

"Zarina"

Anushka Virahsawmy



CHAPTER 5

Gender Based Violence

Articles 20-25



Women from Alexandra township, Gauteng, participate in a march to raise awareness on gender based violence.

Photo: Trevor Davies

KEY POINTS

- Citizens scored the government's performance at 77% based on perceptions of progress made against the SADC Gender Protocol gender based violence targets set for 2015. This places the country at number 3 out of the 15 SADC countries.
- Over three quarters (77%) of women in Limpopo; 51% of women in Gauteng; 39% of women in the Western Cape and 37% of women in KwaZulu Natal report experiencing some form of violence.
- Intimate partner violence (IPV) is the predominant form of violence against women in four provinces of South Africa.
- Emotional violence is the highest form of IPV amongst women.
- Less than 15% of women in four provinces in the four provinces report violence against women.
- South Africa has strong policy and legislative provisions, these must be implemented.
- Government must allocate resources to implement the 365 Day National Action Plan to end Gender Violence and run the National GBV Council effectively.

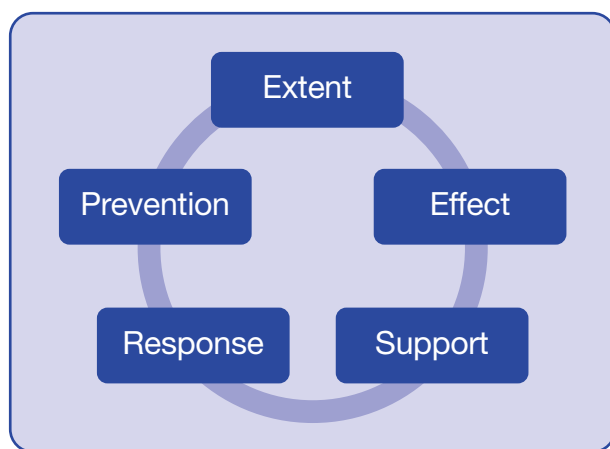
Table 5.1: CSC scores on gender based violence

	SGDI	CSC
Scores	N/A	77%
Ranks	N/A	3

The SGDI does not provide an empirical score for Gender Based Violence (GBV). This sector is rated using only the Citizen Score Card (CSC). South African citizens perceive that the country achieves a rating of 77% out 100% towards the 2015 target of halving GBV by 2015. South Africa is ranked third in the region. The score shows that gender violence is now on the political agenda but it belies the high levels of GBV prevalent in the country.

Background

As a result of a prevalence study conducted by GL, Violence against women (VAW) baseline data is available for Gauteng, KwaZulu Natal, Western Cape and Limpopo. The baseline study sought to establish the exact levels of GBV, in order to measure progress.



The research uses inter-related tools to answer key questions relating to extent, effect, response, support, and prevention. These tools are a prevalence and attitudes household survey; analysis of administrative data gathered from the criminal justice system (police, courts), health services, and government-run shelter; qualitative research of men's experiences of intimate partner violence as well as first-hand accounts of women's and men's experiences, or 'I' stories; media monitoring and political content analysis.

Statistics from service providers also often cover physical and sexual assault but do not disaggregate GBV into other forms such as femicide, marital rape, emotional and economic violence. The first-hand personal accounts also called "I" stories, give a human face to all aspects of the research.

Table 5.2: VAW respondents in four provinces

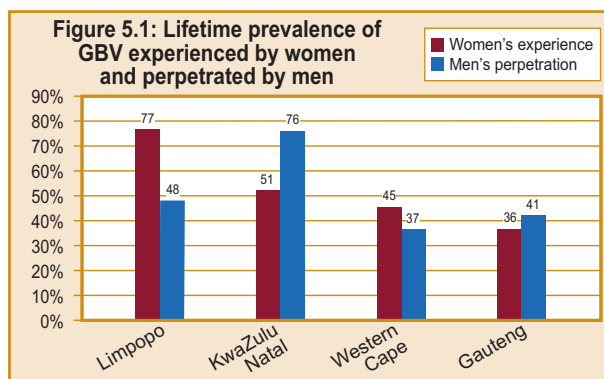
SITE	FEMALE	MALE	TOTAL
Gauteng	679	678	1357
KwaZulu Natal	698	593	1291
Western Cape	750	741	1491
Limpopo	840	1000	1840
Total	2967	3012	5979

The flagship tool is the household prevalence and attitude survey, justified on the basis that statistics obtained from administrative data fall short, as survivors do not report most incidents to police or service providers. Table 5.2 shows that so far, the survey has been administered to 5979 respondents: 2967 women and 3012 men in four South African provinces.

Unlike police data that relies on reported cases, the survey involves self-reported behaviour and experiences obtained through in-depth interviews with a representative sample of women and men from the different provinces using two separate questionnaires for women (focusing on their experiences) and men (focusing on perpetration) of violence.

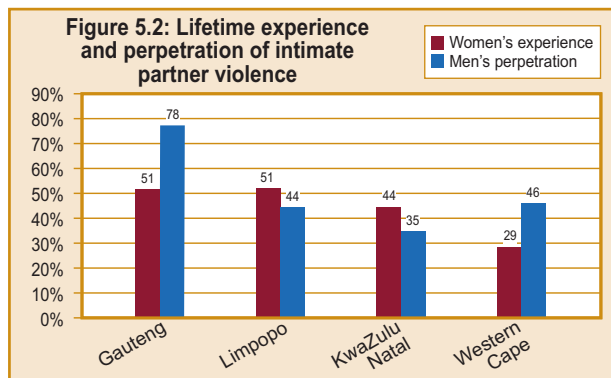
The focus on violence against women is justified by overwhelming evidence that the majority of gender violence cases consist of violence against women and these cases result in the extensive and well documented adverse health consequences (Krug et al 2002). Comparing what women say they experience to what men say they do adds credibility to the findings.

Key findings

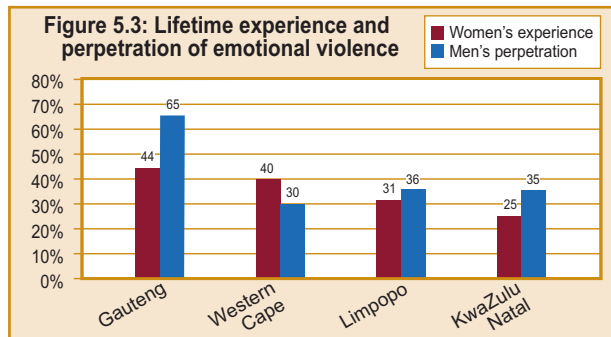


High levels of GBV prevalent in all four sites but low levels reporting of GBV to the police in all sites: The studies show that 77% of the women in the Limpopo sample experienced violence at least once in their lifetime; 51% of women in Gauteng; 45% of women in Western Cape and 36% of women in KwaZulu Natal. A higher proportion of men in Gauteng (76%) and KwaZulu Natal (41%) admitted to perpetrating

violence against women in their lifetime. A lower proportion of men, compared to the proportion of women reporting GBV said they perpetrated GBV in Limpopo (48%) and Western Cape (35%).



