



SAPS

South African Police Service

TRAINING MANUAL



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TRAINING MANUAL FOR SAPS ON GBV RESPONSE

LIST OF ABBREVIATIONS

SAPS	South African Police Service
GBV	Gender-Based Violence
SGBV	Sexual- and Gender-Based Violence
NSP-GBVF	National Strategic Plan on Gender-Based Violence and Femicide
IPV	Intimate Partner Violence
PTSD	Post-Traumatic Stress Disorder
NGOs	Non-Governmental Organisations
CBOs	Community-Based Organisations

INTRODUCTION

This training manual aims to equip SAPS Officers with the knowledge and skills necessary to handle GBV cases effectively, ensuring a trauma-informed, victim-centred, and legally sound approach. By enhancing investigative techniques, improving coordination with multiple stakeholders, and reinforcing ethical policing practices, SAPS Officers will be better positioned to address the challenges that they face in addressing GBV and holding perpetrators accountable. While the SAPS are familiar with the legal framework surrounding GBV, significant gaps persist in the practical application of these laws, survivor-centred policing, and the prevention of secondary victimisation, which has a profound impact in public trust of policing services. The NSP-GBVF has been criticised for addressing symptoms rather than the root causes of GBV.¹

MODULE 1: WHAT IS GBV?

Objectives:

- Understand the prevalence and impact of GBV in South Africa
- Challenge Myths About Violence Against Women
- Understand consent and how it intersects with power dynamics

1. OVERVIEW OF GBV IN SOUTH AFRICA

Key Definitions

Cisgender	A person whose gender identity corresponds with the sex registered for them at birth
Femicide	The intentional murder of women
Sexual Violation	Any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part, or object.

¹ Since its adoption in 2019, there has not been any publicly available reporting on the progress of its implementation. The delay in establishing the National Council on GBVF – the body tasked with overseeing the coordination of the NSP – has further hindered the effective coordination of the NSP. This, along with insufficient funding meant that the implementation of the policy has been slow and uneven. See Resha, G. & Potgieter, C. (2023) Accelerating GBVF Response Through Community-Led Platforms – Lessons from the Scorecard on the Localisation of the National Strategic Plan on Gender-Based Violence and Femicide. *Centre for the Study of Violence and Reconciliation*. Available at <https://www.csvr.org.za/policy-brief-accelerating-gbv-response-through-community-led-platforms-lessons-from-the-scorecard-of-the-localisation-of-the-national-strategic-plan-on-gender-based-violence-and-femicide/>

While South Africa's Constitution is considered one of the best in the world, this has not worked well enough to protect women from gender inequality evident in the elevated levels of GBV in the country. GBV is deeply rooted in South Africa and largely driven by systemic power imbalances, institutions still grappling with an apartheid legacy, cultures, and traditions.

“Gender-based violence is, after all, a problem of male violence. It is predominantly men who are rapists. It is mainly men who are perpetrators of domestic violence. Because it is men who are the main perpetrators, it should be men taking the lead in speaking out and reporting gender-based violence, in raising awareness in peer education and in prevention efforts.” – President Cyril Ramaphosa

According to police reports, most crimes of violence against women are committed by cisgender men and the perpetrator is often known by the woman. Femicide is usually committed by partners or ex-partners, usually preceded by abuse in the home, threats of intimidation, and sexual violence.

The following statistics highlight the prevalence and impact of GBV in South Africa, underscoring the urgent need for effective law enforcement responses.

- Approximately one in three South African women experiences IPV in its lifetime in their lifetime.
- According to recent reports, a woman is killed every three hours in the country. South Africa has one of the highest femicide rates globally, with it being five times higher than the global average.
- It is estimated that a woman is raped every 36 seconds (one of the highest estimations in the world).
- Young girls are the most vulnerable to GBV, but it is important to note that men and boys can be victims of sexual violence. Due to stigma and poor reporting, there is not enough data to accurately present the scale at which they may suffer from such crimes.
- 2024 reports indicate that South Africa remains one of the most dangerous places to live for a woman.
- It is estimated that only one in nine crimes against women are actually reported.

2. UNDERSTANDING GENDER

Gender refers to the socially constructed roles, behaviours, expectations, and identities for men, women, and gender-diverse individuals and their relationships with each other.² Since it is a social construct, it varies from society to society and evolves over time. Gender is different and distinct from sex, which refers to the biological characteristics (chromosomes, hormones, and reproductive organs) of females, males, and intersex persons.³ As such, sex is distinct from one's gender identity, which refers to one's internal and individual experience of gender, which may or may not correspond to one's physiology or designated sex at birth.⁴

Gender as a social construct is hierarchical and therefore produces inequalities that intersects with other social and economic inequalities, such as ethnicity, age, sexual orientation,

² World Health Organization (2025) Gender and health. Available at https://www.who.int/health-topics/gender#tab=tab_1.

³ *Ibid.*

⁴ *Ibid.*

socioeconomic, or disability status.⁵ As such, it influences a person's access to services and opportunities, and women and girls face greater barriers than men and boys in accessing certain essential services and information.

Rigid and harmful gender norms prevalent in South African society, especially those related to traditional and conservative notions of masculinity and patriarchal norms that reinforce male dominance and control over women and gender minorities create an enabling environment in which GBV can thrive in a culture of impunity.

3. DRIVERS, FUELLERS, AND ROOT CAUSES OF GBV

Deeply entrenched inequalities are often made worse by women's limited access to education, capital, labour opportunities, and resources. Research has also shown that most survivors of violence against women experience it throughout their lives, often with it beginning at an early age. Alcohol and substance abuse are contributory factors, while patriarchal and societal norms continue to lead to a conspiracy of silence that discourages women from speaking out. Violence against women in South Africa is therefore intertwined with relations of power and feeds on and induces intersectional vulnerabilities such as disability, economic dependence, identity-based inequalities, and the personal circumstances of women and children.

Deep-seated cultural factors that enable GBV:

- Patriarchy and gender inequality (e.g. harmful traditions of the male head in the family with control over women)
- Cultural norms and harmful traditional practices (e.g., forced marriages)
- Economic dependency (e.g. staying in an abusive relationship due to financial insecurity and lack of access to income-generating activities)

Drivers and fuellers that escalate GBV rates:

- Weak law enforcement (slow response, victim-blaming, or lack of resources)
- Alcohol and drug abuse is often linked to increased rates of violence and intimate partner violence/domestic violence in particular
- Public attitudes and stigma (reluctance to report cases due social stigma associated with being a victim of sexual violence, or the notion that GBV or domestic violence are "private matters" to be resolved within the home and family).⁶

4. TYPES OF GBV

GBV manifests in different forms, including:

- **Physical violence:** Assault, intimate partner violence (*physical, sexual, or psychological abuse of a person by their partner or spouse*), or femicide (*the killing of a woman or girl, particularly by a man and on account of her gender*).

