



**GENDER-BASED
VIOLENCE**

**A GUIDE FOR
SURVIVORS**



WHAT IS GBV

Gender-based violence is violence directed against a person because of their gender. ... Gender-based violence and violence against women are terms that are often used interchangeably as it has been widely acknowledged that most gender-based violence is inflicted on women and girls, by men.

TYPES OF GBV

GBV can be physical, sexual, emotional, financial or structural, and can be perpetrated by intimate partners, acquaintances, strangers, and institutions. Most acts of interpersonal gender-based violence are committed by men against women and the man committing the violence is often known by the woman, such as a partner or family member.

Although most common, not all gender-based violence is physical.

1

Physical Violence:

Slapping, punching, grabbing, kicking, shaking, pulling hair, restraint, biting, force/threat/cohesion to obtain sex, use of weapons, murder, or destruction of possessions. Sexual acts such as sodomy, rape, genital mutilation, sexual harassment, and incest

2

The effect of Domestic Violence on children:

Physical abuse such as slapping, punching, kicking, or hitting
At risk of long-term physical and mental health problems
Greater risk of being violent in their future relationships

3

Emotional/psychological Violence:

Shouting, ridicule and humiliation
Denial of safe sex
Denying women freedom of movement or association
Verbal insults and forced marriages

4

Financial violence

Denying women access to employment
Denying women access to education and training
Discriminating against women in employment situations
Refusal to pay maintenance by partner

CONSEQUENCES OF GBV

GBV is a profound human rights violation with major social and developmental consequences. The high rate of GBV places a heavy burden on the health and criminal justice systems, as well as rendering many survivors unable to work or otherwise move freely in society, having a negative effect on the South African economy.

GBV could result in:

- Death of a victim
- Risk of contracting HIV
- Maiming, bruises and fractures
- Injuries and harm extended to children
- Anxiety, fear and depression
- Humiliation and insecurity
- Suicidal tendencies
- Low levels of productivity from victims
- Feelings of incompetence, low self-esteem and lack of self-worth
- Mental and physical problems in children who have been, or who have witnessed domestic violence.

It is estimated that 51% of South African women report experiencing gender-based violence at least once in their lives, while 76% of men admit to perpetrating violence against women (Mail and Guardian)

WHAT THE POLICE SHOULD DO:

- Take a detailed statement from the survivor and provide her with a copy for her records
- Help complainants to find suitable shelter or obtain medical treatment
- Provide complainants with written information about their rights in the language of their choice
- Explain the contents of the protection order to complainants and informing them of available criminal and civil help
- Serve a subpoena to the abuser to appear in court
- Serve protection orders
- Arresting an abuser who has breached a protection order, or committed a crime (even without a warrant)
- Removing weapons from the abuser, or from the home
- Accompanying the complainant to collect personal items from her/his residence.

WHAT CAN YOU DO TO HELP A SURVIVOR?

- Encourage the survivor to keep records of the abuse. Take pictures of bruises, record or write down threats, diarize unwanted phone calls and visits, etc.
- Assist survivors to come up with a **safety plan**. Pack a bag of emergency clothes. Also, put all important documents like children's birth certificates, IDs, etc also in the bag.
- Put aside some money in the bag as well as some airtime.
- Arrange for her to let a neighbour know a signal from her means that her neighbour must call the police.
- Advise her to have a code word for her children to know when and where to run for help.

If Survivor does not want to make a Case it is alright. Provide the survivor with relevant legal and medical referrals and your number to contact.

THINGS THAT YOU AS A SURVIVOR CAN DO

- The SAPS will connect you to a medical officer or counsellor should you need one. They will also pursue the case and get the process started.
- Get yourself to a safe place and out of danger as soon as you can. Arrange for a safe space at a friend or family member's house, or find a shelter to stay at until you can get back on your feet.
- It is important that you get the required medical care as soon as possible by going for a sexual assault forensics exam. This will determine if you need medication to prevent the contraction of HIV.
- Get a protection order.

