

END GENDER-BASED VIOLENCE



WHAT TO DO IF YOU ARE A VICTIM OF DOMESTIC VIOLENCE



Step 1

Local Magistrates' Court: Apply for a Protection Order

- The Clerk of the Court will assist you to complete an **affidavit**, detailing the nature of the abuse. The Clerk of the Court will then open a file and record it in the system.
- The Magistrate will consider the application.

The Magistrate will then decide whether or not to:

- Issue an **interim Protection Order**.
- Issue a **Notice to Show Cause** to the person that is alleged to have committed the abuse.

When the interim Protection Order is granted:

- It is served on the alleged abuser by the **police officer, sheriff, clerk of the court** or any person ordered by the court. The order will also indicate the date of the hearing.
- The Clerk of the Court will then serve you with the **interim Protection Order** and the **suspended warrant of arrest**.
- The interim Protection Order becomes valid once served on the alleged abuser.



Step 2

Local Magistrates' Court: Attend the hearing

- On the day of the hearing, the alleged abuser must appear before the Magistrate.
- You may be required to appear before court to give **more evidence**.
- The Magistrate will then make a decision whether or not to issue a final Protection Order.
- If the alleged abuser does not attend the court hearing and there is proof that he/she was served

with the interim Protection Order, the court may then make a final Order.

- The terms and conditions of the final Protection Order may differ with those of the interim Order. Once the final Protection Order is made, it becomes valid and can only be changed by a court of law.
- You must keep the final Protection Order and the suspended warrant of arrest with you at all times.



Step 3

What happens if the alleged abuser violates the Protection Order?

- If the alleged abuser violates the Protection Order, go immediately to the nearest police station with the Protection Order and Suspended Warrant of Arrest to report the incident. Thereafter, the police may make the

arrest and the alleged abuser can be charged for violating the Protection Order.

- If he/she is found guilty he/she can be sentenced to a fine/imprisonment, or both.

WHAT IS DOMESTIC VIOLENCE?

According to the Domestic Violence Act (Act 116 of 1998) it is:

- Any form of abuse which includes physical, sexual, verbal, emotional and psychological, economic abuse and harassment.
- Damage to property.
- Entry into a person's property without consent.
- Any other **abusive or controlling behaviour** where such a conduct causes harm or may cause harm to your health, safety, or well-being.

WHAT ARE SEXUAL CRIMES?

- Rape** occurs when a person forces another to have sexual intercourse without consent.
- Sexual assault** occurs when a person sexually violates another person without consent.
- Sexual grooming** occurs when a person educates/introduces or prepares a child to perform/witness any sexual act or became sexually ready.
- Incest** occurs when people who are related and are not allowed to marry each other engage in a sexual act with each other even though they both agreed to do so.
- Child pornography** occurs when a person/company uses a child for a reward/money to publish pornographic material.
- Child prostitution** occurs when a person uses a child/a person living with a mental disability to engage him/her in sexual acts for a reward.

Other support services offered by the Sexual Offences Courts:

- Victims are taken through the court preparation programme to make them emotionally ready to testify in court.
- The waiting rooms are separate from the rest of the public area of the court to make victims feel safe and comfortable as possible.
- Victims and witnesses can testify privately to avoid secondary victimization.
- Children can testify with the assistance of an intermediary.

Gender-Based Violence Command Centre (GBVCC)

Emergency number:
0800 428 428

"Please call me" facility:
*120*7867#

WHAT TO DO IF YOU ARE A VICTIM OF A SEXUAL OFFENCE



Step 1

Police station/Thuthuzela Care Centre: Report the crime

- Immediately go to the nearest police station or a Thuthuzela Care Centre (TCC)** to report the matter. It is important that you not bath or change your clothes after a sex crime.
- You will be taken to a private victim-friendly room where a statement will be taken.



Step 2

Hospital/clinic: Examination and treatment

- You will be assisted to undergo **forensic medical examination** at a hospital/clinic. Where required, the Investigating Officer will transport you to the hospital/clinic. This is why the victim should not bath before the examination.
- The Investigating Officer will submit the Sexual Assault Kit to the Health Care Officers at the hospital/clinic.
- Once the necessary evidence has been collected, the Sexual Assault Kit will be sent to the police laboratory for analysis.
- If you have been sexually violated, you are entitled to receive **Post-Exposure Prophylaxis (PEP) to prevent HIV infection**. To receive PEP treatment, you must report the incident within 72 hours.



Step 3

Police station: Cooperate with the police during the investigation

- The police will start investigations and arrest the suspect.
- Once the investigation has been completed, **the case will be assigned to the Prosecutor**. It is important to cooperate with the Prosecutor by providing all the information requested.
- The Prosecutor may send the case docket to the police for further investigation, if necessary.
- The Prosecutor will decide whether or not to prosecute.
- You will be informed of the **trial date** by the Investigator or Prosecutor.



Step 4

Sexual Offences Court: Attend the trial

- On the date of trial, go to the **Sexual Offences Court**.
- You may testify in a private testifying room via the closed-circuit TV system. This will ensure that you do not come into physical contact with the alleged offender when you are testifying.
- The **verdict is given by the Magistrate and an appropriate sentence will be handed down, as indicated by law**. In the case where the accused is convicted of a sexual crime involving a child/mentally disabled person, the court will order that the details of the accused be entered into the National Register for Sex Offenders.

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