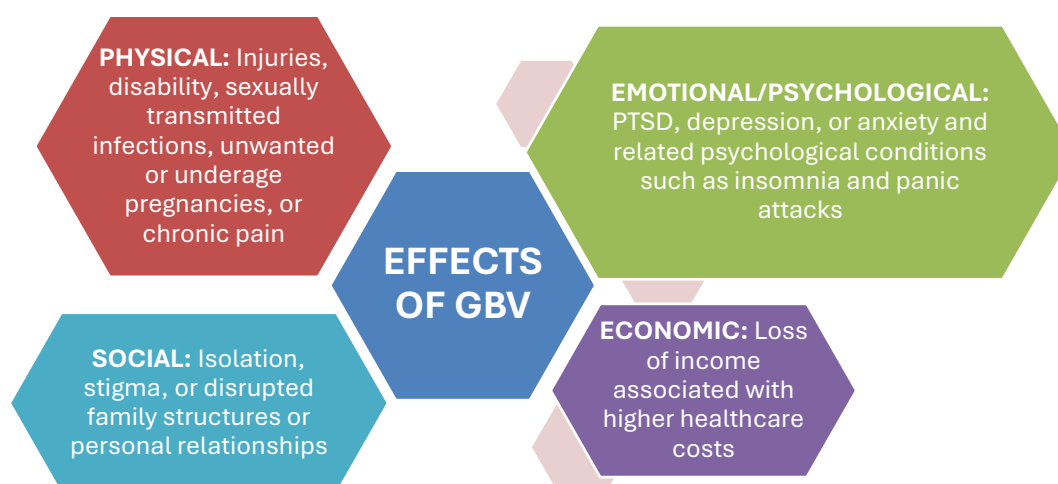
⁵ *Ibid.*

⁶ World Health Organization (2024) Violence against women. Available at <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

- **Sexual violence:** Rape, sexual harassment, forced marriage, or corrective rape (*a form of rape perpetrated against someone based on their sexual orientation or gender identity, with the intention to force the victim to conform to heterosexuality or normative gender identity*).⁷
- **Emotional/psychological abuse:** Manipulation, coercive control (*an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim*), or gaslighting (*manipulating someone using psychological methods into questioning their own sanity or powers of reasoning*).⁸
- **Economic abuse:** Preventing financial independence, wage theft, or forced financial dependence.
- **Spiritual/cultural abuse:** Using religion or customs to justify control or subjugation.⁹

5. EFFECTS OF GBV

GBV has physical, emotional, social, and economic consequences:



6. UNDERSTANDING SURVIVOR TRAUMA

Trauma is the emotional and psychological impact of experiencing a deeply distressing event, such as GBV. Symptoms include:

- Acute stress reactions, such as shock or dissociation
- Long-term effects such as PTSD or difficulty trusting others

⁷ United Nations Economic and Social Commission for Western Asia (2022) Corrective Rape. Available at <https://www.unescwa.org/sd-glossary/corrective-rape>.

⁸ Women's Aid (2025) What is coercive control? Available at <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/coercive-control/#:~:text=Coercive%20control%20is%20an%20act,the%20heart%20of%20domestic%20abuse>.

⁹ Government of South Africa (2020) National Strategic Plan on Gender Based Violence and Femicide: Human Dignity and Healing, Safety, Freedom & Equality in Our Lifetime. Available at <https://www.justice.gov.za/vg/gbv/nsp-gbv-final-doc-04-05.pdf>; Section 2 of the Domestic Violence Amendment Act 14 of 2021.

- Memory and reporting challenges

Evidence shows that victims/survivors of GBV may engage in the following behaviours because of the resultant trauma:

- Alcohol and drug use
- Eating and sleep disorders
- Physical inactivity
- Poor self-esteem
- Self-harm
- Unsafe sexual behaviour¹⁰

How trauma affects memory and reporting

- **Memory Fragmentation:** Victims/survivors may recall events non-linearly or have gaps in their memory due to the traumatic impact of the incident. Care should be taken not to assume that such gaps or inconsistencies point to dishonesty due to the traumatic nature of the incident.
- **Delayed Reporting:** Fear, shame, or confusion can lead to delays in reporting the incident to authorities. The length of the delay should not point to any lack of credibility of the complaint.

Why victims/survivors may delay reporting

1. **Fear of Retaliation:** Concern that the perpetrator may harm them or their loved ones.
2. **Economic Dependence:** Reliance on the abuser for financial support can deter victims/survivors from coming forward.
3. **Social Stigma:** Concern over being judged or ostracised by the community.

Officers should provide a supportive environment that encourages victims/survivors to report offenses, regardless of when they occurred. Victims/survivors should be informed about available support services.

Training Activities:

- Case study discussion
- Discussion on difficulties that police officers experience in this field

¹⁰ *Ibid.*

MODULE 2: NORMATIVE FRAMEWORKS FOR ADDRESSING GBV

Objectives:

- Understand normative framework and South Africa's new GBV laws
- Enhance investigative skills in sexual offence cases
- Clarify protection order procedure to ensure effective enforcement
- Enhance understanding of bail applications and cancellations
- Enhance victim protection during court processes

1. SOUTH AFRICAN LEGAL FRAMEWORK: GBV LAWS

In 2020, South Africa adopted the NSP-GBVF as part of the government's commitment to eradicating gender-based violence through strengthening the legal framework. GBV remains one of the most pressing social and criminal issues in South Africa, with deeply entrenched systemic challenges that hinder effective law enforcement responses and support for victims/survivors. To this end, the NSP-GBVF provides a multi-sectoral, coherent strategic policy and programming framework that seeks to address the needs and challenges faced by all affected and impacted by the GBV scourge in South Africa. In line with this, three draft bills were signed into legislation, namely, the Criminal and Related Matters Amendment Act¹¹, Domestic Violence Amendment Act¹², and the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Act¹³, to address GBV.

AMENDED GBV LAWS

- ➔ The Criminal Law (Sexual Offences and Related Matters) Amendment Act 13 of 2021
- ➔ The Domestic Violence Amendment Act 14 of 2021
- ➔ The Criminal and Related Matters Amendment Act 12 of 2021

1.1. The Criminal Law (Sexual Offences and Related Matters) Amendment Act

This Act expands the scope of sexual offences to include sexual intimidation as a crime and strengthens protections for vulnerable persons by extending the National Register for Sex Offenders to include offenders convicted of crimes against all vulnerable groups, not just children and people with disabilities. The Act also enhances reporting obligations, making it mandatory for certain individuals to report knowledge of suspicion of sexual offences committed against vulnerable persons.

Understanding Sexual Offences

Key definition changes:

Term	Definition
Rape	Intentional committing of an act of sexual penetration without consent, irrespective of gender. It is also a crime for a person to force another to rape someone (compelled rape).
Sexual assault	Sexual violation of another person without their consent. It is also a crime for a person to force another person to witness or perform sexual acts to someone (compelled sexual assault).

¹¹ Act 12 of 2021.

¹² Act 14 of 2021.

¹³ Act 13 of 2021.

Sexual grooming	The act of educating, introducing, or preparing a child or person living with mental disability to perform or witness any sexual act or become sexually ready.
Incest	Extends the ambit of the offence to occur when people who are related and are not allowed to marry each other legally or engage in sexual acts with one another.
Child pornography	When a child is used for the purpose of publishing pornographic material.
Child prostitution	When a child is used for sexual acts for a reward or when a child is exposed to pornography. This is similarly applicable to persons living with mental disabilities who are unable to consent to such activity.
Vulnerable Person	<ul style="list-style-type: none"> - A child, - a female under the age of twenty-five years, - a person who is being cared for or sheltered in a facility that provides services to victims of crime, - a person with a physical, intellectual, or mental disability and who receives community-based care and support services other than from a family member, - a person who is sixty years of age or older who receives community-based care and support services other than from a family member.

National Register for Sex Offenders

What is the National Register for Sex Offenders?

- The National Register for Sex Offenders is a government database designed to keep track of individuals convicted with sexual offences, particularly against vulnerable persons.
- This is to prevent known sex offenders from working in environments where they could pose a risk to vulnerable persons (such as schools, hospitals, and daycare centres).

