, social or economic abuse against a person because of that persons gender?"

**In South Africa, the Domestic Violence Act of 1998 is the primary legislation that defines and addresses gender-based violence (GBV). The act defines domestic violence broadly to include various forms of abuse, including physical, sexual, emotional, psychological, and economic abuse.**

Legal Framework South Africa-What does the Anti-Gender-Based -Violence Act no 1 of 2011 specifically provide for?

**The Domestic Violence Act of 1998 in South Africa provides several important protections and remedies for victims of domestic violence. Some key provisions of the act include:**

**Protection Orders;**

**Reporting Obligations;**

**Counseling and Support and**

**Criminal Offenses.**

Legal Framework South Africa-In addition to the Anti-Gender based violence Act 1 of 2011 the South African government has reviewed several laws such as the Pernal Code and the National Gender Policy 2014 to increase protection of women and children who suffered from sexual violence.

**The South African Government has introduced new GBV laws aimed at strengthening efforts to end gender-based violence (GBV) in South Africa: the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act and the Domestic Violence Amendment Act.**

Legal Framework South Africa-To make the process for GBV victims easier, One-Stop-Centres( OSCs) were established in South Africa. What kind of services do these centres provide?

**South Africa has established Thuthuzela Care Centres (TCC) one-stop facilities which provide comprehensive support for victims of rape and other forms of gender-based violence (GBV).**

**TCC provides for the following:**

**You can report a rape case directly to a TCC**

**TCC staff will assist to get you immediate medical attention at the Centre Step**

**TCC staff will arrange counselling services at the Centre**

**TCC staff will assist you to open a police case (if you want to do so immediately or even at a later stage)**

**TCC staff will arrange for on-going counselling and court preparation (if the case goes on trial)**

Legal Framework South Africa-How many OSC-Centres have been established in South Africa?

**63 Thuthuzela Care Centres have been established in South Africa**

Legal Framework South Africa-What are the key priorities the South African Ministry of Gender has outlined to promote zero tolerance against GBV?

**In South Africa, the Department of Women, Youth, and Persons with Disabilities is responsible for promoting gender equality, women's empowerment, and the rights of women, youth, and persons with disabilities.**

**The DWYPD will play a key role in overseeing the overall implementation plan, with ultimate accountability to the NCGBVF. Some key priorities include:**

**Development of an accountability architecture (national coordinating structure) undergirded by the necessary legislative mandate to drive a multisectoral response to GBVF.**

**Put mechanisms and processes in place to hold state and societal leadership accountable for taking a firm stand against GBV.**

**Adoption of zero tolerance to policies on cyber violence and sensitive reporting of GBVF.**

**Roll out of a national response to GBVF through provincial and local structures with optimal institutional arrangements and resources across government, private sector, media, NGOs, CSOs religious and cultural institutions with a specific focus on prevention and psychosocial support.**

**Develop a comprehensive national prevention strategy.**

Legal Framework South Africa-In an effort to curb GBV in South Africa, the country's government has implemented a 2030 Vision plan to focus on social and economic empowerment of women. In

addition, GBV is listed as a binding constraint to social-economic transformation and national development in the 7th National Development Plan.

**South Africa has published “The National Strategic Plan on Gender-Based Violence and Femicide (GBVF) 2020-2030**

Legal Framework South Africa- What concrete actions have been taken to provide adequate protection and accountability mechanisms for victims at risk GBV?

**Publication of the National Strategic Plan on GBVF: Government's policy response for tackling all forms of violence and abuse against women and children;**

**Extensive legal reform: Introduction of new GBV laws aimed at strengthening efforts to end gender-based violence (GBV) in South Africa: the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act and the Domestic Violence Amendment Act);**

**Trained Police Units: The South African Police Service has been trained to handle GBV cases sensitively and effectively. Special units have been established to investigate and prosecute GBV cases, ensuring that perpetrators are held accountable for their actions.**

**Specialized Courts: The government has established specialized courts to handle GBV cases, ensuring that these cases are given priority and that victims receive appropriate legal support and protection;**

**The establishment of a GBVF Response Fund;**

**Establishment of Thuthuzela and Khuseleka Care Centres, which provide vital services for GBV survivors.**

Legal Framework South Africa-What are the persisting challenges and gaps in eliminating GBV in South Africa?

**Historical economic injustices resulting in enduring poverty among women;**

**Education;**

**Underreporting;**

**Inadequate Response;**

**Resource Constraints;**

**Socio-Cultural Factors and Gender Norms;**

**Alcohol Consumption;**

Legal Framework South Africa-What are the core functions of the Ministry of Gender in South Africa?

**The mandate of the Department of Women, Youth and Persons with Disabilities is to lead on socio-economic transformation and implementation of the empowerment and participation of women, youth and persons with disabilities through mainstreaming, advocacy, monitoring and evaluation. The vision of the Department is of a transformed, inclusive society free from all forms of discrimination and capable of self-actualisation.**

Legal Framework South Africa-What measures have been implemented by the South African Ministry of Gender to ensure equality in children?

