

There are GBV laws but implementation is lacking

Analysis

MATOKGO MAKUTOANE

A fast food drive-through, a young mother sams as she and her husband are assaulted by racist thugs. In a crowded club, a deputy sister hits a woman in front of his friends, taxi rank in the CBD, young women are sed by men accusing them of being inappropriately dressed.

These are the visible signs of South Africa's silent underbelly that expresses itself as violence against women - only the tip of the iceberg. Every day, behind closed doors, women face physical, financial, emotional or psychological abuse - not just by strangers but by the men they love.

Intimate partner violence is a significant problem worldwide, but the level of violence varies greatly between settings and it has reached epidemic proportions. It is the most common form of violence against women globally.

A recent systematic World Health Organisation review of data available worldwide estimates that 30% of women over the age of 15 experienced physical or sexual violence by an intimate partner at least once in their lifetime.

Research conducted by Tshwaranang of the Soul City Institute in 2015 showed that gender-based violence (GBV) - violence against a person because of their gender - reflects the unequal power relations between men and women.

Research showed that violence is more likely to be affected by GBV because of lack of education, lower levels of education and social pressure that pressurise them to accept the violence.

Research showed that violence is more likely to be experienced by girls three times more likely than boys who witnessed violence had



UNEQUAL POWER: Violence against women continues to increase across the country. Activists now believe that women are being turned away from police stations when they try to report abuse.

a higher likelihood of being perpetrators in adulthood.

Violence against women continues to increase across SA. And now activists report that women are being turned away from police stations when they try to report such actions.

What makes this doubly shocking is that women are still reluctant to report abuse due to weak support structures, low conviction rates and a lack of confidence in the judicial system.

Let's be clear GBV affects all races and classes and is a criminal, health and a human

rights issue.

But we must not allow sporadic outbreaks of social media outrage about individual incidents to distract us from the knowledge that violence against women in SA is systemic and therefore needs to be dealt with in a holistic manner. So let's start with what is already in place.

SA's legal framework makes it clear that violence against women is in direct breach of the Constitution with its guarantee of a right to - among others - life, security, liberty and dignity.

A plethora of laws then support our Constitution including the South African Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 which has a broad definition of sexual assault from fondling and unwanted touching to include coercion and forced sex.

The government needs to do more to ensure that these laws have impact. For example, the Domestic Violence Act (1998) needs a real budget to ensure that it is implemented. We need to know who takes responsibility for the implementation of each element of the work.

As it is, there is unclear delineation of roles between the Women's Ministry and the Commission for Gender Equality, for example, and no one takes responsibility for driving the process.

Our research, *Understanding Gender Policy and Gender-Based Violence in SA*, is clear: South Africa has some of the most progressive laws and policies in the world but the problem lies in implementation.

We have made substantial progress in putting in place a legal framework to fight violence against women. But this progress cannot be sustained without a full plan for implementation. Action speaks louder than words.

It is not enough to raise these issues during Women's Month or during 16 Days of Activism against Violence against Women.

We must act decisively to ensure that women's rights are upheld and women's dignity maintained.

We must start by ensuring we have a comprehensive national strategy with coordinated implementation of budgets, programmes and actions.

We must hold the government departments to account so that when women report incidences of violence, they are not only heard and believed, but charges are investigated and action taken.

And we must ensure that survivors of violence are offered comprehensive care including treatment of injuries, a forensic examination and documentation of the trauma, pregnancy and HIV diagnostic testing, provision of post-exposure prophylaxis for sexually transmitted infections, emergency contraceptives and counselling referrals to the police and social services.

We cannot keep calling for an end to violence against women in Women's Month. This year must mark the change from asking to acting. We owe that much to a generation of young men and women.

Matokgo Makutoane is advocacy manager at Soul City Institute of Social Justice. Follow her on Twitter @ndumakutoane