Section 41, Criminal Law (Sexual Offences and Related Matters) Amendment Act:

- 1) *A person who has been convicted of the commission of a sexual offence...whether committed in or outside the Republic, and whose particulars have been included in the Register, may not –*
- (a) be employed to work with a child in any circumstances;*
 - (b) hold any position, related to his or her employment, or for any commercial benefit which in any manner places him or her in any position of authority, supervision or care of a child, or which, in any other manner, places him or her in a position of authority, supervision or care of a child or whether he or she gains access to a child or places where children are present or congregate;*
 - (c) be granted a licence or be given approval to manage or operate any entity, business concern or trade in relation to the supervision over or care of a child or where children are present or congregate; or*
 - (d) become the foster parent, kinship caregiver, temporary safe caregiver or adopted parent of a child*

**The Act specifically refers to sexual offences committed against children or vulnerable person, but the Domestic Violence Amendment Act has expanded it to include sexual offences committed against any person*

Who is Listed on the National Register for Sex Offenders?

Anyone who has been convicted of a sexual offence (locally or in a foreign jurisdiction), is serving a sentence or imprisonment or has served a sentence of imprisonment because of

such a conviction, or whose particulars appear on an official register in any foreign country, pursuant to a conviction of a sexual offence.

Who May Access the National Register for Sex Offenders?

- The Register is currently open to employers in the public and private sectors, who have the right to do a background check on the eligibility of potential candidates to work with vulnerable persons or hold certain public offices.

How is a Person Removed from the National Register for Sex Offenders?

- Anyone who has been convicted of a sex offence can apply for removal from the Register after a minimum of five and up to twenty years have lapsed since that person has been released from prison or the period of suspension has lapsed based on the circumstances of the conviction.
- A perpetrator who was a child at the time of the commission of the offence concerned and who was convicted of such offence may apply for removal from the Register on condition of providing good cause why it is unlikely that the offence will be repeated.
- The Registrar may remove particulars that have been included in the Register erroneously if they are satisfied by the evidence provided by the requestor.
- A person with two or more convictions of a sexual offence **may not be removed** from the Register.

What are SAPS Personnel Duties in Respect of the National Register for Sex Offenders?

- Ensure that convicted sex offenders' details are submitted to the Register.
- Verify individuals against the register when register when required, especially on employment purposes involving children or persons with a mental disability.
- Collaborate with the Department of Justice and Constitutional Development to maintain accurate records.

Consent And Its Intersection with Unequal Power Dynamics

What is consent?

Consent refers to the clear, voluntary, and enthusiastic agreement to participate in a specific activity. It must be given **freely, without pressure, force, manipulation, or intimidation**.

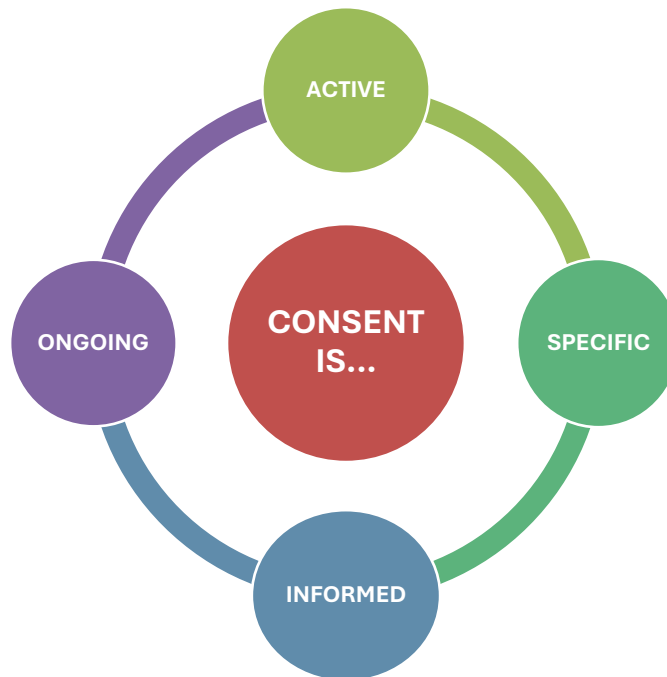
- It is an **ongoing process**, not a one-time ask, and it can be **withdrawn** at any time.
- Consent can be verbal or non-verbal, provided that the indication of consent is clear and unambiguous.

Why is consent important?

Consent and the right to decide what is done to your body is a fundamental principle of the principle of human dignity, the right to be free from all forms of violence from either public or private sources, and the right to bodily and psychological integrity.¹⁴

¹⁴ The Constitution of the Republic of South Africa, 1996.

Key principles of consent:



- Consent must be **active** – silence or lack of resistance is not consent.
- Consent must be **specific** – agreeing to one sexual act (e.g. kissing or oral sex) does not mean agreeing to another sexual act (e.g. penetrative sex).
- Consent must be **informed** – a person must understand what they are agreeing to. If someone withholds information that would make another person decide not to engage in sexual activity and this person consents to sexual activity, consent was obtained fraudulently and is therefore not valid.
- Consent must be **ongoing** and **can be withdrawn at any time**, even if the person initially agreed to the sexual activity. Once consent is withdrawn, the sexual partner must immediately cease sexual activity as the person's consent is no longer active, otherwise proceeding will amount to sexual assault.

Consent obtained under circumstances where *any* of the above principles are not satisfied, the consent is absent or vitiated (invalid).

Who can provide consent for sexual activity?

- A person who is at least 16 years old or older (anyone under the age of 16 cannot consent to any legal sexual activity).
- Any person who is otherwise mentally capable to make informed decisions about a particular action. This means that the person cannot be under the influence of alcohol or drugs to such an extent that they cannot understand the implications of their decisions or the action.

CASE STUDY: DIRECTOR OF PUBLIC PROSECUTIONS EASTERN CAPE, MAKHANDA V COKO [2024] ZASCA 59:

This case highlights why consent is crucial and clarifies South Africa's position on the principles of consent and the elements of the crime of rape.

Facts:

This case was heard before the Supreme Court of Appeal to appeal a decision of the High Court regarding the overturning of the court of first instance's sentencing of the accused for contravening the Sexual Offences Act. The accused and complainant were a couple in a relationship, but the complainant made it clear that she highly valued her virginity and therefore did not intend on engaging in penetrative sex in the near future. One night, the complainant visited the accused at his house with another reiteration on her part that she did not want to engage in penetrative sex. The couple proceeded to engage in consensual oral sex, however, the accused proceeded to engage in penetrative sex despite her discomfort and exclamations of physical pain. He did not heed her pleas, but instead continued, stating that he understood that consent to prolonged oral sex also amounted to consent to eventual penetrative sex, especially considering her 'relaxed' body language during the initial sexual activity. He therefore assumed that she was a willing participant due to failure to object. The trial and regional courts were both satisfied beyond reasonable doubt that the accused had sexually penetrated the victim without her consent.

High Court Appeal: The High Court overruled the previous sentencing, finding that the conviction was unsustainable and that the regional court failed to take cognisance of the fact that consent to an act of sexual penetration can be granted by explicitly communicating the consent to the other person or tacitly by conduct. The Court considered the complainant to be an equally active and consensual participant, and her behaviour overall indicated tacit consent to the eventual sexual penetration.

