

## The Domestic Violence Amendment Act 14 of 2021: What It Means for Vulnerable Groups in South Africa



### The Context

**“1 in 3 women (7.3 million)** women in South Africa have experienced physical violence in their lives. **9.8% (2.1 million)** have been victims of sexual violence.

**23.9% / about 1 in 4 women (3.4 million)** have experienced physical violence and or sexual violence by an intimate partner. **20.9% over 1 in 5 men (3.1 million)** reported having victimised their partner physically or sexually

**Economic abuse** is rife with **13.1% over 1 in 10** women having experienced it and 14.8% men reporting perpetrating. These are men who withhold earnings, prohibit women from working, throw women out of the house and take women’s earnings

Overall, **1 in 4 (25.1%)** ever-partnered women experienced emotional abuse such as insults by a partner, intimidation, belittling, humiliation in front of people, damaging of things and verbal threats.” *Source: Human Sciences Research Council survey findings on gender based survey prevalence in South Africa (2022) as presented to the SA parliamentary portfolio committee on women, youth and persons with disabilities (May 2025)*

**To strengthen protection for survivors, South Africa introduced the Domestic Violence Amendment Act 14 of 2021. This law makes it easier for vulnerable groups to access help and ensures stronger accountability for abusers and authorities**

### What Counts as Domestic Violence?

**As per The Domestic Violence Amendment Act domestic violence’ means:**

- a) physical abuse;
- b) sexual abuse;
- c) emotional, verbal **and** or psychological abuse
- d) economic abuse;
- e) intimidation;
- f) harassment; (fA) sexual harassment; (fB) related person abuse;
- g) **[stalking]** spiritual abuse;
- h) damage to property; (hA) elder abuse; (hB) coercive behaviour; (hC) controlling behaviour; (hD) to expose a child to domestic violence;
- i) entry into the complainant’s:
  - I. permanent or temporary residence without **his or her** their consent, where the parties do not share the same residence; or
  - II. workplace or place of study, without their consent, where the parties do not share the same workplace or place of study; or
- j) any other **controlling or abusive** behaviour of an intimidating, threatening, abusive, degrading, offensive or humiliating nature towards a complainant, where such conduct harms, or **may cause imminent harm to, the safety, health or wellbeing of** inspires the reasonable belief that harm may be caused to the complainant;

## **The Domestic Violence Amendment Act 14 of 2021: What It Means for Vulnerable Groups in South Africa**

### **How does the Act describe a domestic relationship between a victim/complainant and a perpetrator/respondent?**

**As per the Act, domestic relationship** means a relationship between a victim/complainant and a perpetrator/respondent in any of the following ways:

- a) They are or were married to each other, including marriage according to any law, custom or religion;
- b) they (whether they are of the same or of the opposite sex) live or lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other, or are not able to be married to each other;
- c) they are the parents of a child or are persons who have or had parental responsibility for that child (whether or not at the same time);
- d) they are family members related by consanguinity, affinity or adoption;
- e) they are or were in an engagement, dating or customary relationship, including an actual or perceived romantic, intimate or sexual relationship of any duration; or
- f) they are persons in a close relationship that share or **recently** shared the same residence;

### **How does the Act describe who is “the respondent” (or perpetrator)?**

**As per The Domestic Violence Amendment Act the respondent (or perpetrator)** is:

Any person who is or has been in a domestic relationship with a complainant/victim and who:

- a) has committed or allegedly committed; or
- b) has used or allegedly used a third party actor to commit or allegedly to commit, an act of domestic violence against the complainant/victim

### **How does the Act describe who is “the complainant” (or victim)?**

**As per The Domestic Violence Amendment Act “the complainant” (or victim)** is:

Any person who is or has been in a domestic relationship with a respondent and who is or has been subjected or allegedly subjected to an act of domestic violence, including any child in the care of the complainant/victim