WHAT TO DO WHEN A FRIEND OR FAMILY MEMBER IS A VICTIM OF DOMESTIC VIOLENCE?

- Allow the survivor to approach you.
- Listen to their needs.
- Ask how you can support with any basic urgent needs first. Some survivors may need immediate medical care or clothing.
- Ask the survivor where she/he feels comfortable talking to you.
- If a survivor is accompanied by someone, do not assume it is safe to talk to the survivor about their experience in front of that person.
- Ask the survivor to choose someone s/he feels comfortable with to translate for and/or support them if needed.
- Ask for permission from the survivor before taking any action.
- Treat any information shared with confidentiality. She may not want even her closest friends and family to know what has happened.
- Provide practical support like offering water, a private place to sit, a tissue etc.
- Listen more than you speak.
- Be comforting and supportive and reinforce that what happened to them was not their fault.
- Respect the rights of the survivor to make their own decisions.
- Offer your phone or communication device to the survivor to contact someone s/he trusts.
- End the conversation supportively

GETTING A PROTECTION ORDER

A protection order is a written order that is issued by a Magistrate to stop any person from committing any act of domestic violence against another person with whom he or she has a domestic relationship. The person who seeks the Protection Order is referred to as the complainant while the person who has or allegedly committed an act of domestic violence and against whom the Protection Order is applied is called the respondent. The complainant of domestic violence must be or must have been involved in a domestic relationship with the respondent to qualify for a Protection Order. In terms of the Domestic Violence Act of 1998 (as amended), a domestic relationship means a relationship between a complainant and a respondent if they:

- Are or were married to each other in terms of any law, custom, or religion.
- Are of the same or opposite sex, live or have lived together in a marriage or single relationship.
- Are the parents of a child or
- Are persons who have or had parental responsibility for that child.
- Are family members related by blood relation, affinity or adoption.
- Are or were engaged, dating or in a customary relationship.
- Share or recently shared the same residence.

Persons who can apply for a Protection Order:

- The victim of domestic violence.
- Any minor without the assistance of a parent, guardian, or any other person.
- Any person on behalf of the minor without the assistance of the minor's parent, guardian, or any other person.
- Any person on behalf of the complainant who has a material interest in the well-being of the complaint including counselors, health workers, police officers, social workers, or teachers. The written consent of the complainant is required unless the complainant is a minor, mentally challenged, unconscious or is found by the court to be unable to give such consent.

GETTING A PROTECTION ORDER- THE PROCESS

Step 1: Apply for the Protection Order

What will be needed:

Your details

Your partner's details (to the best of your knowledge)

The reason why you are requiring a protection order
thorough explanation and description of your abuse
ask the court for the extent of the protection order that
you want

Be truthful

Apply for the Protection Order at the nearest magistrates court
closest to where you or the person who is abusing you lives or
works

You can apply for a protection order any day that the court is
open, and apply for an emergency protection order in case of
emergency.

Step 2: The interim protection order

The Interim Protection order: This is the protection order that you will receive until both you and the accused can appear in court together. You can then renew the application and apply for an official protection order. It will have a return date. If you fail to return on the follow up date, your interim protection order will lapse.

Step 3: Serving the documents and protection order to the accused

A member of the court or the police will serve the protection order. This includes your application, decision-making documents from the magistrate, the notice calling the abuser to court and it will be delivered by hand.

Step 4: The return date

This is almost like a small trial. Bring all of the evidence with you and be prepared to tell the full story.

EMERGENCY NUMBERS

GBV Command Centre: 0800 428 428 / *120*7867
from any cellphone

People with disabilities, SMS 'help' to 31531

Childline: 0800 055 555

South African Police Service (SAPS) Crime Stop: 08600 10111
/ SMS Crime Line: 32211

National AIDS Helpline: 0800 012 322

National Human Trafficking Helpline: 0800 222 777

Stop Gender Violence: 0800 150 150

Suicide Helpline: 0800 567 567

Namola: <https://namola.com>