Supreme Court of Appeal (SCA): The SCA disagreed with the High Court's reasoning and decision, stating that consent to foreplay or oral sex does not suffice for penetrative sex since neither constitute an act of penetration as defined by the Sexual Offences Act¹⁵ to constitute the crime of rape. Because the crime of rape is absence of consent to *sexual penetration* (the consent must relate to the specific act of penetration) and not consent to *foreplay*, the complainant must have separately consented to the penetrative sex in question. As such, the complainant must agree to a *specific physical sexual act* and cannot act as blanket consent for any other sexual act that may follow on from the initial act. *Agreement to one form of sexual activity is not agreement to any or all forms of sexual activity.* As such, the complainant's willingness to engage in penetrative sex should have been communicated clearly, either explicitly or tacitly, but this was not the case and therefore consent was absent, especially considering her numerous reiterations that she was not prepared to have sex for the first time. The High Court therefore erred in making its findings.

Further, even if it were the case that consent had been given for the specific penetrative sexual act, it may be withdrawn during the sexual act to which the consent relates. The person giving consent may change their mind and withdraw, and any continued engagement of the act to which consent has been withdrawn would constitute a contravention of the Sexual Offences Act. The complainant had clearly communicated to the complainant during the penetrative sexual activity that she was not comfortable, which amounts to a clear withdrawal of consent, had consent been given in the first place (which the SCA established had been absent on the night in question).

¹⁵ S 3 of the Sexual Offences Act 32 of 2007.

How unequal power dynamics intersect with the ability to consent

Power dynamics refer to the ways in which power is negotiated and exercised within relationships and society. Such relationships are quite common, such as employer/employee relationships. However, in a relationship where a power dynamic is at play, the person in the position of power over the other may exploit this imbalance to control or harm the other. In the context of GBV, consent may be complicated where one partner holds more power than the other since they can influence the actions and choices of the other.¹⁶

This influence over the other could be due to several factors, such as being in control of finances, being the only employed person in the relationship, or holding a position of influence in society. Such a dynamic may influence how comfortable the other person may feel saying no to sex out of fear of negative consequences, or a lack of understanding due to a lack of experience (often the case in relationships with large age gaps). This impact on consent may occur without the use of threats, however, in a situation where a person feels afraid to say no to sexual activity, consent cannot be possible since the person does not feel as though they have a choice.

It is important to note that power imbalances are not uncommon and do not necessarily mean that consent will always be impacted. These imbalances are often circumstantial and should be carefully navigated within the context to ensure mutual respect and understanding. Such relationships could include partnerships in which one person is unemployed or is earning a significantly lower salary than the other, or in which one person holds a position of influence or authority in the community while the other does not. It is only when the person in the position of power uses that power over the other to influence their ability to provide their free and informed consent.

While some power imbalances are not inappropriate, other relationships, such as teacher-student, therapist-patient, or employer-employee relationships, it is wholly inappropriate and unethical for the person in the position of power engage in sexual relations with the other in any way since the other is significantly more vulnerable to exploitation.

Examples of imbalances of power

- **Age differences or differences in sexual experience:** An older or more sexually experienced adult may make a younger or less experienced adult feel the need to “prove” that they are mature or experienced. This is an especially concerning issue in relationships between adults and minors, with child-grooming and predation remaining a severe problem in South Africa.
- **Level of ability:** Some people with physical or intellectual disabilities, older adults, or those who otherwise may need assistance from a caregiver may rely on their partner in some areas of life and are therefore vulnerable.
- **Position in society:** Someone may have more social privilege than their partner, through their race, gender, job, citizenship, or other factors which could impact the other’s ability to consent freely.¹⁷

¹⁶ National Sexual Violence Resource Center (2019) | Ask How Power Impacts Consent. Available at https://www.nsvrc.org/sites/default/files/publications/2019-01/Power%20Dynamics%20Handout_508.pdf.

¹⁷ *Ibid.*



1:University of Queensland, Australia. *Power Can Influence Play*. Available at <https://respect.uq.edu.au/power-can-influence-play>

1.2. **The Domestic Violence Amendment Act**

The Domestic Violence Act of 1998 was passed to tackle domestic violence in South Africa and afford victims/survivors maximum protection from domestic violence that the law can provide.¹⁸ It provided an outline of what constitutes domestic violence in South Africa and avenues for survivors to seek protective services such as shelters and protection orders. It also outlined the responsibility of SAPS towards survivors. The Amendment Act, passed in 2021 as part of the GBV Amendment Laws, builds on the 1998 Act by expanding the definition of domestic violence to include coercive control, elder abuse, and spiritual abuse, as well as enabling online applications for protection orders and giving SAPS more enforcement powers, such as entering premises without a warrant in emergencies.

¹⁸ Act 116 of 1998.

Expanded Definition of Domestic Violence

One in four South African women experiences domestic violence in their lifetime. This includes physical, emotional, and sexual abuse, often at the hands of an intimate partner.

Key amendments:

- Definition of domestic relationship expanded include relationships beyond the traditional marriage set up, such as marriage engagements, dating relationships, customary relationships, domestic partnerships, or actual or perceived romantic, intimate, or sexual relationships of any duration. This definition also includes parental responsibility relationships, family related by descent, affinity, or adoption, or persons who share or have shared the same residence within the preceding year of the complaint.
- Introduces online application system for protection orders.
- Introduces new definitions of violence not previously covered by the law, while also refining some pre-existing definitions.
- Introduces procedures for the arrest of a domestic violence perpetrator by a peace officer without a warrant.

Key definitions:

Term	Definition
Coercive behaviour	Any abusive conduct or acts of force, intimidation, or undue pressure intended to cause a complainant or a related person to act, not to act, or be subjected to certain acts against their will
Domestic relationship	A connection between a complainant and a respondent in any of the following ways: <ul style="list-style-type: none">- Marriage (according to any law, custom, or religion)- Live together in a relationship in the nature of marriage although they are unmarried- Parental responsibility relationships over a child- Family members related by descent, affinity, or adoption- Engagement, dating, or customary relationships, including an actual or perceived romantic, intimate, or sexual relationship of any duration- Share or have shared the same residence, premises, or property within the preceding year of the complaint
Domestic violence	May include physical, sexual, emotional, verbal, psychological, economic, spiritual, elder, or child abuse, or intimidation, harassment, stalking, damage to property, elder abuse, coercive behaviour, entry into the complainant or related person's residence/workplace/place of study without consent, where they don't share the residence/workplace/place of study, or any other abusive behaviour where such behaviour harms or inspires a reasonable belief that harm may be caused to the complainant or a related person
Elder abuse	The conduct or lack of appropriate action occurring within a domestic relationship, which causes harm or distress or is likely to cause harm or distress to an older person and includes social isolation or neglect
Economic abuse	The unreasonable deprivation of economic or financial resources to which a complainant or a related person is entitled under law or which the complainant or a related person requires out of necessity, including household necessities for the complainant or a related person, and mortgage bond repayments or payment of rent in respect of the shared residence or accommodation; or the [unreasonable] disposal of household effects or other property in which the complainant has an interest