### **How does the Act describe physical abuse?**

**As per The Domestic Violence Amendment Act physical abuse is: Any act or threatened act of** (that includes):

- (a) Physical violence or threats of physical violence towards a victim/complainant;
- (b) Depriving the complainant of their liberty or threatening to do so;
- (c) Administering, attempting to administer or threatening to administer—
  - (i) Any drug as defined in section 1(1) of the Drugs and Drug Trafficking Act No. 140 of 1992;
  - (ii) any Scheduled substance as defined in section 1(1) of the Medicines and Related Substances Act No. 101 of 1965, that affects or may affect a complainant’s judgement or decision-making abilities or is harmful to the health or wellbeing of the victim/complainant; or
  - (iii) Any chemical or other substance that is harmful to the health or wellbeing of the victim/complainant, to a victim/complainant without the victim/complainant’s consent; or
- (d) Withholding or threatening to withhold a victim/complainant’s medication;

## The Domestic Violence Amendment Act 14 of 2021: What It Means for Vulnerable Groups in South Africa

### How does the Act describe sexual abuse?

**As per The Domestic Violence Amendment Act sexual abuse is: Any conduct that** abuses, humiliates, degrades or otherwise violates the sexual integrity of the victim/complainant, irrespective of whether or not such conduct constitutes a sexual offence as contemplated in the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007); ‘

### How does the Act describe emotional abuse?

**As per The Domestic Violence Amendment Act emotional abuse happens:**

**When there is a pattern of** degrading, manipulating, threatening, offensive, intimidating or humiliating conduct towards a victim/complainant that causes mental or psychological harm to a victim/complainant, including

- (a) **Repeated** insults, ridicule or name calling;
- (b) **Repeated** threats to cause emotional pain; **or**
- (c) **Repeated** exhibition of obsessive possessiveness or jealousy, which **is such as to constitute** constitutes a serious invasion of the victim/complainant’s privacy, liberty, integrity or security;
- (d) The wilful damaging or destruction of any property in close vicinity of a victim/complainant;
- (e) To harm or threaten to harm a household pet or other animal, whose welfare affects a victim/complainant’s wellbeing;
- (f) To disclose or threaten to disclose a victim/complainant’s sexual orientation or other private information concerning a victim/complainant, to others without the complainant’s consent;
- (g) To threaten the victim/complainant with the death or injury of another person or damage of another person’s property; or
- (h) Threats to commit suicide or self-harm;

### How does the Act describe economic abuse?

**As per The Domestic Violence Amendment Act economic abuse is:**

The withholding of money, food, or essentials **that includes:**

- (a) The **unreasonable** deprivation of economic or financial resources to which a victim/complainant is entitled under law or which the complainant/victim requires out of necessity, including education expenses, household necessities for the victim/complainant, and mortgage bond repayments or payment of rent in respect of the shared residence or accommodation;
- (b) The **unreasonable** disposal of household effects or other property in which the victim/complainant has an interest without the victim/complainant’s permission;
- (c) The use of financial resources of a victim/complainant, without the victim/complainant’s permission; or
- (d) The coercing of the victim/complainant to—
  - (i) Relinquish control over assets or income; or
  - (ii) Sign a legal document that would enable the victim/complainant’s finances to be managed by another person;

### How does the Act describe intimidation?

**As per The Domestic Violence Amendment Act Intimidation is:**

**The uttering or conveying of a threat to, or causing a victim/complainant to receive a threat, which induces fear;**

## The Domestic Violence Amendment Act 14 of 2021: What It Means for Vulnerable Groups in South Africa

- a) physical violence, or damage to property belonging, to a victim/complainant or any other person;
- b) threats of physical violence, or damage to property belonging, to a victim/complainant or any other person;
- c) to deprive the victim/complainant or any other person of their liberty or threatening to do so; or
- d) conveying a threat, or causing a victim/complainant to receive a threat, which induces fear of physical violence, or damage to property belonging to a victim/complainant or any other person through electronic communication

### How does the Act describe Harassment?

**As per The Domestic Violence Amendment Act Harassment occurs when the perpetrator/respondent engages in a pattern of conduct that induces the fear of harm to a victim/complainant, including:**

**(a) Repeatedly and unreasonably**

(i) Following, watching, stalking, pursuing or accosting the victim/complainant or a related person; or

(ii) loitering outside of or near the building or place where the victim/complainant or a related person resides, works, carries on business, studies or happens to be, which inspires the belief in the complainant that they or a related person may be harmed or their property may be damaged;

