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WOMEN, THEIR RIGHTS AND THE LAW

25 November is the International Day for the Elimination of Violence Against Women, and the beginning of the UN's 16 Days of Activism against Gender-Based Violence. Here's how to give this time real meaning.

Every hour, more than five women and girls across the world are killed by someone in their own family (as per data reported in the UN Women report 'Global estimates of gender-related killings of women and girls in the private sphere in 2021'). By the end of the day, according to SAPS statistics, more than 100 South African women will have been raped. Meanwhile, the United Nations estimates that one in three women around the world has been subjected to physical and/or sexual partner violence or non-partner sexual violence in their lifetime.

Let that sink in.

Violence against women and girls has run rampant, reaching all-time highs during the Covid-19 pandemic due to lockdown regulations that restricted freedom of movement. Meanwhile, stigma, shame, scrutiny and secondary victimisation has made under-reporting pervasive, meaning the picture is likely even more dire than it already seems.

DEFINING VIOLENCE

In 1993, the UN General Assembly defined violence against women as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'

These acts include intimate partner violence (battering, psychological



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abuse, marital rape, femicide), sexual violence and harassment (rape, forced sexual acts, unwanted sexual advances, child sexual abuse, forced marriage, street harassment, stalking, cyber-harassment), human trafficking (slavery, sexual exploitation), female genital mutilation and child marriage.

THE NOT-SO-LONG ARM OF THE LAW

With low conviction rates in crimes of violence against women and girls, South Africans are losing hope that true justice can be achieved. Restoring this hope is one of the reasons that the Women's Legal Centre (WLC) exists. This African, feminist organisation advances womxn's rights and equality using tools such as litigation, advocacy, education, advice, research and training. In a media statement on the topic of gender-based violence, the WLC says, 'Rape, domestic violence and other crimes perpetrated against women have largely been normalised, and too little emphasis is being placed on measures that need to be in place to hold the state, but also perpetrators, accountable for the violence that women endure.'

Bronwyn Pithey – an admitted advocate of the High Court of South Africa, a former member of the National Prosecuting Authority and a legal practitioner at the WLC – tells us, 'We live in a patriarchal society where toxic masculinity goes unchecked and our justice system is full of myths and stereotypes about how women should and shouldn't behave. Very often women are judged and not believed.'

The path to justice can be long and arduous for women who do come forward. Poor access to information during a case and endless delays often lead survivors to withdraw cases as they drag on. But Bronwyn says our justice system, despite its flaws, has good policies and legislation overall: 'Everyone has the right to lay charges for any type of violence, and there is no time limit in which one has to report it. The law is very clear on that. The victim's charter, while not legislated, is a policy by the Department of Justice detailing the rights of victims. There is a strong move to recognise the rights of victims. Often, people feel bad about asking for information about their case, but it is your legal right to be informed.'

HOW TO HOLD A PERPETRATOR ACCOUNTABLE

The WLC guides survivors on the best course of action for their circumstance and provides referrals for representation. 'If you follow the criminal route, you'll receive a case number and be assigned to an investigating officer,' Bronwyn explains. 'Once statements are taken, most often you will be taken to a medical facility like a Thuthuzela Care Centre. The officer will then refer your docket to the National Prosecuting Authority, who will decide whether they will proceed with prosecution.'

Bronwyn says that the biggest challenge with local laws in this matter is implementation, 'which is not about resourcing as much as it is about attitudes of people in society, which then influences the way police and prosecutors think.'

How do we change the prevailing, seemingly nonchalant attitude of our society towards violence against women? One way is to bring awareness to the topic over the course of the UN's 16 Days of Activism against Gender-Based Violence. The 16 days begin on 25 November, the International Day for the Elimination of Violence Against Women, and end on 10 December, International Human Rights Day. This year's theme is 'UNITE! Invest to prevent violence against women and girls', calling on governments worldwide to share how they are investing in gender-based violence prevention. You can visit the official campaign website [here](#).

You can also help to eliminate gender-based violence by supporting survivors and advocacy organisations, and sharing the below educational resources with your community.

Resources

The process of reporting sexual offences:

https://www.saps.gov.za/services/report_sexual_offence.php

The legal definition of domestic violence: <https://www.justice.gov.za/vg/dv.html>

Services available to sexual-offences victims: <https://www.justice.gov.za/vg/sxo-info.html>

List of sexual-offences courts around the country: <https://www.justice.gov.za/vg/sxo-SOC-list.html>

General support and FAQ for domestic violence: https://www.saps.gov.za/resource_centre/women_children/domestic_violence_find_your_voice.php

The information is shared on condition that readers will make their own determination, including seeking advice from a professional. E&OE.



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