Emotional abuse, verbal, and or psychological abuse	<p>A pattern of degrading or humiliating conduct towards a complainant or a related person, including:</p> <ul style="list-style-type: none"> - Repeated insults, ridicule, or name-calling - Repeated threats to cause emotional pain - <p>Repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the complainant's or a related person's privacy, liberty, integrity, or security; or inducing fear</p>
Harassment	<p>Directly or indirectly engaging in a pattern of conduct that induces fear, causes harm, or inspires the reasonable belief that harm may be caused to the complainant or a related person by</p> <ul style="list-style-type: none"> - repeatedly following, watching, pursuing, or accosting the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies, or happens to be - Repeatedly contacting the complainant/making communications aimed at the complainant or a related person, or repeatedly sending, delivering, or causing the delivery of letters or similar (texts, photos, etc.) to the complainant or a related person, or leaving them where they may be found by, given to, or brought to the attention of the complainant or a related person - Amounts to sexual harassment of the complainant or a related person
Harm	Any mental, psychological, physical, or economic harm
Intimidation	Uttering or conveying a threat to or causing a complainant or a related person to receive a threat, which induces fear or imminent harm
Physical abuse	Any act or threatened act of physical violence towards a complainant or a related person, or includes abuse as defined by the Children's Act if the complainant is a child
Related person	Any member of the family or household of a complainant, or any other person in a close relationship with the complainant
Sexual abuse	Any conduct that abuses, humiliates, degrades, or otherwise violates the sexual integrity of the complainant or a related person, whether or not such conduct constitutes a sexual offence as contemplated in the Criminal Law (Sexual Offences and Related Matters) Amendment Act or the Children's Act
Sexual harassment	<p>Any</p> <ul style="list-style-type: none"> - Unwelcome sexual attention from a person in a domestic relationship with the complainant who knows or ought reasonably to know that such attention is unwelcome - Unwelcome explicit or implicit behaviour, suggestions, gestures, messages, or remarks of a sexual nature towards the complainant in circumstances which a reasonable person having regard to the circumstances would have anticipated that the complainant would be offended, intimidated, or humiliated - Implied or expressed promise of reward to the complainant for complying with a sexually orientated request - Implied or expressed threat of reprisal or actual reprisal made to the complainant for refusal to comply with a sexually orientated request
Spiritual abuse	<ul style="list-style-type: none"> - Ridiculing or insulting the complainant's religious or spiritual beliefs - Preventing the complainant from practising their religious or spiritual beliefs - Using the complainant's religious or spiritual beliefs to control, manipulate, or shame them, including using religious texts or beliefs as a pretext to justify, minimise, or rationalise abusive behaviour

Domestic Relationships:¹⁹

The Act says you are in a domestic relationship with someone if:

- You currently live, or lived in the past, under the same roof with that person or in an intimate relationship (such as a boyfriend or girlfriend) in a civil or customary marriage
- You do not live with the person, but you are married to or are in an intimate relationship with the person
- You currently live under the same roof with that person, or you did so recently
- The person is a family member of yours (such as your father, cousin, sister, or uncle) or a family member of your current partner or ex-partner
- You and that person share responsibilities for a child. You do not need to be the natural or legal guardians of the child
- The person believes or thinks that they are in an intimate relationship with you

Power and Control²⁰

The Domestic Violence Act itself does not declare domestic violence as such to be an offence. However, different forms of behaviour constitute domestic violence, that is, forms of behaviour through which the perpetrator/respondent exercises **power and control** over the complainant. It is this exercising of power and control which, if threatened, results in the respondent becoming physically violent towards the complainant.

¹⁹ Women's Legal Centre (2014) *A Simplified Guide to the Domestic Violence Act*. Available at https://www.saferspaces.org.za/uploads/files/Domestic_Violence_Guide.pdf.

²⁰ South African Police Service Training Documents: *Power and Control*



Because SAPS has the responsibility to prevent crime, officers cannot ignore conduct which does not constitute an offence but which, if it goes unchecked, is bound to develop into conduct which does constitute an offence. While officers cannot arrest a person or charge them with an offence if their conduct does not constitute an offence, they can provide information to the parties concerned and point out to them that the course of action they are engaged in is bound to develop into criminal conduct. It must be communicated that this criminal conduct will, under no circumstances, be tolerated by the police and the complainant must be empowered to take proactive steps to prevent the behaviour from developing into physical violence or any other criminal offence.²¹

Protection Orders: Process and Enforcement

- The online application system for protection orders means that victims/survivors no longer need to physically apply for an order at the police station or through the courts.
- This is helpful, especially in cases where the victim's/survivor's mobility or access to services is hindered by their abuser in some way.
- SAPS must assist victims/survivors in applying for protection orders, serve such orders to respondents promptly, and enforce the conditions of protection orders, including arresting respondents who breach them.

²¹ *Ibid.*

Who can apply?

- Any person who is being abused by somebody with whom they are in a domestic relationship
- Any person who is applying for a protection order on behalf of someone else who is a victim of domestic violence
- Any person who is concerned that a person is being abused, including a social worker, teacher, health worker, or SAPS member
- If someone is applying for a protection order on behalf of someone else, they must have the person's written permission, unless the person is younger than 18 years, is mentally disabled, unconscious, or the court is satisfied that the person cannot give their permission for some reason
- Children below the age of 18 can also apply for a protection order

Police Response to Domestic Violence

Arrest without a warrant:

Police officers may arrest a suspect without a warrant if they reasonably suspect that an act of domestic violence has been committed.²² This includes situations where the officer believes that the suspect has committed a Schedule 1 offense. Similarly, police officers may enter private property without a warrant if they have reasonable grounds to believe that a person is in imminent danger of physical harm due to domestic violence.²³

- **Risk Assessment:** Assess the situation to determine the level of threat to the victim
- **Use of Force:** If necessary, reasonable force may be used to gain entry and ensure the safety of the victim.
- **Documentation:** All actions taken must be thoroughly documented, including the reasons for entry without warrant.

Telephonic interviews: Practical hints for SAPS members²⁴

When receiving complaints of domestic violence telephonically, there is a good chance that the person reporting the incident will be emotional, difficult, aggressive, or under the influence of drugs or alcohol. It is important to stabilise and calm the complainant down so that all the relevant information of the incident can be obtained. When conducting telephonic interviews, it is critical that police officials project attentive listening and affirmation. The following should be considered when taking complaints –

- Build rapport as soon as possible by personalising the interview (i.e. introduce yourself by rank and surname and refer to the victim/survivor by name e.g. Mrs or Mr Smith)
- Ensure that your voice reflects attentiveness and a willingness to assist
- Be patient and communicate empathy
- Avoid putting the complainant on hold (e.g. answering your private phone)
- Complete the telephone interview before performing other duties
- Be tactful in your questioning
- Refer the complainant to other sources or support services, if necessary

²² S 40, Criminal Procedure Act 51 of 1977.

²³ The Domestic Violence Act 116 of 1998.

²⁴ South African Police Service Training Documents: *Practical hints for Telephonic Interviews*

The following information should be obtained from the complainant:

1. The full address where the incident is occurring or has occurred
2. The caller's identity and their location and if the caller is not the complainant, the complainant's exact location
3. Whether the complainant is in danger
4. Whether the respondent is in close vicinity to the complainant
5. The location of the respondent and a description of the respondent
6. Whether the complainant is in possession of a protection order against the respondent
7. Determine the situation at that moment: is anyone in immediate danger and are there any firearms on the scene, or does the respondent have access to firearms?
8. Reassure the caller that a police vehicle will be dispatched and that the police will be there shortly to provide assistance
9. Whether anyone needs medical assistance
10. If there are children on the scene, and if so, how many, their names, ages, and location
11. Confirm the layout of the premises (e.g. razor wire, dogs on the property)
12. Confirm any unmanageable situations where a hostage negotiator may be needed

