



# I HAVE THE RIGHT: REPORTING A CASE

**CHANGE THE STORY: REFUGEES AND MIGRANTS SPEAK AGAINST GENDER-BASED VIOLENCE – TALKING POINT NO.2**

After being assaulted by her husband, Lerato turns to her local police station for help. The first police officer she encounters, Officer Katlego, isn't very helpful at all, but a second, Officer Malumane, passes by while she is recounting the story and takes the issue seriously. When Ellen, who is not from South Africa, is physically and sexually assaulted by her husband, she also turns to the police for help. Officer Katlego is not only again unhelpful, but also xenophobic, threatening Ellen with arrest. Scared, she flees, and meets her friends Lerato on the way out, helps her to contact the people in the station who will assist her. Although they both receive help in their situations, Ellen's journey is longer and more difficult.

## ISSUES RAISED

- Challenges of reporting domestic violence, especially for refugees and migrants.
- Xenophobia from social services & police
- Rape in marriage

## BACKGROUND INFORMATION

Every year, large numbers of refugees and migrants make their way to South Africa – sometimes fleeing conflict and persecution, and other times seeking employment, education, or better opportunities. Many face problems with securing documentation, and even when they have the required documentation, sometimes experience poor treatment and lack of response from service providers, such as police. Both South African and non-South African women often

face problems when it comes to reporting domestic and sexual violence. Non-South Africans have additional challenges, resulting from xenophobic responses, lack of documentation, having little (if any) family support nearby, not being able to speak the language well, and deeply engrained cultural expectations.

## KEY MESSAGES

- You have the right to say No! even if you are married to him.
- Everyone has the right to be helped at a police station, or any

**SECTION 9.1 OF THE SOUTH AFRICAN CONSTITUTION provides that everyone is equal before the law and should receive equal benefit and protection under the law. This includes all foreign nationals living in South Africa.**

**“WE HAVE THE RIGHT TO SAFETY AND SECURITY, NO MATTER WHERE WE ARE FROM. THIS DRAMA IS PART OF A SERIES PRODUCED BY AFRICANS STANDING UP TO SAY NO TO GENDER VIOLENCE, NO TO SEXUAL ASSAULT AND DOMESTIC ABUSE. THESE ARE OUR EXPERIENCES. BUT TOGETHER, WE CAN CHANGE THE STORY.”**

other service – if you don't get the help you need, keep looking. Find a friend who can help you.

- There is help out there – counselors, Thuthuzela Care Centres, and other service providers
- We are all Africa, we are all human and we all need to be treated with respect and dignity.
- Police officers must do the jobs entrusted to them, and those who don't must be held accountable.

## DISCUSSION QUESTIONS

- How do Officers Katlego and Malumane approach their jobs differently? How realistic is their behaviour?
- Officer Katlego is frustrated by women who report and drop cases, do you think this happens, and why would women do this?
- What do you think about how the 2 women were treated at the station?
- How can we help friends, family members who are in such situations?
- Rape in marriage is the same as any kind of rape – what do you think about this?
- How can we encourage better access to justice for all people, including refugees and non-South Africans?
- What are the social and cultural factors that keep people silent about violence?
- How do we get women to break the silence of physical and sexual violence? What would any benefits be?

## THINGS TO REMEMBER

- Domestic Violence is a serious injustice that affects many women, but speaking about it is not as easy because of the traditional gender roles that women play and the roles that are expected of them. It is important to be sensitive and respectful of all listeners, callers, and panelists.
- Community dialogues, workshops or other activities involving both local and migrant populations, have the potential to alleviate the problem of lack of knowledge and violence, it is important to encourage these sorts of meetings. However, they can also incite violence. It is important to facilitate and moderate discussions in a way that promotes social cohesion.



### POSSIBLE GUESTS

- **Sonke Gender Justice** is happy to be a guest on the show, or to put you in touch with other possible sources.
- Invite a **police officer** from your local station to discuss how they respond to domestic and sexual violence reports. Also ask them to explain what procedures are involved.
- The **Thuthuzela Care Centres** site coordinators or counsellors may be available for interviews & panels. To enquire, contact the Care Centre nearest you (refer to the Thuthuzela Care Centre brochure) or contact the National Prosecuting Authority (NPA) at 012 845-6136/1 or Tel (012) 845 6000.
- **Lawyer's For Human Rights** offers several law clinics across the country – Johannesburg, Pretoria, Musina, Cape Town, Durban, Upington - contact the head office to get more information or request an interviews - (011) 339 1960.

### TIPS FOR THE SHOW

- Discuss the challenges facing all of the various people involved South African, refugees, and migrant women, police officers, prosecutors, etc – and how they could each be helped to work more effectively.
- Be sure to invite representatives of those most affected – I,e refugees and non-south Africans, to ensure their voices are included.
- Situations can vary among communities – find out what is happening in your community, and where people can get help if they encounter problems accessing justice.
- Discuss why sexual violence is so high in the community? What needs to be done at the individual, family, community, and government levels?

### ABOUT THE SERIES.....

The radio dramas series and talking points were produced for Sonke Gender Justice Migrant Health and Rights project, by CMFD productions. The dramas were written during a participatory workshop process, and acted by, those most affected – refugees and foreign nationals themselves.

### CONTACT

#### Sonke Gender Justice

Refugee Health and Rights Project, Tel: 27 (0) 11 339 3589, [info@genderjustice.org.za](mailto:info@genderjustice.org.za), <http://genderjustice.org.za/>

#### CMFD Productions

Tel: + 27 (0) 11 615 6278, [indo@cmfd.org](mailto:indo@cmfd.org), <http://www.cmfd.org>

#### I have the right: Reporting a Case

Written and voiced by Sana Motaung, Jordache Kamanyi, Aime Emmanuel Luboya, Ellen Pedzai and Laeticia Tshibueya, Tete Kalala, George Mugizi

#### Music

Daniel Walter/ Sigauque Project , [www.sigauqueproject.com](http://www.sigauqueproject.com)

