



# GENDER-BASED VIOLENCE AND FEMICIDE

## WHAT TO DO IF YOU ARE A VICTIM OF DOMESTIC VIOLENCE



### Step 1 Police station: Report the crime

- You must report incidents of domestic violence at the local police station. The police officer will explain the procedure.
- The police will take you to a doctor to assess any physical injuries. This is important because it could be used as evidence.



### Step 2 Local magistrates' court: Obtain interim Protection Order

- The police officer will then refer you to the local magistrate's court to apply for a Protection Order. This Order is important to keep the abuser from committing an act of domestic violence against you.
  - The Clerk of the Court will assist you to complete an affidavit, detailing the nature of the abuse. The Clerk of the Court will then open a file and record it.
  - The Magistrate will consider the application in your presence.
- The Magistrate will then decide whether to:**
- Issue an interim Protection Order.
  - Issue a Notice to Show Cause to the person that is alleged to have committed the abuse.
  - The interim Protection Order is served by the police officer, sheriff or clerk of the court to the alleged perpetrator. The Order will also indicate the date of the hearing.



### Step 3 Local magistrates' court: Attend the hearing

- On the day of the hearing, both parties must appear before the Magistrate.
- The Magistrate will then make a decision whether to issue a final Protection Order.
- If the alleged perpetrator does not attend the court hearing and there is proof that he/she was served with the interim Protection Order, the court will then make a final Order.
- The conditions of the final Protection Order may differ with those of the Interim Order. Once the final Protection Order is made, the conditions are permanent and can only be changed by a court of law.
- You must keep the final Protection Order with you at all times.



### Step 4 What happens if the abuser violates the Protection Order?

- If the alleged abuser violates the Protection Order, you must report the incident/s at the police station immediately. Thereafter, the police can make an arrest and the alleged abuser can be charged for violating the Protection Order.
- If he/she is found guilty he/she can be sentenced to a fine/imprisonment or both.

## WHAT TO DO IF YOU ARE A VICTIM OF A SEXUAL OFFENCE



### Step 1 Police station/Thuthuzela Care Centre: Report the crime

- Immediately go to the nearest police station or a Thuthuzela Care Centre (TCC) to report the matter. It is important that you not bath or change your clothes after a sex crime.
- You will be taken to a private victim-friendly room where a statement will be taken.



### Step 2 Hospital/clinic: Examination and treatment

- You will be assisted to undergo forensic medical examination at a hospital/clinic. Where required, the Investigating Officer will transport you to the hospital/clinic. This is why the victim should not bath before the examination.
- The Investigating Officer will submit the Sexual Assault Kit to the Health Care Officers at the hospital/clinic.
- Once the necessary evidence has been collected, the Sexual Assault Kit will be sent to the police laboratory for analysis.
- If you have been sexually violated, you are entitled to receive Post-Exposure Prophylaxis (PEP) to prevent HIV infection. To receive PEP treatment, you must report the incident within 72 hours.



### Step 3 Police station: Cooperate with the police during the investigation

- The police will start investigations and arrest the suspect.
- Once the investigation has been completed, the case will be assigned to the Prosecutor. It is important to cooperate with the Prosecutor by providing all the information requested.
- The Prosecutor may send the case docket to the police for further investigation, if necessary.
- The Prosecutor will decide whether or not to prosecute.
- You will be informed of the trial date by the Investigator or Prosecutor.



### Step 4 Sexual Offences Court: Attend the trial

- On the date of trial, go to the Sexual Offences Court.
- You may testify in a private testifying room via the closed-circuit TV system. This will ensure that you do not come into physical contact with the alleged offender when you are testifying.
- The verdict is given by the Magistrate and an appropriate sentence will be handed down, as indicated by law. In the case where the accused is convicted of a sexual crime involving a child/mentally disabled person, the court will order that the details of the accused be entered into the National Register for Sex Offenders.

## WHAT IS DOMESTIC VIOLENCE?

According to the Domestic Violence Act (Act 116 of 1998) it is:

- Any form of abuse which includes physical, sexual, verbal, emotional, psychological or economic harassment.
- Damage to property.
- Stalking.
- Entry into a person's property without consent.
- Any other abusive or controlling behaviour where such a conduct causes harm or may cause harm to your health, safety, or well-being.

## WHAT ARE SEXUAL CRIMES?

- Rape occurs when a person forces another to have sexual intercourse without consent.
- Sexual assault occurs when a person sexually violates another person without consent.
- Sexual grooming occurs when a person educates/introduces or prepares a child to perform/witness any sexual act or became sexually ready.
- Incest occurs when people who are related and are not allowed to marry each other engage in a sexual act with each other even though they both agreed to do so.
- Child pornography occurs when a person/company uses a child for a reward/money to publish pornographic material.
- Child prostitution occurs when a person uses a child/a person living with a mental disability to engage him/her in sexual acts for a reward.

## Gender-Based Violence Command Centre (GBVCC)

Emergency number:  
0800 428 428.

"Please call me" facility:  
\*120\*7867#.

## SEXUAL OFFENCES COURTS

Sexual Offences Courts provide victim-support services mainly to reduce trauma experienced by victims when testifying during the trial.