Preventing Retaliation and Secondary Victimization

Victim Rights²⁵

- **The right to be treated with fairness in respect for their dignity:** they must be treated fairly, with respect for their dignity and privacy, and in a sensitive manner. Complaints must be responded to as soon as possible, and victims must be interviewed in private to compile a statement and open the case (such as in a dedicated Victim Friendly Room). If necessary, the victim must be referred to other service providers such as health for medical evidence, or social development for counselling.
- **The right to offer information during the investigation of the case:** SAPS officials must take steps to ensure that any evidential material provided by the victim is correctly gathered and protected and will take necessary steps to facilitate medical examination if needed. The official must ask the victim to read the statement (in a language the victim understands, otherwise an interpreter must be arranged) to confirm its contents and to sign it. If the victim cannot read, the official or another person appointed by the victim can read it. The victim is allowed to add or amend the initial statement, or to make a further statement. Victims are encouraged to explain how the crime has affected them so that the SAPS official can refer them to service providers in the area for trauma counselling or other available services.
- **The right to receive information from the police when reporting a crime:** A victim may discuss the case with an attorney of their choice. The SAPS official must explain the nature and purpose of the victim's statement when reporting a case, and the victim must be provided with the case number and the name of the investigating officer. The investigating officer must keep the victim informed about the arrest of the suspect(s), the court case number, whether the victim is required to attend an identity parade and of its date, and the progress of the investigation.

²⁵ South African Police Service Victim Empowerment Programme Pamphlet available at https://www.saps.gov.za/resource_centre/publications/pamphlets/victim_empowerment_%20pamphlet.pdf

- **The right to protection:** The victim has the right to safety if they believe that their life is in danger. The victim has the right to be placed at the witness protection programme if it is deemed necessary. The victim has the right to apply for a protection order to ensure safety in cases of domestic violence.
- **The right to assistance:** The SAPS official must explain the police procedures when case has been opened. The victim's safety must be addressed as priority.

SAPS support to victims²⁶

Police officials have to provide the following support to a victim/survivor:

- Treat victims/survivors with fairness, respect, and courtesy in private, without discrimination regardless of circumstances, race, gender, age, disability, sexual orientation, and appearance
- Take a statement in a professional and sensitive manner with respect for the victim's right to privacy and complete all the necessary forms to register the crime
- Interview the victim in a language that they understand, and if the official cannot speak the language, they will arrange for an interpreter
- A trained SAPS official, who is the same gender as the victim (if possible) must interview the victim
- In the case of a sexual offence, the official must assist the victim to obtain alternative clothing to wear if their clothing is required for evidence
- An investigating officer must be summoned to attend to the victim. Victims must be offered a suitable place to wait (e.g. the Victim Friendly Room), especially in cases of domestic violence or sexual offences
- Provide victims with information about the reported case, such as the case number, the details of the investigating officer, and a copy of the statement (a victim has the right to change and review their statement)
- Conduct a professional investigation of the case, including regular feedback on the progress made with the case.
- Educate victims with regard to police investigative and criminal justice procedures
- Provide crime prevention advice
- Refer victims for medical attention, legal advice, and/or counselling support services in the community, if required

Victim-friendly service²⁷

A service where the dignity and rights of victims are protected, and the victim is empowered and not subjected to secondary victimisation by the inefficiency by the members of the criminal justice system.

The four basic elements of victim empowerment:

1. Emotional support
2. Practical support

²⁶ *Ibid.*

²⁷ *Ibid.*

3. Providing information
 4. Referral to professional support services
-

1.3. The Criminal Matters Amendment Act

This Act strengthens bail conditions for GBV perpetrators, ensuring survivors' safety and preventing repeat offenders from being released without strict oversight. The Act also provides for intermediaries for vulnerable witnesses.

Intermediaries for Vulnerable Witnesses

A court may appoint a competent person as an intermediary to protect a witness who is vulnerable either because they are a minor, a person suffering from a physical, psychological, mental, or emotional disability, or an older person. This is to protect the witness in circumstances where court proceedings would expose them to undue psychological, mental, or emotional stress, trauma, or suffering should they testify in court.

In these circumstances, the witness is ordered to give evidence at any place so that the witness is unable to see or hear the person present at proceedings that may upset them, while enabling the court to see and hear their testimony through an intermediary or a "go-between" who is an independent consultant and not an employee of the State.

In cases involving vulnerable individuals, where there is a likelihood that an intermediary will be used during court proceedings, investigating officers must understand how to liaise with intermediaries and ensure that witness statements are taken in a way that aligns with how testimony will be given at a later stage.

Bail Provisions and Challenges

Types of Bail:

13. **Police Bail (S 59 of the Criminal Procedure Act):** This is for minor offenses and can be granted by the investigating officer or station commander before the first court appearance.²⁸
14. **Prosecutor Bail (Section 59A):** This is for more serious offences, excluding Schedule 5 and 6 offences), and requires approval from the public prosecutor.
15. **Court Bail (Section 60):** This is for Schedule 5 and 6 offences and can only be granted by a magistrate or judge during bail proceedings.

Key Bail Principles:

- Bail must be granted in consultation with persons/victims affected by the crimes.
- The Prosecutor must oppose bail in the court proceedings for sexual offences or GBV cases.
- In all cases, the personal interests of the accused must be weighed up against the interests of justice when deciding whether to grant bail.

²⁸ Act 51 of 1977.

- In all cases, the accused must provide evidence which shows that exceptional circumstances exist which, in the interests of justice, permit their release on bail.
- Release on bail may be made subject to conditions which are in the interests of justice.
- Bail may also be cancelled should it transpire that the accused may defeat the ends of justice, was not candid about previous convictions, or provided false information, or poses a threat to the safety of the public or a particular person, or it is otherwise in the interests of justice to do so.

Bail Conditions:

Bail conditions may include prohibitions on contacting the victim/survivor, restrictions on entering certain areas, or requirements to report to a police station regularly. SAPS is responsible for monitoring compliance, which may require regular check-ins and surveillance. If a breach occurs, the individual must be arrested promptly, and the violation be reported to the court. Bail conditions are crucial for protecting victims/survivors, and therefore the enforcement thereof must be ensured.

Training Activities:

- **Practical exercises: Handling protection order breaches**
 - **Group discussion: Ethical concerns in domestic violence cases**
 - **Group discussion: High-risk cases requiring urgent intervention**
 - **Group discussion: Challenges in protecting victims post-bail**
 - **Simulation: Case study for bail hearing (present the circumstances and discuss mitigating or aggravating circumstances and whether bail should be granted/denied)**
-

2. OTHER LEGAL INSTRUMENTS IN SOUTH AFRICA

- **The Prevention and Combating of Trafficking in Persons Act:** Addresses human trafficking, particularly the trafficking of women and children for sexual exploitation, providing protective measures for victims of trafficking, including rehabilitation programmes.²⁹
- **The Protection from Harassment Act:** Allows victims of harassment, stalking, or online abuse to apply for protection orders against their harassers.³⁰
- **The Children’s Act:** Provides legal protections for children from abuse, neglect, and exploitation, as well as strengthening reporting obligations in connection with sexual abuse of minors.³¹
- **The Labour Relations Act and The Employment Equity Act:** Prohibits sexual harassment in the workplace and provides a legal framework for victims to seek justice.³²

²⁹ Act 7 of 2013.

³⁰ Act 17 of 2011.

³¹ Act 38 of 2005.

³² Act 66 of 1995 & Act 55 of 1998.

