



**OFFICE OF THE HEAD OF THE DEPARTMENT**

Steve Vukile Tshwete Complex, Zone 6 Zwelitsha, 5608, Private Bag X0032, Bhisho, 5605 REPUBLIC OF SOUTH AFRICA: Enquiries: Ms ZZ Njotini. Tel: 040 608 4043. Email: [zukiswa.njotini@ecdoe.gov.za](mailto:zukiswa.njotini@ecdoe.gov.za)  
Website: [www.eceducation.gov.za](http://www.eceducation.gov.za)

**TO : ALL DDGS  
CHIEF FINANCIAL OFFICER  
EDUCATION DEVELOPMENT  
OFFICERS  
DIRECTORS  
PRINCIPALS OF SCHOOLS  
ALL EMPLOYEES**

**FROM : ACTING HEAD OF DEPARTMENT**

**SUBJECT : RE- CIRCULAR NO 12 OF 2022: AMENDMENT  
ACTS FOR GENDER BASED VIOLENCE AND  
FEMICIDE**

1. The above matter has reference
2. Please find herewith the Circular on the three (3) Amendment Acts for Gender Based Violence and Femicide which were signed into law on the 28<sup>th</sup> of January 2022.
3. These are the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act and the Domestic Violence Amendment Act.
4. The purpose of this new legislation is to strengthen efforts to end Gender Based Violence and Femicide in South Africa with a victim centered focus on combating this dehumanizing pandemic.

**M QWASE**

**ACTING HEAD OF DEPARTMENT**

**13 FEBRUARY 2023**

**DATE**



Enquiries : Mrs ZZ Njotini  
Tel : 040 608 4043  
Email : [Zukiswa.njotini@ecdoe.gov.za](mailto:Zukiswa.njotini@ecdoe.gov.za)

**TO :** ALL DDGS  
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PRINCIPALS  
ALL EMPLOYEES

**FROM :** ACTING HEAD OF DEPARTMENT

**CIRCULAR NO 12 OF 2022:**

### **AMMENDMENT ACTS FOR GENDER BASED VIOLENCE AND FEMICIDE**

1. On the 28<sup>th</sup> January 2022, the new Gender Based Violence and Femicide acts were signed into law. These are the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal and Related Matters Amendment Act and the Domestic Violence Amendment Act.
2. The above laws are aimed at strengthening efforts to end Gender Based Violence and Femicide in South Africa.

### **3. KEY PROVISIONS OF THE AMMENDMENT ACTS**

- a) Tightening of incest prohibitions.
- b) Extensive definitions of sexual intimidation.
- c) Inclusion of all convicted sex offenders in the National Register of Sex Offenders.
- d) Providing for the Register to be publicly accessible.
- e) Prohibiting the employment of sex offenders in professions where vulnerable persons may be at risk.
- f) Requiring persons aware of offences being committed against children to report them to the police.
- g) Providing for intermediaries and audiovisual court processes for vulnerable complainants.
- h) Tightening protection orders, bail, sentencing and parole provisions for sex offenders.
- i) Removing dangerous weapons from the possession of the accused; and
- j) Empowering the police to arrest and enter premises without warrants if needed.



#### 4. IMPLICATIONS FOR THE EDUCATION SECTOR

- i. The Criminal & Related Matters Amendment Act that speaks to issues of bail conditions.
  - ii. Sexual Offences Related Matters Act (SORMA) section 54 of the Act which places a legal obligation to report any suspicion or commission of a sexual offence against a child. This provision further criminalises failure to do so.
  - iii. The same Act also introduces massive changes on the chapter dealing with the National Register for Sex Offenders (NRSO). Eastern Cape Department of Education must vet all employees (**teaching and non-teaching staff who have regular contact will learners**) and failure to do so amounts to a crime. No educator should provide services to children without being cleared against the National Register for Sex Offenders.
  - iv. Sexual Offences Related Matters Act permits educators who are not in service to provide intermediary services in court proceedings. Commencement date is 5 August 2022.
  - v. The Domestic Violence Amendment Act 14 of 2021 has expanded the duties and responsibilities of educators. It also places a legal obligation to report and criminalises failure to do so.
5. You are kindly requested to bring the content of this Circular to the attention of all provincial and district officials, principals and educators and non-teaching staff of both public and independent schools and relevant stakeholders.

M QWASE  
ACTING HEAD OF DEPARTMENT

23 JANUARY 2023

DATE