The most predominant form of GBV experienced by women and perpetrated by men occurs within intimate partnerships. Of the sample of women, 51% in Gauteng and Limpopo, 44% in the Western Cape and 29% in KwaZulu Natal experienced intimate partner violence (IPV) in their lifetime. Of the sample of men in the four provinces, more men in Gauteng and KwaZulu Natal admitted to perpetrating IPV.



Emotional violence is the highest form of IPV experienced by women and perpetrated by men in all four provinces. Women in the sample experience emotional violence most. The men in the sample in Gauteng, Limpopo and KwaZulu Natal admit to perpetrating emotional violence more than other forms of violence. Women who experience emotional violence think about committing suicide at least once a month. Women experiencing emotional and other forms of violence need ongoing psychosocial support.

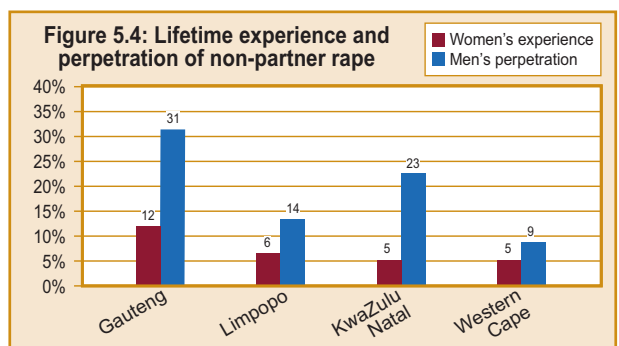
High levels of sexual harassment prevalent in Limpopo. The prevalence of violence amongst women in the Limpopo sample is 77% with 51% of women experiencing IPV.

Of the women in Table 5.2, 55% experienced sexual harassment at least once in their lifetime. Women experience sexual harassment primarily in the workplace and school. Sexual harassment in the workplace affects

women's ability to perform and advance in the workplace. When young women experience sexual harassment at school, they may dropout due to fear, intimidation and/or pregnancy.

Table 5.2: Sexual harassment lifetime prevalence

Sexual harassment in lifetime	Limpopo (%)
Any sexual harassment in lifetime	54.8
At workplace	65.7
At school	57.3
Touched sexually by a conductor/taxi driver/taxi rank marshal	0.9
A traditional healer said I should have sex with him	1.2



Men more likely to admit to rape than women are to report experiencing rape. Twelve percent of women in the Gauteng sample, 6% of women in Western Cape and 5% of women in Limpopo and KwaZulu Natal reported experiencing rape in their lifetime. The proportion of men reporting rape perpetration in the four provinces is significantly higher than the proportion of women reporting experience of rape. This trend is alarming and requires further interrogation.

GBV places women at increased risk of sexually transmitted infections (STIs), HIV and poor mental health effects: Sixteen per cent of women in Limpopo, 25% in Gauteng, 26% in KZN and 43% in the Western Cape who experienced physical abuse suffered injuries. Women who experienced IPV in their lifetime were more likely to be diagnosed with an STI than women who never experienced IPV in their lifetime. A significantly higher proportion of IPV and rape survivors reported a HIV positive status when compared to non-survivors.

South Africa needs to allocate resources to step up and fast track the implementation of GBV strategies, legislation and policies. Another key priority is to establish baselines for the prevalence of GBV in all the provinces of South Africa. By 2015 the SGP requires South Africa must:

- Enact and enforce legislation prohibiting all forms of gender based violence;

- Ensure that laws on gender based violence provide for the comprehensive testing, treatment and care of survivors of sexual assault;
- Review and reform their criminal laws and procedures applicable to cases of sexual offences and gender based violence;
- Enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services

to the victims with the aim of reintegrating them into society;

- Enact legislative provisions and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres;
- Provide deterrent sanctions for perpetrators of sexual harassment.

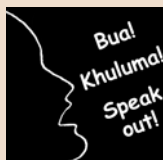
Legal



The Protocol requires that State Parties shall, by 2015, enact and enforce legislation prohibiting all forms of GBV. Linked to this is the obligation that all laws on GBV provide for the comprehensive testing, treatment and care of survivors of sexual offences which shall include emergency contraception, ready access to post exposure prophylaxis at all health facilities to reduce the risk of contracting HIV and preventing the onset of sexually transmitted infections.

Sexual offences

South Africa has a strong legislative framework to deal with sexual offences. In 2013, the National Prosecuting Authority (NPA) reported a 65.1% conviction rate for sexual offences. The NPA defines a “conviction rate” as the “percentage of cases finalised with a guilty verdict divided by the number of cases finalised with a verdict.” Convictions are counted at the date sentencing or “not guilty” verdict, irrespective of when a plea was first entered. Therefore, a case instituted in 2011, but concluded in 2013 would form part of the 2013 conviction rate.¹



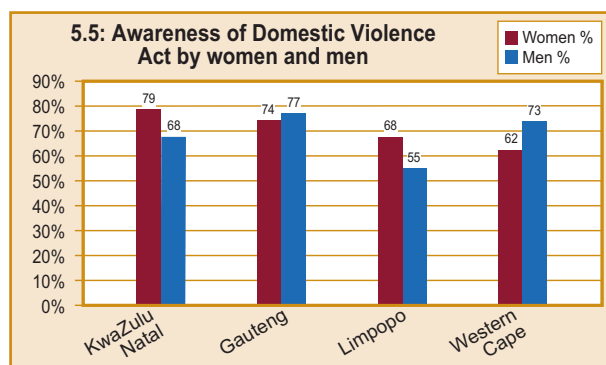
Demanding justice

- Gender sensitivity training for legal professionals such as magistrates and police.
- Ongoing legal education with specific reference to Constitution and other laws that protect women's rights.
- Address ongoing abuse and murder of lesbian women. The Justice System and government must take a tough stance on such murders.

As is evident in the information above the conviction rates hide the lengthy wait that survivors of sexual offences face in the administration of justice. Delays in court hearings are exacerbated by the alleged sexual offenders receiving bail and sometimes living in the same areas as the survivors. Sonke Gender Justice is currently tracking the implementation of Sexual Offences Act 32 of 2007 (SOA). An excerpt from the campaign follows.