3. INTERNATIONAL AND CONTINENTAL FRAMEWORKS

- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW):** UN treaty ratified by South Africa in 1995, requiring state parties to eliminate discrimination and protect women’s rights, including their right to live free from violence and exploitation.³³
- **The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (The Maputo Protocol):** A regional treaty under the African Union that South Africa has ratified, and it requires member states to ensure that strong protections are in place for women against GBV, harmful practices (such as forced marriage), and discrimination.³⁴
- **United Nations Sustainable Development Goals (SDGs), Goal 5: Gender Equality (2015-2030):** Calls for the elimination of all forms of GBV globally, including trafficking and sexual exploitation.³⁵
- **The African Union Convention on Ending Violence Against Women and Girls (AUCEVAWG):** A comprehensive legal instrument for the prevention and elimination of all forms of violence against women and girls on the Continent, and it was adopted in February 2025. The Convention aims to establish a comprehensive, legally binding framework to this end by addressing the root causes and drivers of such violence, strengthening legal and institutional mechanisms, and promoting a culture of respect for human rights, gender equality, and dignity of women and girls.³⁶

This comprehensive framework ensures that South Africa’s legal system aligns with international best practices in combating GBV.

³³ United Nations General Assembly (1979) *Convention on the Elimination of All Forms of Discrimination Against Women*. United Nations, Treaty Series, vol. 1249, p. 13, 18 December 1979.

³⁴ African Union (2003) *Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa*. African Union, 11 July 2003.

³⁵ United Nations Department of Economic and Social Affairs (2025) Sustainable Development Goals: Goal 5: Achieve gender equality and empower all women and girls. Available at <https://sdgs.un.org/goals/goal5>.

³⁶ African Union (2025) *The African Union Convention on Ending Violence Against Women and Girls*. African Union. 25 February 2025.

MODULE 3: POLICE RESPONSIBILITY

Objectives:

- Identify systemic challenges in policing GBV cases
- Reinforce police conduct and ethical standards
- Train officers to interact sensitively with GBV survivors and reduce police-induced trauma reporting and investigations
- Improve community trust in SAPS responses to GBV

MYTHS AND FACTS ABOUT GENDER-BASED VIOLENCE

MYTH: *GBV only happens to a certain “type” of person.*

FACT: GBV can happen to people of all socioeconomic, educational, and racial backgrounds.

MYTH: *Most women are abused by strangers.*

FACT: Studies show that most women who experience GBV are abused by people they know.

MYTH: *A woman will finally be safe when she leaves an abusive relationship.*

FACT: Violence often continues and may even increase after a woman leaves her partner. In fact, a woman’s risk of being murdered is greatest immediately after separation.

MYTH: *Women must like violence, otherwise they would just leave the abusive relationship.*

FACT: There are many barriers preventing women from leaving a violent relationship. These include financial dependence on the abuser for the survival of herself and/or her children, pressure from society and family to maintain the relationship, and a lack of options regarding where to go. Further, protection from women’s shelters are often a temporary measure, lasting only a couple of months, leaving women vulnerable when their shelter support ends.

MYTH: *Men are naturally violent and cannot help themselves.*

FACT: Male violence is not something someone is born with. It is enabled by norms around masculinity, which permit and even encourage men to be aggressive.

MYTH: *Women who experience violence at the hands of their partners “deserve” it. If she had acted differently, it would not have happened.*

FACT: It is never the victim’s fault.

MYTH: *Violence against women is an issue that only concerns women.*

FACT: Violence affects the physical and mental health of women and children in the long run and leads to poverty and marginalisation. It is an issue that concerns both women and men. We can all promote a culture of respect and non-violence.

MYTH: *There is nothing we can do to stop violence against women.*

FACT: Violence against women is the product of learned attitudes and norms. Domestic violence can be ended by eliminating gender stereotypes and promoting a culture of respect and equality in family and society.

MYTH: *Men cannot control their anger.*

FACT: Feeling angry does not automatically lead to being violent. Men who are violent towards women choose violence as a way of exerting power and control over their partners.

MYTH: *Men have no role in ending violence against women.*

FACT: Men from around the world step up and demand ending violence against women. They participate in public events, look out for their friends, and raise their sons to treat women as equals. Men have a crucial role in ending violence against women.

MYTH: *Domestic violence is a private, family matter.*

FACT: Violence against women is a human rights violation and a serious, widespread crime. It is a joint responsibility to end GBV.

MYTH: *There is nothing wrong with a sexist joke.*

FACT: Sexist attitude and sexist jokes promote gender stereotypes and discrimination against women. We should not tolerate sexist jokes.

1. TRAUMA-INFORMED APPROACH TO SUPPORTING SURVIVORS

A trauma-informed approach involves:

- **Empathy and respect:** Validating the victim/survivor's experience without judgment
- **Confidentiality:** Ensuring privacy and discretion
- **Empowerment:** Supporting victims/survivors in making their own decisions
- **Avoiding re-traumatisation:** Being mindful of language and procedures that could cause distress

Practical Hints When Interviewing the Victim/Survivor:³⁷

- Try to put the victim/survivor at ease
- Indicate (either verbally or non-verbally) that you are really interested in listening and assisting where possible
- Build rapport as soon as possible by personalising the interview (i.e. introduce yourself by rank and surname and refer to the victim/survivor by name e.g. Mrs or Mr Smith)
- Acknowledge the difficulty of the victim/survivor's circumstances and their emotional distress
- Interview the victim/survivor in a safe place where they can feel protected and the respondent cannot hear what is said
- Use "what" instead of "why" questions, for example:
 - **Correct:** *"What are your reasons for seeking help now?"*
 - **Incorrect:** *"Why do you want help now?"*
- Ask open-ended rather than closed-ended questions, for example:
 - **Correct:** *"What happened next?"*
 - **Incorrect:** *"Did he hit you then?"*
- Stay calm and try to remain patient
- Do not stop the victim/survivor from crying or tell them to "be calm". Tell them that it is okay to cry, and have tissues and a glass of water at hand

³⁷ South African Police Service Training Documents: *Practical hints When Interviewing the Victim*

- Be careful about offering physical comfort (i.e. touching or hugging), especially if the victim/survivor is of the opposite gender. Make sure that the victim/survivor is uncomfortable in any way with the physical support given
- Act professionally if the victim/survivor is aggressive. This may include:
 - Staying calm and not reacting with aggression: breathe deeply, remain rational, and do not lose control
 - Do not take aggression personally
 - Reflect and acknowledge the anger (e.g. “I can see that you are angry and you have a right to feel that way. What happened was wrong and I want to help, but I need you to calm down so I can assist you properly.”)
 - Remove any distractions such as aggressive parties or the respondent

2. COMMON CHALLENGES IN SAPS RESPONSE

Underreporting and victim distrust

A considerable number of GBV incidents go unreported due to fear of retaliation or intimidation by the abuser, a desire to avoid stigma associated with sexual violence, financial dependence on the abuser, lack of access to support services, and distrust in the legal system.³⁸

Distrust in law enforcement stems from perceptions of inadequate support, fear of not being believed, and concerns about secondary victimisation. Building trust in this regard is essential for encouraging reporting.

Secondary victimisation by officers

Secondary victimisation occurs when victims/survivors feel retraumatised by insensitive or accusatory responses of institutions or individuals when reporting the incident. Such experiences can deter victims from reporting a crime and pursuing legal action and erode their trust in the police. At a community level, such distrust can lead to vigilantism to address GBV incidents.