**(b) Repeatedly making telephone calls or inducing another person to make telephone calls to the victim/complainant, whether or not conversation ensues** to repeatedly contact the victim/complainant by means of an electronic communications service, irrespective whether or not

(i) A conversation ensues; or

(ii) Any information is conveyed to the complainant;

**(c) Repeatedly sending or delivering or causing the delivery of letters, telegrams, of packages, facsimiles, electronic mail communications or other objects to the victim/complainant, or leaving them where they may be found by, given to, or brought to the attention of, victim/complainant;**

**(d) the unauthorised access to a victim/complainant's communication or electronic communication; (e) the monitoring or tracking of the complainant's movements, activities or interpersonal associations without the victim/complainant's consent, including, for example, by using technology;**

**(f) To enter any part of the joint residence that is exclusively used by the victim/complainant or other property of the victim/complainant, without the victim/complainant's permission;**

**(g) To unreasonably interfere with any property that is exclusively used by or is in the possession of the victim/complainant;**

### How does the Act describe Sexual Harassment?

**As per The Domestic Violence Amendment Act sexual abuse is Sexual Harassment means any:**

a) unwelcome sexual attention from a perpetrator/respondent who knows or ought reasonably to know that such attention is unwelcome;

b) unwelcome explicit or implicit behaviour, suggestions, gestures, remarks made, communications sent or delivered, or electronic communications disclosed, to the victim/complainant:

(i) Of a sexual nature; or

## **The Domestic Violence Amendment Act 14 of 2021: What It Means for Vulnerable Groups in South Africa**

- (ii) Regarding the victim/complainant's or related person's sexual orientation, gender or gender expression, by a perpetrator/respondent, that has the effect of offending, intimidating or humiliating the victim/complainant;
- c) implied or expressed promise of reward made to the victim/complainant if they comply with a sexually oriented request; or
- d) implied or expressed threat of reprisal made to, or actual reprisal against, the victim/complainant for refusal to comply with a sexually oriented request;

### **How does the Act describe Spiritual abuse?**

#### **As per The Domestic Violence Amendment Act Spiritual abuse means:**

- a) advocating hatred against the victim/complainant because of their religious or spiritual beliefs, that constitutes incitement to cause harm to the victim/complainant;
- b) preventing the complainant from exercising their constitutional right to freedom of conscience, religion, thought, belief and opinion, including to give external manifestation to their religious or spiritual convictions and beliefs; or
- c) manipulating the victim/complainant's religious or spiritual convictions and beliefs to justify or rationalise abusing the victim/complainant

### **How does the Act describe damage to property?**

#### **As per The Domestic Violence Amendment Act Damage to property, means:**

- a) the wilful damaging or destruction of property; or
- b) threats to damage or destroy property, belonging to, or which is in the possession or under the control of, the victim/complainant, or in which the victim/complainant has a vested interest;

### **How does the Act describe elder abuse?**

#### **As per The Domestic Violence Amendment Act elder abuse means:**

The abuse of an older person as contemplated in section 30(2) of the Older Persons Act No. 13 of 2006, occurring within a domestic relationship.

Section 30 of the Older Persons Act states that:

1. Any person who abuses an older person is guilty of an offence.
2. Any conduct or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress or is likely to cause harm or distress to an older person constitutes abuse of an older person.
3. For the purposes of subsection (2), "abuse" includes physical, sexual, psychological and economic abuse.
  - (a) "Physical abuse" means any act or threat of physical violence towards an older person;
  - (b) "Sexual abuse" means any conduct that violates the sexual integrity of an older person;
  - (c) "Psychological abuse" means any pattern of degrading or humiliating conduct towards an older person, including:
    - (i) Repeated insults, ridicule or name calling;
    - (ii) Repeated threats to cause emotional pain; and



## The Domestic Violence Amendment Act 14 of 2021: What It Means for Vulnerable Groups in South Africa

(iii) Repeated invasion of an older person's privacy, liberty, integrity or security;

(d) "Economic abuse" means-

(i) The deprivation of economic and financial resources to which an older person is entitled under any law;

(ii) The unreasonable deprivation of economic and financial resources which the older person requires out of necessity; or

(iii) The disposal of household effects or other property that belongs to the older person without the older person's consent.