Domestic violence

The VAW baseline study in the four provinces highlighted the need for improved legal literacy for women. The study showed a higher level of awareness of the Domestic Violence Act among men than among women. Three quarters (74%) of women in Gauteng, 62% of women in Western Cape, 79 of women in KwaZulu Natal, and 68% of women in Limpopo reported being aware of the Domestic Violence Act. Women in the largely rural and conservative provinces of KwaZulu Natal and Limpopo lag behind Gauteng and Western Cape women with regard to legal literacy. GBV prevention programmes in KwaZulu Natal and Limpopo should aim to raise awareness on the Domestic violence Act and its provisions among women.



Police compliance in implementing the Domestic Violence Act needs improvement. Nationally, the Independent Complaints Directorate (ICD) as the responsible authority of monitoring the SAPS in its implementation of the DVA received 67 cases of alleged

¹ <http://www.africacheck.org/reports/conviction-rates-an-unreliable-benchmark-of-npa-success/#sthash.QfHWT09q.dpuf>

non-compliance with the DVA from all provinces for the period July 2011 to March 2012. Most non-compliance matters occurred in the Western Cape. Some of the reasons for non-compliance included: officers did not understand the Domestic Violence Act and the obligations imposed by it; copies of the Domestic Violence Act and National Regulations were not available as required; and police leaders took too long to discipline SAPS members. Record keeping was another common reason for non-compliance, as was failure to notify the ICD of non-compliance and a culture of silence around domestic violence (IPID 2012).

The DVA came under scrutiny in first quarter of 2013. Justice and Constitutional Development Deputy Minister Andrei's Nell announced that the South African Law Reform Commission is in the process of reviewing provisions in the Domestic Violence Act 116/1998. The Act, described as 'one of the best and most progressive pieces of legislation in the world' and 'absolutely ground-

breaking' in its provisions for the protection of women - Nel conceded that, while 'basically sound', certain provisions in the Act had resulted in 'serious implementation problems'.

The gaps in the legislation arose during public hearings on the Dangerous Weapons Bill held by the National Assembly's committee on police, a call was made for a re-evaluation of the statute's impact on the abuse of women - particularly in view of the burgeoning number of cases of domestic violence across SA. According to committee chair Annalize van Wyk, it is 'clear' that the Act is not adequately protecting women. With this in mind, she has invited the SA Police Service to identify areas of the Act needing to be amended. Van Wyk also questioned the reasoning behind allowing the perpetrators of domestic violence to own firearms. Civilian Secretariat for Police Act 2/2011 made monitoring and compliance with the Domestic Violence Act one of the Secretariat's functions.³

Tracking the Sexual Offences Amendment Act²



Protestors demanding that rape accused do not get bail.
Photo: Africa Check

Despite South Africa's progressive legislation, it remains very difficult to obtain justice for sexual offences. Good laws alone are not enough: they must be combined with strong advocacy if they are to change practice.

Sexual offences laws in South Africa were updated in 2007. The Criminal Law (Sexual Offences) Amendment Act 32 of 2007 (SOA) consolidated all sexual crimes in one law, defined sexual crimes gender-neutrally to apply to both men and women, and ensured rape survivors access to post-exposure prophylaxis (PEP), among other provisions. Despite this promising reform, the implementation of the SOA uneven around the country.

The government has been slow to produce implementing policy, with the Draft National Policy Framework just produced this year.

Shukumisa, which means to "shake things up" in isiXhosa, is promoting a South Africa where everybody treats rape as a serious crime - a country where quality health, policing and legal services are available to all rape survivors nationwide. The Shukumisa Campaign actively monitors police stations, courthouses, and hospitals to determine what services are in place for rape victims, as required by the SOA and its implementing policies. After each round of monitoring, Shukumisa compiles the results of its monitoring into reports which it submits to the South African Police Service (SAPS), the Department of Justice and Constitutional Development and the Department of Health.

Shukumisa currently also seeks to re-open the comments process for the recently produced Draft National Policy Framework on Sexual Offences. In its current iteration the Draft Framework does not adequately incorporate procedures to empower rape survivors throughout the complaints, treatment, and prosecution processes. More specifically, it does not adequately incorporate a role for civil society in ensuring the progressive realisation of services for rape survivors.

(Source: Sonke Gender Justice)

² <http://genderjustice.org.za/projects/policy-advocacy/sexual-offences-act-implementation.html>
³ <http://www.legalbrief.co.za/article.php?story=20130227052910173>

Human trafficking

On the 29 July 2013, President Jacob Zuma signed the Prevention and Combating of Trafficking in Persons Bill into law. The signing of this Bill into law is significant. For the first time South Africa will have a single statute which addresses the scourge of trafficking in persons holistically and comprehensively.



To date, the legislative framework dealing with this issue has been fragmented. For instance, the legislation dealing with sexual offences addresses the trafficking of persons for purposes of sexual exploitation only, while the Children's Act addresses the trafficking of children specifically.

Sexual harassment



The Protocol calls upon State Parties to ensure that by 2015 they enact legislative provisions adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent.

The South African government passed the Protection from Harassment Act in April 2013. The Act defines harassment as any conduct (whether it be direct or indirect) that the perpetrator knows or ought to know will cause mental, psychological, physical or economic harm or inspires the reasonable belief on the part of the victim and that harm will be caused to a person (referred to in the Act as the "complainant") or any member of the family or household of the complainant or any other person in a close relationship with the complainant. The Act refers to any member of the family, household of the complainant or any person in a close relationship with the complainant as a "related person".

Harassment includes:

- Unreasonably following, watching, pursuing or accosting

Besides creating the main offence of trafficking in persons, the new legislation also creates offences such as debt bondage, the possession, destruction and tampering with travel documents and using the services of victims of trafficking, among others, all of which facilitate innocent persons becoming victims of this modern day form of slavery.

The penalties for these offences are appropriately severe, as a deterrent to would-be perpetrators. The main offence of trafficking in persons, for instance, attracts a maximum penalty of R100 million or life imprisonment or both in the case of a conviction. Compensation is furthermore payable by the perpetrators to their victims.

In addition to creating very specific offences that have a bearing on trafficking in persons, the legislation also focuses on the plight of the victims, providing them with protection and assistance to overcome their traumatic and life threatening experiences. The new legislation gives effect to South Africa's international obligations in terms of a United Nations Protocol.