Examples:

- Insensitive questioning or disbelief (e.g. “what were you wearing?” or “had you been drinking?”, or “what did you do to upset him?”)
- Delays in processing cases
- Judgmental attitudes

Perpetrator Impunity and Systemic Failures

Many perpetrators of GBV evade justice due to systemic issues, such as overloaded courts leading to case backlogs, inadequate training for law enforcement on GBV issues, and insufficient resources for victim support services. These failures contribute to a culture of impunity, where perpetrators do not fear the consequences of their criminal actions, therefore perpetuating the cycle of violence.

³⁸ Commission for Gender Equality (2024) Towards a Gender-Based Violence Index for South Africa: An overview and proposed way forward. Development of Policy Research Unit, University of Cape Town. P 30.

3. COMMON POLICE ERRORS THAT RE-TRAUMATISE VICTIMS/SURVIVORS

1. *Victim-blaming language*

This is language that attributes responsibility to the victim/survivor for the abuse they have suffered, suggesting that their actions provoked or justified the perpetrator's behaviour.

*Examples: **Questioning attire or behaviour**, such as asking what the victim/survivor was wearing or why they were in a particular place, or **implying consent**, such as suggesting that the victim/survivor did not resist enough or that they gave mixed signals.*

2. *Encouraging mediation instead of prosecution*

Mediation is not appropriate for GBV cases due to the inherent power imbalance between the victim/survivor and the perpetrator, potentially leading to further victimisation. Encouraging mediation may also allow perpetrators to avoid legal consequences, undermining the severity of the offense.

Prosecution for GBV cases should be handled through the criminal justice system to ensure accountability, and victims/survivors should be provided with legal assistance and counselling rather than steering them toward mediation.

4. BUILDING TRUST WITH GBV VICTIMS/SURVIVORS

Special training for first responders

To build trust with GBV survivors, SAPS officers, especially first responders, must undergo specialised training on:

- **Trauma-Informed Care:** Training in understanding how trauma affects victims/survivors' behaviour, memory, and willingness to report.
- **Non-Judgmental Communication:** Ensuring officers do not use victim-blaming language
- **Cultural Sensitivity:** Ensuring officers can effectively interact with individuals from diverse backgrounds.

Role of female officers and specialised GBV desks

Many survivors, particularly women and children, may feel more comfortable disclosing abuse to female officers, since they can reduce intimidation, particularly for sexual violence or domestic abuse cases.

How SAPS can leverage female officers effectively:

1. **Prioritise Female Officers in GBV Units:** Ensure that specialised GBV units have trained female officers available, and female officers should take the lead in interviewing female survivors to create a safe space for disclosure.
2. **Increase Female Leadership in GBV Investigations:** Promote female officers into leadership positions within SAPS GBV units to improve survivor-centred policing and encourage mentorship programmes to train and empower more female officers in handling GBV cases.

- 3. 24/7 Availability of Female Officers:** Survivors should have to wait for a female officer to be available, and each station must ensure they have trained female officers on shift at all times. Where female officers are not available, SAPS should allow the presence of a trained social worker or a victim advocate.

Establish and Strengthen GBV Desks: Every SAPS station should have a **designated GBV desk** staffed by trained (preferably female) officers. These desks should serve as safe spaces where victims/survivors can report crimes and receive guidance on protection orders, shelters, and psychosocial support.

5. HANDLING HIGH-PROFILE AND POLITICALLY SENSITIVE CASES

SAPS officers must handle high-profile GBV cases with neutrality, professionalism, and integrity to maintain public confidence in law enforcement and ensure justice for survivors.

Challenges in High-Profile GBV Cases

- **Media Attention & Public Pressure:** Cases involving celebrities, politicians, or other influential figures often attract significant media coverage, which can influence public perception and police handling of the case.
- **Political & Institutional Interference:** Pressure from powerful individuals may lead to biased investigations or case suppression.
- **Victim Intimidation:** Perpetrators with influence may use their power to intimidate or silence victims/survivors or witnesses.

Ensuring impartiality and thorough investigations

1. **Independent & Transparent Investigations:** Cases must be assigned to specialised GBV investigative units within SAPS, who must maintain strict confidentiality to prevent leaks that may compromise the case.
2. **Protection of Victims/Survivors & Witnesses:** Witness protection programmes should be implemented where necessary, and it must be ensured that victims/survivors have access to psychological support and legal guidance.

Avoid Institutional Bias: Officers must treat all suspects equally, regardless of their status. Investigators cannot be influenced by public opinion or political pressure, and all evidence must be objectively assessed and due process followed.

6. STEP-BY-STEP GUIDE TO GBV COMPLAINT

1. **Ensure safety:** Prioritise the immediate safety of the victim/survivor
2. **Facilitate access to medical assistance**
3. **Collect evidence**
4. **Inform of rights:** Educate the victim/survivor about their legal rights and available resources
5. **Facilitate in obtaining and enforcing protection orders**

6. Collaborate with support services: Connect victims/survivors with counselling and support organisations.³⁹

7. OVERCOMING RESISTANCE TO THE IMPLEMENTATION OF THE NEW GBV LAWS

- **Training and awareness:** Conduct regular workshops to educate officers and the new laws and their importance
- **Leadership support:** Ensure leadership endorses and models compliance
- **Monitoring and evaluation:** Implement accountability mechanisms to track adherence

Training Activities:

- **Interactive workshop: Trauma-sensitive interviewing**
- **Group discussion: How to enhance victim/survivor trust**
- **Group discussion: How to improve the implementation of the NSP and new GBV Laws**

³⁹ South African Police Service (1999) National Instruction 7 of 1999: Domestic Violence. Available at https://www.saps.gov.za/resource_centre/policies/ni-1999-dv.pdf.

MODULE 4: MULTI-SECTORAL APPROACH

WHAT IT MEANS TO WORK WITH PARTNERS

Working with government, health services, social workers, and NGOs ensures comprehensive support for GBV victims. To this end, it is important to establish clear protocols for referring victims to appropriate services, such as medical care, counselling services, and shelter (“referral pathways”). This ensures that victims/survivors receive holistic care, improved case management, and enhanced trust in the legal system.

Key government partners include:

- **The Department of Social Development (DSD)** – crisis support and assistance with shelters
- **National Prosecuting Authority (NPA)** – GBV case prosecution
- **Department of Health (Thuthuzela Care Centres)** – forensic medical support for victims/survivors

Key civil society partners include:

- NGOs such as Centre for the Study of Violence and Reconciliation (CSVR), People Opposing Women Abuse (POWA), Sonke Gender Justice, or the Rape Crisis Centre provide essential legal and counselling services for victims/survivors, as well as undertake important advocacy initiatives to combat GBV in South Africa

Key community partners include:

- Community policing forums act as an important point of communication between SAPS and the community, enhancing transparency and trust
- Victim groups and CBOs are critical in providing essential support via grassroots initiatives that support victims/survivors of GBV

Training Activities:

- **Group discussion: discuss important partners and their impact on a GBV case**

CONCLUSION

GBV continues to threaten the safety, dignity, and equality of individuals across South Africa, particularly women, children, and marginalised groups. This manual has sought to equip SAPS officers with the legal knowledge, procedural tools, and ethical practices necessary to respond to GBV in a manner that is survivor-centred, rights-based, and in line with both national legislation and international obligations.

By applying the principles outlined in the training modules, SAPS officers can play a transformative role in breaking cycles of violence and restoring public confidence in the criminal justice system.

A truly effective GBV response requires empathy, vigilance, and consistent action. Victims/survivors must feel safe to report violence and be met with compassion, not doubt. Offenders must be held accountable through thorough investigations and proper evidence collection. Communities must see SAPS not only as enforcers of the law but as allies in the fight against GBV.

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