



GBVH HELP GUIDE

Thank you for attending the GBVH Awareness event presented by Falcorp Cyber Legal and Sponsored by Woosh Consultants.

To further empower you we would like to provide you with a help guide to assist you, should you or someone you know, be in a situation involving GBVH.

Gender-based violence and harassment can include sexual, physical, mental and economic harm inflicted in public, in private, online or at the workplace. It also includes threats of violence, coercion, manipulation and in grave cases femicide.



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1 If you are in immediate physical danger remove yourself from the place where the GBVH is occurring.

If you are in immediate physical danger remove yourself from the place where the GBVH is occurring. Get Help from organisations that assist GBVH victims with shelter National Shelter Movement of South Africa (NSMSA), POWA or the Tears Foundation. POWA – People Opposing Women Abuse is an organisation that provides free counselling, sheltering and legal services.

TEARS Foundation has a fully comprehensive network of services; medical, medico-legal, legal and psychological, currently available throughout South Africa, for the assistance and support of survivors of rape and sexual abuse. Numbers are in helpline section below.

2 Tell Someone who can support you during this process.

Silence exacerbates the situation. Tell a trusted friend, a loved one or seek counselling from a counsellor or a GBVH support organisation.

3 Seek Counselling

Seek counselling on what is happening to you in order to safeguard your mental and physical health. Speak to a professional Counsellor you are comfortable with who can assist and support you. This may be via a GBVH support organisation.

4 Seek Justice

Report the GBVH crime. This will help to hold the perpetrator accountable and prevent this from happening to another person. Even though this is a difficult process this is the best way to combat and eradicate GBVH/F.

Seek the help of a GBVH support organisation such as those listed below or a Legal Advocacy Centre such as Tshwaranang Legal Advocacy Centre (TLAC)'s or your own appointed attorney to assist & support you through this process. TLAC's purpose is to facilitate access to justice for women who have experienced or are at risk of experiencing GBVH.

5 Legal Protections and Rights You Have

Understanding your legal rights can help you, or those you know that are escaping the cycle of abuse. South African law provides several legal avenues to protect victims and offer a path out of violent situations. Here's a breakdown of what you need to know:

5.1 Protection Orders

A protection order prohibits your abuser from approaching you, contacting you or acting in certain ways that could harm you. Accessible through the Magistrate Courts, protection order applications do not require the involvement of a lawyer or costly legal fees, see 8 step process below.

A protection order can rule that the abuser is not allowed to physically or verbally abuse you or your children, the abuser may not get anyone else to harm you on his/her behalf, forbidding the abuser from entering your workplace or home and confiscating any weapons they may own.

You may also apply for an interim order to receive protection while your case is reviewed, providing much-needed safety measures. This means that the order is temporary. A date will be set for you and the accused person to appear in court. At this time, the Magistrate will review the evidence and decide whether or not to grant a final permanent protection order.

GBVH support organisations can provide advice and guidance through this process.

Anyone who is a victim of GBVH can apply for a protection order. A child under 18 can apply for the order, even without the consent (agreement) of his/her parents. Another person can also apply on a child's behalf. If, for some reason, a person cannot apply for him/herself, another person, who has an interest to see the GBVH stopped, can apply on that person's behalf.

5.2 What Happens if the Abuser Disobeys the Protection Order?

If the abuser ignores the order, you may file a complaint at your nearest police station and the courts can issue a Warrant of Arrest. The police can then arrest the abuser. Once arrested, the abuser can face criminal charges and be tried in a Criminal Court for breaching the Protection Order. Breaching a protection order is a serious offense with legal consequences.

5.3 Dealing with Trauma

Recovering from trauma is a unique journey that requires time, support, and compassionate care. GBVH support organisations offer access to essential resources like counselling, helping survivors find hope, resilience, and the strength to reclaim their lives. Feel empowered to explore coping strategies and take steps toward healing.

6 Legislation for a Safer South Africa

Over the past few years South Africa has passed significant legislation to strengthen protections for women and children against violence and abuse:

6.1 Domestic Violence Amendment Act 14 of 2021

This strengthens protections for victims of domestic violence by introducing definitions such as coercive and controlling behaviour as well as expanding the definition of domestic violence to include spiritual abuse, elderly abuse, coercive and controlling behaviour. The Act also enhances reporting tools and improves victim support. This means victims have more legal protection, the reporting process is simplified, and support services are more accessible.

8 STEPS TO GETTING A PROTECTION ORDER

- 1 **Locate the Magistrate's Court** that is nearest to where you live or work.
- 2 **Approach the court and ask to speak to a Clerk of the Court.**
- 3 **The Clerk of the Court will assist you to complete the necessary forms to apply for a Protection Order.**
- 4 **You will also be asked to fill out an affidavit. This is a document wherein you state the nature of the abuse and you make a promise that what you have written is the truth.**
- 5 **The Clerk of the Court will then take you to a Magistrate. Based on the information you have provided, the Magistrate will decide whether to grant the order or not.**
- 6 **Once you have been granted the interim Protection Order, you need to take it to the Office of the Sheriff or to the police station closest to the abuser's home or work address.**
- 7 **At the police station, make a note of the full name and/or badge number of the police officer to whom you hand the order.**
- 8 **The police department will have to hand in a 'return of service' to the Clerk of the Court. This is proof that the alleged abuser was given the order.**

NOTE: You can apply for an interim Protection Order at any time of day.