While the legislation has been signed into law, its operationalisation is dependent on regulations that are required to be made by a number of role-playing departments such as Home Affairs. This is receiving urgent attention and the plan is to have the Act put into operation as soon as possible.⁴

a person (or related person) or loitering outside of or near a building or place where a person (or related person) resides, works, carries on business, studies or happens to be.

- Unreasonable verbal, electronic or other communication (regardless of whether or not conversation ensues).
- Unreasonable sending or delivery of letters, telegrams, packages, faxes, email to a person (or related person).
- Sexual harassment.
- Bullying (including cyber bullying) is a form of harassment covered by the Act.

It will be important to track the implementation of the Act over the next period. The case study that follows shows that while challenging GBV in court is challenging, this is not impossible.

⁴ <http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=38366&tid=114758>

Sexual harassment duties of employers in South Africa⁵

Employers have a weighty obligation to handle complaints in the workplace. They should be obliged to deal with sexual harassment complaints promptly and properly or face liability for damages claimed by the harassed employee even if the perpetrator is dismissed.

This is illustrated in a decision of the Labour Court, in the case of Potgieter v National Commissioner of the SAPS and Another JS700/05 in which Potgieter, a victim of sexual harassment, claimed 24 months' salary and damages from her employer, the South African Police Service (SAPS). Although the SAPS could not to dismiss the claim, it still had to pay for its own costs. Importantly, the judgment sheds light on an employer's obligation in claims of sexual harassment.

Sexual harassment claims in the Labour Court are usually brought under the Employment Equity Act as it imposes a duty on employers to take positive steps to eliminate unfair discrimination. Harassment of an employee is, in terms of the Act, a form of unfair discrimination and is prohibited.

Once unfair discrimination is shown, a court is entitled to make an order that is just and equitable and may include the payment of compensation, an award of damages or an award that the employer should take preventative steps to eliminate the discrimination.

Potgieter had been harassed by a fellow SAPS employee. The employee had been found guilty of this misconduct and received a fine of R600, half of which was suspended. Having reported the incident to her employer, Potgieter

complained that dealing with her harasser had been delayed. She said her complaint had not been kept confidential and the harasser had not been removed from the work place. She thought the sanction imposed on the harasser too lenient. Potgieter also said she had not been referred to counselling in a timely manner.

The court accepted that the relevant parties had been consulted following the report. It considered the fine imposed on the harasser irrelevant. It emphasised that Potgieter's rights did not depend on whether her harasser had been disciplined. She would still have the right to claim even if the employment relationship with the harasser had been terminated.


The court accepted that it may have been prudent for the SAPS to suspend or transfer the harasser from the workplace but accepted that there is no general rule that suspension or removal from the workplace is an automatic response in every sexual harassment complaint. It pointed out that the facts of the harassment incident would indicate whether suspension or removal was appropriate.


The court accepted that one of the officers responsible for taking statements did not keep the matter confidential but accepted that as he had been disciplined and issued with a warning, that the employer had taken appropriate steps to address that problem. For these reasons the SAPS escaped liability. However, this judgment underlines an employer's obligation on receiving a sexual harassment complaint from an employee.

You can help stop Sexual Harassment in Your School

Sexual harassment undermines human rights

Sexual harassment is when a person does something sexual to you that you do not want them to do. It is your right to say NO to sexual harassment!






Sexual harassment undermines gender equality



All learners, girls and boys, have equal rights to learning and self expression. Learners must be assessed on the basis of their competence, not as sex objects.


Sexual harassment threatens the health and safety of learners

Sexual harassment causes stress, depression and/or suicide. Rape results in unwanted pregnancy, exposes victims to Sexually Transmitted Infections including HIV.



Teachers and Learners Should Unite to Stop Sexual Harassment in Schools
 What should you do if you or someone you know is being sexually harassed?
 You should report cases of sexual harassment to school authorities, SHEP or tell someone you trust.
 Contact SHEP for more information:
 Tel: 011 403-0541 E-mail: shep@icon.co.za



Strategies for change

- The Department of Education must lead a campaign on sexual violence in schools.
- Institutions of higher learning need effective and firm policies on sexual violence and harassment at universities and colleges.

Sexual harassment at schools is emerging as serious concern. Sexual harassment is both internal and external to schools. It is external in the sense that the types of masculine identities that lead to sexual harassment are learned by male learners outside the school through their families, communities and the media. However, this form of violence becomes internal by omission when, on the one hand, the school fails to deal with it, and on the other hand when it is perpetrated by teachers themselves.

The main cause of sexual harassment and violence in schools is that traditional gender stereotypes and

unequal power relationships within the broader society are not challenged but rather reproduced by the school. Moreover, the authoritarian, closed nature of schooling in general, meshed with patriarchal values and behaviours, provides a conducive context for the patterns of sexual harassment as described above.

The values and behaviours of different models of masculinity are socially learned, not genetically determined (Harber 2004:Ch.7). So, while using the school subject of Life Skills in schools to promote greater agency amongst female learners in the face of continuing sexual harassment and violence in schools in South Africa (Bhana 2012) is to be commended, there

is also a need to use such subjects to teach boys and girls the nature of masculinity (and femininity), including alternative nonviolent forms of masculinity.

This means that in addition to individual life skills (agency) such courses also need to teach about the wider social structures that shape our lives - including gender. This has implications for teacher training in the sense that a survey of South Africa and English teacher training students found that few had studied or discussed gender issues, including the nature of masculinity, either at school or as part of their teacher training (Harber & Serf 2006).⁶

Support services



The Protocol calls on Member States to ensure justice and fairness are accorded to survivors of gender-based violence in a manner that ensures dignity, protection and respect by 2015. It further calls upon states to put in place mechanisms for the social and psychological rehabilitation of perpetrators of gender based violence and establish special counselling services, legal and police units to provide dedicated and sensitive services to survivors of gender-based violence. The Protocol says governments shall provide accessible information on services available to survivors of gender based violence. It also provides for accessible, effective and responsive police, prosecutorial, health, social welfare and other services. Governments are required to provide accessible, affordable and specialised legal services, including legal aid, to survivors of gender based violence. Other provisions include specialised facilities; effective rehabilitation and re-integration programmes for perpetrators of gender based violence.

Creation of child friendly courts

In showing commitment to the creation of specialised services in sexual offences and child friendly courts, the Department of Justice committed funds to the progressive procurement of audio-visual court equipment and the establishment of witness testifying rooms (DOJ & CD annual report 2011-2012).

Family violence, child protection and sexual offences (FCS)

FCS units have been reintroduced in all 176 SAPS clusters across the nine provinces. Police have placed 2155 detectives at these units and issued them with 1276 vehicles. Previously, the FCS units had only 1864 detectives.

