

## **Protection from Harassment Bill (B1-2010) (S75)**

**UCDP : Hon IC Ditshetelo**

**Tuesday, 16 August 2011**

Chairperson;

One presumes that the intention behind the Bill is to strengthen the Domestic Violence Act and the Criminal Procedure Act in as far as harassment is concerned. Of course these pieces of legislation have been, for the most part tooth-less, and as a woman, I'd say they failed many of our women. In that context, anything that seeks to strengthen justice, especially as it relates more to women; is therefore welcome. However, I have been of the view that the failures attributed to the Criminal Procedure Act and the Domestic Violence Act were not necessarily out of the pieces themselves being vague in certain matters; but was from officials who are not properly trained or are just unwilling to transform and apply the law as it should be. How do we intend to curb that?

We have seen too many victims of harassment and violence reluctant to apply for protection orders for economic reasons and many other reasons. I therefore consider it good that there is a provision where a third party can apply on behalf of the victim. I however, have serious concerns with the clause that suggests that in order to do so, one must have an interest in the safety of the victim, and the victim must be considered in the eyes of the court to be unable to apply for him/her self. I argue that interest may be difficult to establish and is probably not necessary; secondly proving the inability of the victim may be a deterrent factor on many concerned citizens bearing witness to harassment and abuse.

I welcome the fact that a child may/can apply for a protection order unassisted. I believe this is in line with the Children's Act and we are progressing in designing laws that seek to protect our children. Our officials need to ensure that the beautiful laws are in fact implemented.