

FOR IMMEDIATE RELEASE

**MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION
(SALRC) ON ITS INVESTIGATION INTO STALKING (PROJECT 130)**

The SALRC releases its Report on Stalking for general information.

The Report contains the final recommendations of the SALRC regarding its investigation into stalking and a draft Bill which embodies a civil remedy to address stalking behaviour. The proposed Bill, with the exception of domestic violence specific provisions, largely mirrors the Domestic Violence Act, 1998. The aim of this remedy is to enable victims of stalking, who fall outside the protection of the Domestic Violence Act, with the option of obtaining a protection order which is coupled to a suspended warrant of arrest. The primary focus of the Bill is to interrupt stalking behaviour before physical harm ensues.

Internationally the legal understanding of stalking has evolved to the point where it now resorts under what is broadly termed harassment. In order to provide greater protection the SALRC recommends that, as has been done in the United Kingdom and Canada, the broader term harassment should be used.

The proposed Bill defines harassment as engaging in conduct that causes harm or inspires the reasonable belief that harm may be caused.

The SALRC has found that although stalking is not recognised by name as a crime in South Africa, stalking or harassing behaviour is addressed by a number of existing offences, such as assault, *crimen injuria*, trespassing and malicious damage to property. Therefore the SALRC does not recommend the enactment of a specific offence of stalking. The SALRC is of the opinion that an improved understanding of and application of the existing law would acknowledge the rights of certain victims of stalking to redress in terms of the criminal law and provide immediate intervention.

The Report will be made available on the Internet at: <http://salawreform.justice.gov.za/>

ISSUED BY THE SECRETARY, S A LAW REFORM COMMISSION, PRETORIA

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