Lack of clear referral systems for GBV survivors

The VAW baseline research in four provinces showed a lack of co-ordination and a cohesive functional referral system for GBV survivors. The result is that survivors fail to benefit from the full spectrum of services. South Africa is yet to set up a surveillance system for tracking survivors between the different services. However, the

Thuthuzela Care Centres (TCCs) for sexual assault survivors function in a way that the survivor can get a spectrum of services under one roof.

Gaps in police data



Police support the campaign but lack credible data.

Photo: Colleen Lowe Morna

⁶ http://www.unisa.ac.za/contents/colleges/col_education/docs/The%20Dynamics%20of%20Violence%20in%20South%20African%20schools.pdf

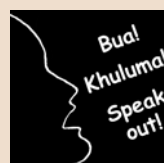
In South African law, there are a range of offences that can be labeled as domestic violence. These include common assault, assault with the intent to do grievous bodily harm, contravention of a protection order, murder, crimen injuria, sexual offence, abduction, indecent assault, rape of wife by own husband rape, compelled rape, pornography and sex work. Issues relating to capturing data on domestic violence that arise from this research include:

- The relationship between the perpetrator and the victim is not specified. This means that crimes occurring in a domestic setting such as an adult male child abusing an elderly male parent could have been captured as “domestic violence”. It is also unclear whether police capture episodes of violence perpetrated against intimate partners outside of the home as “domestic violence”.
- Whilst murder is a category under the Domestic Violence Act, it is difficult to ascertain which of these are female murders and more specifically femicide. There is need for SAPS to capture data on the relationship between the perpetrator and the victim. Previous research on murder dockets by the SAPS shows that it is possible to ascertain the circumstances surrounding murder. Routine inclusion of this information when capturing data will go a long way in providing femicide statistics.

Gender Links has since recommended the introduction of a relationship category for domestic violence related cases. SAPS has welcomed the recommendation but has not yet introduced the relationship category.

Despite such high prevalence of VAW, it is still regarded as domestic issue that needs no public scrutiny. Majority

of the women survivors do not report to the police or seek help. There is huge underreporting of IPV both to police and to health care facilities. Only one in eight women in Limpopo who were physically abused by intimate partners reported to the police. In Gauteng, only 3.9% of women who had been raped by a partner or non-partner in had reported this to the police. Sexual violence by an intimate partner was least often reported, with only 2.1% of women experiencing this ever reporting. Likewise, in KZN 2% of physically abused women reported their experiences to the police. Less than one percent of women reported non-partner rape to police and health facilities.



Improving support and response

- Training on violence against women as a public health concern for health workers.
- Train auxiliary social workers to intervene in cases of gender-based violence.
- Establish support groups for women in churches, stokvels, women's clubs and other community based structures.

Places of safety and secondary housing

The current dependence on non-governmental organisations to provide shelter for survivors of GBV has to change. Governments need to provide places of safety and secondary houses for survivors. Secondary housing will ensure that women who experience violence do not return to abusive relationships after they leave shelters because they have no alternative.

Prevention



The Protocol calls on Member States to take measures including legislation, where appropriate, to discourage traditional norms, including social, economic, cultural and political practices which legitimise and exacerbate the persistence and tolerance of gender violence. This is with a view to eliminate them and in all sectors of society. The Protocol also calls on Member States to introduce and support gender sensitisation and public awareness programmes aimed at changing behaviour and eradicating gender based violence.

There are three categories of prevention intervention that can be adopted⁷, namely:

- **Primary prevention**, which are interventions that are aimed at addressing gender-based violence before it occurs, in order to prevent initial perpetration or victimization, targeted action aimed at behavioral issues and risk producing environments
- **Secondary prevention**, that happens immediately after the violence has occurred to deal with the short-term consequences, e.g. treatment, counseling.
- **Tertiary prevention** focuses on long-term interventions after the violence has occurred, in order to address lasting consequences, including perpetrator counseling interventions.

⁷ Centres for Disease Control and Prevention. Sexual Violence Prevention: Beginning the Dialogue. Atlanta, GA (2004) p. 3

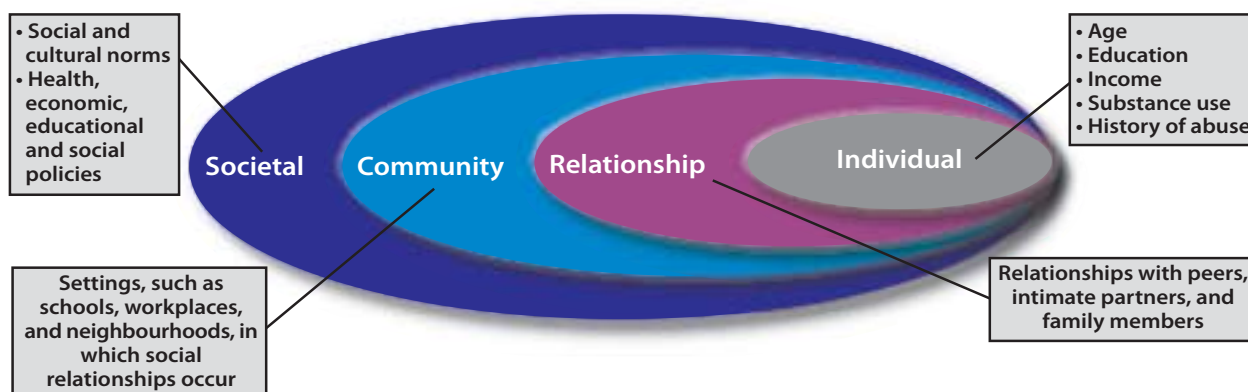
As with other social challenges, GBV has largely been addressed and understood through responding to the aftermath of such violence. Prevention efforts, to the extent they have existed, have largely been driven by the women's movement. These have focused on changing social norms, building individual empowerment and addressing underlying structures that perpetuate VAW. The primary focus, however, has been at the level of response.

Response efforts focus on developing crisis services, law enforcement interventions, and judicial sanctions. In contrast, primary prevention focuses on education and includes efforts to change individual attitudes and social

norms- what a community regards as acceptable behaviour from its citizens.⁸

There is often, however, a fine line between prevention and response. Each can enhance the effectiveness of the other. For example, strong laws and sanctions against GBV can have a preventive effect. Strong rehabilitation programmes for perpetrators of GBV can help to ensure that they do not become repeat offenders. Programmes of support for women that include economic empowerment can help to ensure that women do not become repeat victims, as illustrated in the case study below:

Understanding patterns and drivers of GBV



Individual factors are associated with GBV perpetration

A complex set of individual factors such as alcohol use, drug use and child abuse exacerbate GBV perpetration. Men who were abused in childhood were more likely to be violent to their partners and were more likely to have done so more than once. Prevention campaigns should address these factors.