6.2 Criminal Law (Forensic Procedures) Amendment Act 8 of 2022

This allows the collection of DNA samples from offenders to solve crimes in South Africa. This means that if someone has been convicted of crime, their DNA can be collected and used to help solve cases by helping law enforcement identify offenders.

6.3 National Council on Gender-Based Violence and Femicide Act, 2024

This Act, was signed into law on 24 May 2024. It establishes a council in South Africa to coordinate and monitor efforts to fight gender-based violence and femicide (GBVF). It aims to create policies, support survivors, raise awareness, and ensure accountability among organisations addressing GBVF issues.

6.4 Criminal and Related Matters Amendment Act 12 of 2021

This Act strengthens protections for victims of crime, especially victims of gender-based violence (GBV). It makes it harder for people accused of violent crimes to get bail and emphasises the safety of victims and witnesses. It also increases the courts power to provide protection orders, and the courts can issue stricter penalties for the crimes. Victims and vulnerable groups are better supported by the courts.



Criminal Process when laying charges for a GBVH Crime

1

Reporting the Crime & Evidence Preservation:

The process begins when a victim reports the crime to the police. Victims are encouraged to preserve evidence of the crime, such as physical evidence, and to cooperate with investigators.

2

Investigation and Arrest:

The police investigate the case and may arrest the suspect if sufficient evidence is found.

3

Prosecution:

The National Prosecuting Authority (NPA) decides whether to prosecute the case based on the evidence gathered.

4

Bail Proceedings:

If the accused is charged, the court will determine whether to grant bail, considering factors like the severity of the crime and the risk of the accused absconding.

5

Trial:

If bail is denied or the accused is not released on bail, the case proceeds to trial, where the prosecution presents its case and the defense presents its case. Amendments to the Criminal Procedure Act have made it more difficult for GBV offenders to be granted bail, emphasizing the seriousness of these crimes and the need to protect victims.

6

Verdict and Sentencing:

The court, after considering the evidence, will deliver a verdict. If the accused is found guilty, the court will impose a sentence, which can include imprisonment, fines, or other penalties.



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6.5 Online GBVH Legal Remedies

1. Block the Harasser.
2. Report the Harasser to the Social Media Platform.
3. Take screenshots of the evidence & accounts.
4. Get a protection order if you are being harassed, cyberbullied, cyberstalked or groomed.
5. Lay criminal charges of crimen injuria for Cyberbullying, Cyberstalking, Online Grooming, Harassment or Hate Speech.
6. Lay a charge of child pornography against someone sending/distributing naked pictures of children.
7. Sue for damages for Defamation of Character.
8. Lay criminal charges for Revenge Pornography, Sextortion, Harassment, Compelled Self-Sexual Assault.

6.6 Statute of Limitations

There is no more time limit in which to institute a criminal prosecution for any sexual offence in South Africa, regardless of how long ago it was committed, or whether the survivor was a child or adult.

7 GBVH Helplines.

If someone is worried about a dangerous situation for themselves, a family member or community member there are free helplines (also called hotlines) available to assist:

National GBV Helpline for reporting incidents of domestic violence – 0800 150 150

Call the 24 hours Gender Based Violence National Command Centre: ? 0800 428 428 or (Please Call me) ? *120*7867# (free) for counselling and other services, including shelter.

Stop Women Abuse

Call: 0800 150 150

National Counselling Line

Call: 0861 322 322

Childline South Africa

Call: 0800 055 555

Rape Crisis

Call: 021 447 9762

People Opposing Women Abuse (POWA)

Call: 011 642 4345

Human Trafficking Hotline

Call: 0800 222 777

National Shelter Movement of South Africa (NSMSA)

Helpline for GBV survivors – 0800 001 005

SMS/WhatsApp/ Please Call me to - 082 057 8600/ 082 058 2215/ 072 239 7147.

Persons living with disabilities

SMS “help” 31531

South African Police Service (SAPS)

Call: 10111

8 GBVH Helplines.

To anonymously and safely report any incident experienced, seen or heard about **CALL the Sonke Gender Justice toll-free whistleblower hotline**

Call: 0800 333 059 • SMS: 33490 • Email: sonke@whitleblowing.co.za

Tshwaranang Legal Advocacy Centre (TLAC)’s purpose is to facilitate access to justice for women who have experienced or are at risk of experiencing GBV

Call: 011 331 0088 • Email: tshwaranang@tlac.org.za • www.tlac.org.za

Thuthuzela Care Centres based in hospitals across all 9 Provinces to avoid secondary trauma when reporting GBVH Crimes

https://www.gov.za/sites/default/files/gcis_speech/THUTHUZELA%20Care%20Centres.pdf



SCAN
THIS QR
CODE OR

[CLICK HERE](#)

South African Human Rights Commission

Call: **011 4848300**

Lifeline

Call: **011 782 1347 / 0861 322 322**

FAMSA National

Call: **011 833 2057**

Do You or Someone You Know Need Help?

If you or someone you know is experiencing violence, know that help is available. Falcorp Wellness Programme offers access to essential resources like telephonic and face-to-face counselling to support you through these challenging times. GBVH support organisations provides a place of safety, counselling and support to women who need assistance.

Standing Together for a Safer Tomorrow

Through education, support and collaboration, we can work together to eradicate gender-based violence online, in our communities, workplaces and in our country.



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