4. *If a court, after having convicted a person of any crime or offence, finds that the convicted person has abused an older person in the commission of such crime or offence, such finding must be regarded as an aggravating circumstance for sentencing purposes.*

### How does the Act describe coercive behaviour?

**As per The Domestic Violence Amendment Act Coercive behaviour means:**

To compel or force a victim/complainant to abstain from doing anything that they have a lawful right to do, or to do anything that they have a lawful right to abstain from doing;

### How does the Act describe controlling behaviour?

**As per The Domestic Violence Amendment Act controlling behaviour means:**

Any behaviour towards a victim/complainant that has the effect of making the victim/complainant dependent on, or subservient to, the perpetrator/ respondent and includes:

(a) Isolating them from sources of support;

(b) Exploiting their resources or capacities for personal gain;

(c) Depriving them of the means needed for independence, resistance, escape or

(d) Regulating their everyday behaviour

### How does the Act describe exposing a child to domestic violence?

**As per The Domestic Violence Amendment Act exposing a child to domestic violence – even if the violence is not directed at them, means:**

To intentionally cause a child to

(a) See or hear domestic violence; or

(b) Experience the effects of domestic violence;

### Key Changes contained in the Domestic Violence Amendment Act

❖ **Wider Protection** – The Act covers children, elderly, and people with disabilities, caregivers, household members, and LGBTQIA+ individuals.

❖ **Mandatory Reporting** – Teachers, care givers, medical practitioners, health care personnel, officials in the employ of a public health establishment and social workers;

Who, in the course of the performance of their duties or the exercise of their functions obtains information which, after evaluation by them, causes them to believe or suspect on reasonable grounds, that a child, a person with a

## The Domestic Violence Amendment Act 14 of 2021: What It Means for Vulnerable Groups in South Africa

disability or an older person, may be a complainant/victim must – without any delay complete and submit a report in the prescribed manner

- ❖ **Stronger Role for the Police** – Police must respond quickly to submitted reports and help survivors with access to protection.
- ❖ **Provision for Technology for Safety** – When fully implemented, Victims will be able to apply for protection orders electronically.

### Why This Matters for Vulnerable Groups

- ❖ Children may not understand how to ask for protection. **As per the Act, a child**’ means a person under the age of 18 years of age;
- ❖ Elderly people may depend on their abuser for care
- ❖ People with disabilities may struggle to access services. **As per The Domestic Violence Amendment Act disability** means: a moderate to severe limitation of a person’s ability to function or perform daily activities as a result of a physical, sensory, communication, intellectual, mental or psychological impairment;
- ❖ LGBTQIA+ individuals may fear discrimination when reporting abuse.

### Know Your Rights

- You can apply for a protection order from your local magistrate court
- The SAPS are obligated to assist you as a victim. They must take your complaint seriously.
- You can apply for access to safe shelters and social services.
- You are obligated to report acts of domestic violence to SAPS or a social worker on behalf of someone who cannot do it themselves – a child, the disabled, the elderly or an incapacitated person.

### How does the Act describe the Obligation to report domestic violence and how to provide information?

#### As per The Domestic Violence Amendment Act:

“an adult person who knows, or believes or suspects on reasonable grounds, that an **act of domestic violence has been committed against a child, a person with a disability or an older person**, must report such knowledge, belief or suspicion as soon as possible, to a social worker or the South African Police Service.”

(2) The report must

(a) Be made in the prescribed form;

(b) Set out the reasons for such knowledge, belief or suspicion; and

(c) In the prescribed manner be submitted to a social worker or a member of the South African Police Service.

## The Domestic Violence Amendment Act 14 of 2021: What It Means for Vulnerable Groups in South Africa

### Final Word

The Domestic Violence Amendment Act 14 of 2021 is a powerful step towards better protection for vulnerable groups in South Africa.

However, laws like The Domestic Violence Amendment Act only become effective if victims from vulnerable groups in communities use the law as intended.

Speaking out, reporting domestic violence, supporting survivors, and knowing your rights can help break the cycle of abuse.

Silence protects the abuser. Reporting and Speaking up protects the vulnerable.