Patriarchal societal norm and unequal power relations drive GBV

Despite the notion of gender equality being broadly accepted by women and men, patriarchal norms of male control and dominance influence the prevalence of GBV in the four provinces. Both men and women expressed a high level of general support for "equal treatment".

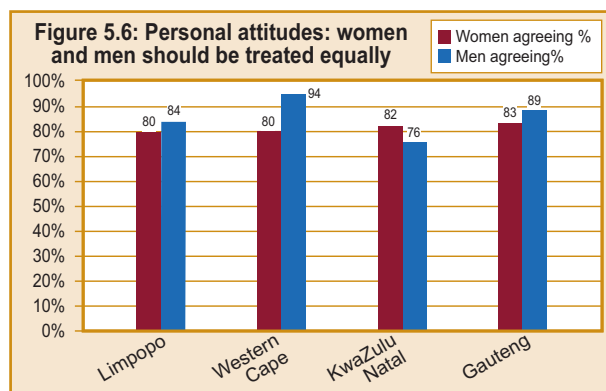


Figure 5.6 shows that the majority of women and men in all four provinces affirmed the notion of equality of women and men. However, these attitudes did not extend to the domestic domain.

⁸ Oregon Violence Against Women Prevention Plan; Oregon Department of Human Services; Office of Disease Prevention Epidemiology.

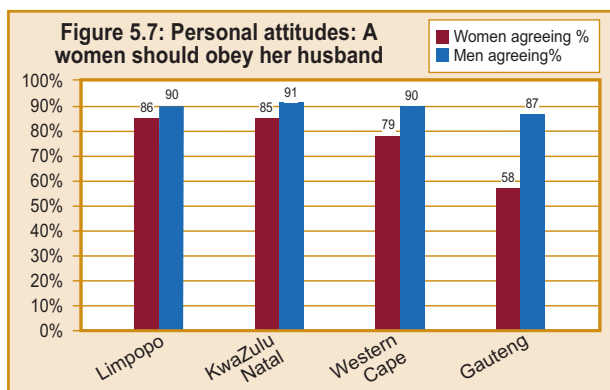
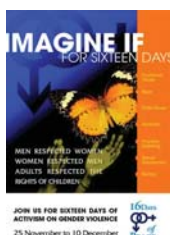


Figure 5.7 shows that high proportions of women and men agreed that a woman should obey her husband. However, the proportion of women agreeing to the notion of wife obedience in each of the sites is lower than men's showing that women are slightly more progressive than men are. Limpopo two (90% men and 86% women) and KwaZulu Natal (91% men and 85% women) strongly affirmed the notion of obedience. Given that the provinces are predominantly rural compared to the other two that are more urban it will be worth exploring further whether rural socialisation and upbringing or cultural dynamics may be influencing the observed findings. Women in Gauteng (58%) and Western Cape (67%) are more progressive compared to the Limpopo (86%) and KwaZulu Natal (85%). Gauteng reflected the largest divergence in the views of women (58% affirming) and men (87% affirming). Gauteng is the most densely populated and urbanised South African province.

The Sixteen Days of Activism campaign

Over the years the Sixteen Days of Activism campaign has provided a rallying point for the South African government and NGOs to mount campaigns aimed at raising awareness, influencing behaviour change and securing high level political commitment to end gender violence.



Though often branded as a UN campaign, this is not the case. The sixteen days are actually the days between two UN dates - International Day of No Violence Against Women on 25 November, and Human Rights Day on 10 December (Human Rights Day). There are several other key dates for women's rights in the intervening days. These are:

- 1 December: World Aids Day;
- 3 December: International Day for the Disabled;
- 6 December: Anniversary of the Montreal Massacre, when a man gunned down 14 women engineering students for allegedly being feminist.

Symbols and messages



25 November - 10 December

Don't Look Away



Concept



The government symbol for the campaign is the bearing drums to which was later added the strap line "Act Against Abuse." In 2007, government added to this the "don't look away" concept illustrated in the graphic. Government refers to the campaign as the "Sixteen Days of Activism Against Women and Child Abuse" and promotes use of the white ribbon, internationally the symbol of protest against gender violence.

NGOs have come up with their own variants to the theme and messaging. In 2004, NGOs chose to call the campaign "Sixteen Days of Peace" with the strap line "Imagine a world free of gender violence, HIV and AIDS." In 2005, some chose the slogan, "peace begins at home" arguing that this is a simple and positive message that is easy to translate into many languages.



A point of departure has been in the promotion of the red and white as opposed to just the white ribbon. The red ribbon is the symbol for HIV and AIDS. Nisaa Institute for Women and Development pioneered the red and white ribbon campaign in South Africa as a way of raising awareness on the link between gender violence, HIV and AIDS.

Themes and activities

The United Nations usually announces a global theme for Sixteen Days which is then locally adapted. For example last year's theme was: Demanding Implementation, Challenging Obstacles: End Violence Against Women, which was dedicated to calling on all stakeholders to move beyond promises to actual implementation. The South African theme was "Don't Look Away" calling on all to act on abuse instead of turning a blind eye.

Government coordinates an overall calendar of events. National, Provincial and Local Government represen-

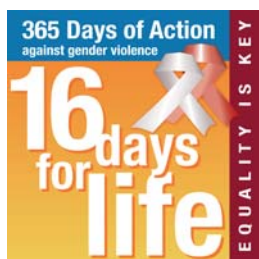
tatives in the National Gender Machinery prepare sector-specific, rural-and urban-based activities for the campaign. This information is fed into a national calendar of events, overseen and managed by the Government Communication and Information System (GCIS). GCIS also produces and distributes the Sixteen Days National Communication Strategy throughout the provinces. GCIS and the broader media also play a key strategic role in employing a media strategy for the campaign. The GCIS is to develop a 365 Days communications strategic plan that includes the activities on the Implementation Plan for the 16 Day of Activism Campaign mentioned above.

NGOs have often coordinated their work and campaigns to have a specific theme for each day of the Sixteen Days. Some of the themes adopted for different days include: Media: part of the problem or of the solution; Gender violence and Sexual Orientation; Trafficking; Role of Local Government in Ending Gender Violence; Imagine a world free from gender violence and HIV and AIDS, Peace begins at home; Empowerment of women and children; Child support and maintenance; Gender Violence and the Workplace; Role of Men and Boys; Gender Violence in Schools; Economic Costs of Gender Violence and Speaking out on Gender Violence.