**Policy Development: The department is involved in the development of policies and legislation aimed at promoting the rights and well-being of children, including those related to child protection, education, health, and social welfare.**

**Advocacy for Children's Rights: The department engages in advocacy efforts to promote and protect the rights of children, raising awareness about the importance of child rights and working to influence policies and practices that impact children.**

**Coordination and Monitoring: The department coordinates and monitors the implementation of programs and initiatives that focus on children's rights and well-being, ensuring that government efforts are effectively addressing the needs of children.**

**Youth Development: While not specific to children, the department's youth development initiatives also indirectly benefit children by creating opportunities for young people to thrive, access education, and contribute positively to society.**

**Collaboration with Other Departments and Stakeholders: The department collaborates with other government departments, civil society organizations, and international partners to address the needs of children comprehensively and holistically.**

Legal Framework South Africa-It is estimated that 47% of South African women have experienced gender-based violence at least once in their lifetimes.

**51% of women in SA say they've experienced GBV.**

Legal Framework South Africa- Which topic(s) has been added to the Section 3 (1) of the Anti-GBV-Act (Abuse of cultural/customary rights and practices)?

**Notable changes to the introduction of new legislation listed above include:**

**Introduce a new offence of sexual intimidation;**

**further regulate the inclusion of particulars of persons in the National Register for Sex Offenders**

**to provide for the appointment of intermediaries and the giving of evidence through intermediaries in proceedings other than criminal proceedings; and the**

**giving of evidence through an audio-visual link in proceedings with the assistance of intermediaries; other than criminal proceedings;**

**further regulate sentences in respect of offences that have been committed against vulnerable people; and**

**Including and expanding existing definitions, such as “domestic violence”, to include spiritual abuse, elder abuse, coercive behaviour, controlling behaviour, and subjecting children to certain listed behaviour;**

**Expanding the scope of the Act to apply to forms of harm that occur through the use of electronic communication;**

**further regulate the reporting duty of persons who are aware that sexual offences have been committed against persons who are vulnerable, and to provide for matters connected therewith.**

Legal Framework South Africa- What is the minimum sentence for perpetrators of sexual offence in South Africa?

**In South Africa, the minimum sentence for perpetrators of sexual offenses varies depending on the specific offense and the circumstances of the case.**

**One example is that First-time rape offenders (without any aggravating factors) will receive a minimum sentence of 10 years.**

"Legal Framework South Africa-In order to address challenges experienced on issues of violence and harassment against women and girls, the South African Ministry of Gender will continue to play the following roles:

**Strengthen leadership and accountability across government and society to effectively respond to the GBVF crisis in a strategically and institutionally coherent way with adequate technical and financial resources.**

**Roll out of a national response to GBVF through provincial and local structures with optimal institutional arrangements and resources across government, private sector, media, NGOs, CSOs religious and cultural institutions**

**Strengthen the delivery capacity of South Africa to roll out effective prevention programmes.**

**Promote good governance regarding the rights, transformation, social justice, economic justice and empowerment of women.**

Legal Framework South Africa-What challenge(s) does the South African Ministry of Gender face in enabling to execute the activities to prevent/reduce GBV?

**Limited resources;**

**Coordination and collaboration;**

**Cultural and traditional beliefs;**

**Data collection and monitoring:**

**Legal and policy gaps: Despite legislative and policy frameworks aimed at addressing GBV, there may be gaps in implementation and enforcement. The department may need to advocate for stronger enforcement of laws and policies related to GBV.**

Legal Framework South Africa- What challenge(s) do the victims of GBV face?

**Lack access to legal support and representation; especially those from marginalized which can hinder their ability to navigate the legal system and seek redress for the violence they have experienced.**

**Lengthy legal processes; Delays in the justice system can contribute to a lack of justice for survivors.**

**Secondary victimization: GBV victims may experience secondary victimization within the legal system, including insensitive treatment by law enforcement, court personnel, or legal professionals. This can retraumatize survivors and discourage them from seeking legal recourse.**

**Prevalence and sustained cultural and social patriarchal gender norms and gender inequality and discrimination.**

Legal Framework South Africa-What are the law enforcement agencies doing to assist in the prevention of GBV in South Africa?

**Some of the initiatives and actions include:**

**Specialized Units: South African Police Services (SAPS) Family Violence, Child Protection and Sexual Offences Units (FCS).**

**SAPS policy implementation to make it easier for victims of gender-based violence to turn to the police for help.**

**When an incident of GBV is reported to the SAPS, the relevant SAPS official must determine whether the complainant is in danger and take all the necessary actions to protect the complainant from further harm.**

**SAPS assistance to victims of domestic violence or sexual assault to find, medical attention; shelter and victim counselling.**

Legal Framework South Africa-In order to spearhead community response to GBV issues, the South African Ministry of Gender has been establishing District GBV-Taskforces across the country as part of the District Development Coordinating Committees (DDCCS).

**There is the Gender-Based Violence Command Centre and the National Emergency Response Team (NERT) to render psychosocial, trauma counselling and referral services to GBV victims.**

Legal Framework South Africa-How many GBV-Taskforces have been established across South Africa?

**There are SAPS Family Violence, Child Protection and Sexual Offences Units (FCS) and 176 FCS units are servicing all the police stations in the country.**