

# **FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION**

*(Incorporating Fish Hoek, Clovelly and Sun Valley)*

Central Circle, Fish Hoek 7975

Web: <https://www.fishhoekratepayers.com/> Facebook: [www.facebook.com/FHVRRA/](http://www.facebook.com/FHVRRA/)

Heritage Western Cape: Conservation Body

**TO:** [Gbvills@parliament.gov.za](mailto:Gbvills@parliament.gov.za)

**SUBJECT: COMMENTS ON BILLS RELATING TO GENDER BASED VIOLENCE <sup>1</sup>**

**DUE DATE: 9 OCTOBER 2020**

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Thank you for this opportunity to comment.

We support the right of the accused to a fair trial including the cross-examination of witnesses to prevent wrongful charges being upheld. However, the rate of sexual violence in South Africa is among the highest in the world.<sup>2</sup> Victims often do not want to report sexual violence due to subsequent intimidation, shaming by their communities and harassment by the perpetrators or similar thinking perpetrators. Something more has to be done to protect these victims.

We support:

- a national offenders list to be publicly available;
- a new offence of sexual intimidation;
- online protection order applications; and
- the giving of evidence by electronic means.

## **Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill [B16 – 2020]**

We support:

- extending the ambit of the offence of incest;
- introducing a new offence of sexual intimidation;
- further regulating the inclusion of particulars of persons in the National Register for Sex Offenders;
- making provision for certain particulars of persons who have been convicted of sexual offences to be made publicly available;
- extending the list of persons who are to be protected in terms of Chapter 6 of the Act;
- further regulating the removal of particulars of persons from the National Register for Sex Offenders; and
- further regulating the reporting duty of persons who are aware that sexual offences have been committed against children.

## **Domestic Violence Amendment Bill [B20 – 2020]**

We support:

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<sup>1</sup> <https://www.parliament.gov.za/committee-notice-details/175>

<sup>2</sup> <https://travel.state.gov/content/travel/en/404.html>

- further providing for the manner in which acts of domestic violence and matters related thereto, must be dealt with by certain functionaries, persons and Government departments; and
- further regulating obtaining of protection orders in response to acts of domestic violence.

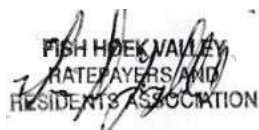
We especially support 2.A (4) (b) and 2.B (3) (b) “is entitled to have his or her identity kept confidential”. We really need to improve this by imposing severe penalties on those that break this trust.

### **Criminal and Related Matters Amendment Bill [B17 – 2020]**

We support “the giving of evidence through live closed circuit television or similar electronic media link in proceedings” whereby the identity of the witness or victim is not made known and image and voice are distorted to not allow identification, but think that this should include in criminal proceedings as well for sexual offences and related matters by appropriately amending the Magistrates’ Courts Act, 1944, Criminal Procedure Act, 1977, Criminal Law Amendment Act, 1997 and Superior Courts Act, 2013.

### **Summary**

Confidentiality is a major concern to us. If the identity information about the victim is not properly protected and image and voice distorted during cross-examination, not much will change in bringing the perpetrators to book.

<b>NAME &amp; SURNAME</b>	<i>Brian Youngblood, Chair: Fish Hoek Valley Residents and Ratepayers Association (FHVRRRA)</i>
<b>CONTACT NUMBERS</b>	<i>Cell: 084 3 99 99 33</i>
<b>E-MAIL ADDRESS</b>	<a href="mailto:bdyoungblood@gmail.com">bdyoungblood@gmail.com</a> or <a href="mailto:FishHoekRRA@gmail.com">FishHoekRRA@gmail.com</a>
<b>SIGNATURE</b>	
<b>DATE</b>	26 September 2020