Community Based Organisations (CBOs) have taken up the campaign in different ways to ensure participation. For example 'Take Back the Night' campaign which in the last two years has been coordinated by NGOs in collaboration with local government to reclaim unsafe spaces. DPLG in collaboration with other government departments go out to communities and hold Izimbizo or community meetings with traditional leadership and community at large to raise awareness on gender violence.

For the last three years (see Gender Links case study in the Compendium of Case Studies) GL has worked with the Government Communication and Information Services (GCIS), local government, the Gender and Media Southern Africa (GEMSA) network and several NGO partners in running cyber dialogues. These chat rooms provide an anonymous space for those most affected to talk to officials and experts and hold policy makers accountable especially for commitments they would have made throughout the year.

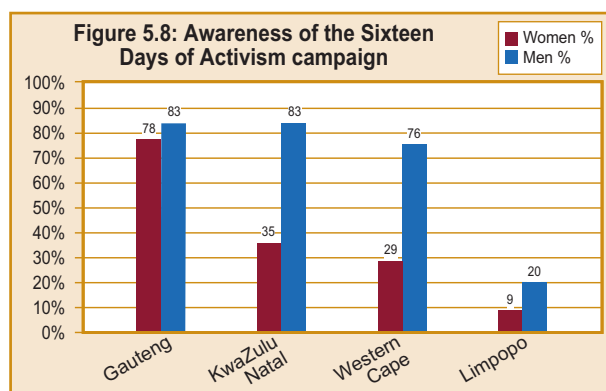
Stretching the Sixteen Days to 365



As the campaign has gained in stature, so too questions have been asked regarding the efficacy of the campaign. In 2005, GL conducted an audit of all the commitments made by government during the cyber dialogues in the 2004 campaign. The audit concluded that while some

progress had been made there were still glaring gaps; for example the Sexual Offences Bill had not been passed. The audit recommended that all stakeholders come together to develop a National Action Plan to End Gender Violence that would set specific targets and indicators against which progress would be measured each year. The prevalence/ attitudes studies have shown that knowledge of the campaigns needs to be intensified.

Need for more concerted efforts to raise public awareness and prevent GBV



Less than half of the women and men in all the four provinces VAW Baseline indicator study except Gauteng knew of the Sixteen Days of Activism Campaign. Similar to the degree of knowledge of the Domestic violence Act women respondents from Gauteng and Western Cape respondents were more aware of the Sixteen Days Campaign while KwaZulu Natal and Limpopo respondents were the least aware. Over three quarters (78%) of women in Gauteng, 29% of women in Western Cape, 9% of women in Limpopo and 35% of women in KwaZulu Natal were aware of the Sixteen Days of Activism. This is an indicator of lower coverage and outreach of the Sixteen days of Activism Campaign particularly in Limpopo that is mostly rural. Research conducted by the Commission of Gender Equality to evaluate the implementation of the National Action Plan to End GBV also found that education and awareness programmes are concentrated in the urban areas and materials are most exclusively in English.

In all four provinces, the proportion of men aware of the campaign is greater than that of the women. These findings are indicative of the need to step efforts to prevent GBV by mobilising and engaging communities. In addition, there needs to be strategies in place to increase visibility and outreach during the annual commemorations.

Promoting local action to end gender violence

Through the Centres of Excellence for Mainstreaming Gender in to Local Government, GL is working with 317 local councils in 10 countries. Of these, 167 have developed Gender Based Violence Action Plans. In April

2013, GL held the SADC Gender Protocol Summit. The Summit brought together good practices on the 10 themes of the Protocol for local councils and other stakeholders. Of the total number of 672 entries, 245 came from local government. Of the 245 local govern-

ment entries, 139 looked at GBV. This shows an increasing commitment to addressing GBV at the local level. The case study from the George Municipality in South Africa is one example of an innovative local strategy to address GBV.

Wake up and make up march!



Taking part in the "Make Up and Wake Up" march in South Africa on 7 December 2012.
Photo: George Municipality

The George Municipality in the Western Cape Province of South Africa runs an annual "Make Up and Wake Up March" on 7 December during the period of the 16 Days of Activism to highlight the impact of GBV on vulnerable women and children.

The name of the march highlights the phenomena faced by many women who wake up in the morning and put on make-up to cover their bruises and scars, and carry the burden and pain of GBV.

The number of reported domestic violence cases is escalating in George. One of the drivers of this is alcohol and substance abuse. GBV is not only prevalent in the poorer communities but also in the affluent, middle class communities. Women pretend that this issue does not exist in their communities.

The aim of the march is to raise awareness and to focus on the silent violence against women and children, and encourage public participation. A further objective is to fuse the energies of local gender related government departments and civil society structures to establish

a harmonised working relationship. The initiative encourages the community to stand together in public events, address the issue of GBV openly and not think of GBV along class lines.

Pieter Pepler presented on behalf of the initiative at the 2012 Regional Gender Protocol Summit in Johannesburg. Women and children in the George community benefit from the project, which includes members of the local townships and informal settlements, as well as women and children GBV survivors.

The group developed a Gender and Disability Newsletter to inform the project partners about meetings, plans and events. It also created a steering committee to meet regularly and champion the project and launched a 16 Days of Activism Arts Challenge in all local primary schools which coincided in part with the "Wake-up and Make-up March".

The team also invited partnering organisations to contribute to the project by committing goods, services or transport. They also invited businesses and organisations to enter teams of people to join in taking a stand against violence on women and children.

Talk radio stations and local papers disseminated information about the event, which volunteers also posted on the George Municipality website and Facebook page.

Some of the key lessons include:

- Community projects must be planned and budgeted for at least three months before the event and the public notified, if ownership of the project and expenses are shared, the organising teams will be stronger and more efficient.
- Communities need to see their role explicitly in the planned projects and take more ownership of the initiatives, this will ensure that there are no issues of certain people feeling neglected.



Looking to the future

- Girls must be sensitised about the reality of sexual violence from very early in their lives.
- Address the issue of poverty and its impact on women. Many end up being dependent on their abusers.
- Invest in education and career advancement for girl children.
- Gender sensitivity training for boys and men.
- Enlist the support of other men to change the attitude and perception of the society about women.
- Prominent male leaders must be encouraged to participate in campaigns that enlist men as part of the solution to violence against women.
- Use popular community education tools such as art. Involve the whole family e.g. children, young people, women, men and elders.
- Put the issues in the public space through the use of media.

Integrated approaches

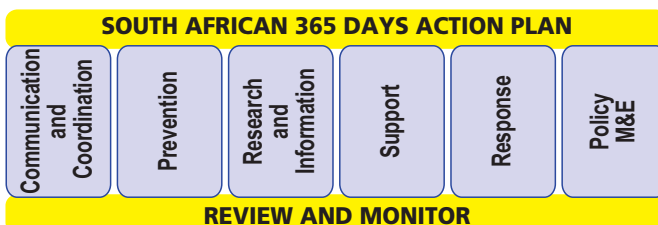


The Protocol obliges Member States to adopt integrated approaches, including institutional cross sector structures, with the aim of reducing current levels of gender based violence, by half by 2015.

This National Action Plan, launched by then Deputy President and now Head of UN Women Phumzile Mlambo Ngcuka in May 2006, is a multi-sector framework and approach for ending gender violence over the period 2007-2009. As is apparent in its priority actions, the plan places a strong emphasis on prevention. The South African National Council on Gender Based Violence is currently reviewing the 2006 plan with a view to updating and re-launching the plan.

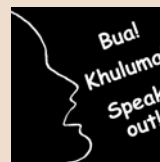
Deputy President of the Republic of South Africa Kgalema Motlanthe inaugurated the South African National Council on GBV on 10 December 2012. The council's role includes elevating the multi-sectoral intervention approach to a strategic level and monitoring the implementation of all programmes dealing with gender-based violence in the country, including the 365 days action plan. The National Council will advise the Ministry and Deputy President in fulfilling their leadership responsibilities relating to the national response against GBV.

Progress on implementation has been slow because of the highly politicised nature of the Council. Since its inauguration the Council has reviewed the 365 Day National Action Plan to End Gender Violence. The plan is outlined below:



The poor implementation is a result of challenges including poor co-ordination between government and civil society actors and lack of funding. Since the inception of the plan, government has not dedicated funds nor established a coordinating structure for the plan. Another gap in the implementation of the NAP is the poor monitoring and evaluation systems for the different pillars.

National Council on GBV



Ways of working that work

- Partnership between government and civil society to address the problem of moral regeneration.
- Improved employment opportunities for women and men particularly in rural areas.

The South African Department of Women, Children and People with Disability (DWCPD) launched the National GBV Council in December 2012. The National GBV Council includes representatives from ministerial departments, the National Prosecuting Authority, traditional leaders and healers associations, Commission on Gender Equality, The Human Rights Commission, South African Police Services and NGOs who deal with gender issues. The multi-sectoral council's mandate is to provide strategic guidance and to monitor the implementation of all programmes dealing with the elimination of gender-based violence in the country. This will include reviewing and evaluating the implementation of the revised South African NAP.

In its presentation to Parliament on the 6 November 2013, the Department of Women, Children and People

with Disabilities stated that the Council met five times in the last year and finalised the following:

- Its vision, mission and objectives.
- Governance structure.
- Priorities for delivery in the 2013/2014 financial year.⁹

FINANCIAL OVERVIEW OF THE COUNCIL

The Council does not have a dedicated budget, the activities of the Secretariat and the Council are dependent on the budget provided by the Women Empowerment and Gender Equality Programme of the department

Submissions were been made to the National Treasury to solicit funding for the NCGBV

Roll over funding request submitted to the National Treasury were unsuccessful

Further funding requests through the AENE processes yielded negative response from the National Treasury

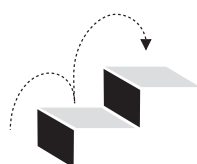
Response for funding of the NCGBV through the MTEF processes is awaited

17



A key point raised in the presentation was the lack of a dedicated budget. This raises serious questions about political will to make the GBV Council an effective GBV coordinating structure.

The Council represents an excellent practice in coordination of GBV strategies. Government, civil society organisations, business and other stakeholders must lobby and advocate for substantial resources for the Council and 365 Day National Action plan to end GBV. As South Africa heads up to the 2014 election GBV must be a key election issue particularly budget allocations.



Next steps

Lobby the South African government to roll out the indicators to five remaining provinces: GL will lobby government to complete the VAW baseline study and measure GBV every three to five years; benchmark progress and use this to fine-tune national action plans.

Tackle inadequate budgetary allocations and human resources for implementation of NAPs: Inadequate resourcing for the implementation of the plans and the lack of dedicated budgetary allocations for multi-sectoral structures impedes strategies to address GBV. Costing of National Action Plan is a first step to accessing budgets.

Comprehensive legislation needs to be implemented: This implementation must address all forms of GBV, such as the sexual offences and domestic violence

ills. This should include marital rape, indecent treatment of children, sexual harassment, and trafficking. The effective implementation of the law requires expanding the rule of law to the private sphere and the creation of institutions, systems and mechanisms that ensure access to justice for GBV survivors. Dedicated financial and human resources are required for the GBV Violence Council to effectively play its role as implementation of the Domestic Violence Act.

Capacity building is required to improve on GBV programme monitoring and evaluation. Currently GBV service providers do not effectively evaluate their programmes which impacts on proper planning and implementation of the GBV National Action Plans. This problem extends across the region. This calls for the need to prioritise capacity building across countries on monitoring and evaluation as part of the SADC regional GBV strategy.

Government services need to be coordinated for greater efficiency and effectiveness. The government, healthcare providers, the police and NGOs need to implement a more coordinated approach to assist survivors of GBV, including offering PEP and counselling. A review of the Victim Friendly Institutions - police units, courts and clinics - is needed to identify the strengths, gaps and areas for expansion to create a comprehensive set of services nationwide. Public financing for these institutions remain inadequate, resulting in insufficient human resources and services.

There is a need for increased awareness on GBV strategies, services, responses and prevention. Government and NGOs need to organise more comprehensive and targeted GBV awareness campaigns. Particular attention must be given to reporting GBV, including marital rape. There is need to step up sensitisation campaigns, especially on forms of GBV that remain less understood such as sexual harassment and GBV against sexual minorities.

Public education campaigns must be grounded in participatory and communications for social change techniques: These must include methods that help communities to share the vision of a violence-free society and take collective action to eradicate all forms of GBV. The involvement of traditional and religious leaders in GBV prevention and response initiatives builds these leaders capacity to take on the cultural practices, norms and beliefs that violate the rights of women and girls and increase their vulnerability to violence.

Men must participate in GBV prevention campaigns and work with women's organisations. Efforts need to continue to get more men participating in campaigns to address GBV, particularly in rural areas. Men's organisations must link up with women's organisations and work in a coordinated manner.

⁹ <http://www.pmg.org.za/report/20131106-domestic-violence-report-civilian-secretariat-for-police-minister-department-second-quarter-2013-performance>