

The Value of Advocacy in Promoting Social Change: Implementing the New Domestic Violence Act in South Africa

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South Africa's first democratic government passed the Domestic Violence Act (DVA) into law in 1998 as part of local and international commitments to protecting the human rights of women. Although the Act was welcomed as groundbreaking legislation, delays in implementing it led to increasing frustration. This paper describes an advocacy campaign conducted by the Soul City Institute for Health and Development Communication in partnership with the National Network on Violence against Women, to ensure the effective implementation of the DVA. Lessons from the campaign stress the importance of coalition building to draw on diverse strengths, and the use of a combination of advocacy tools, including lobbying, media advocacy and social mobilisation to achieve campaign goals. Given the critical role NGOs dealing with victims/survivors of domestic violence and the justice system played in lobbying for change and drafting the new law, their exclusion from the implementation process was ironic. While many advocacy efforts focus on the development of policy and legislation, ongoing efforts are needed to ensure effective implementation, the commitment of adequate resources and monitoring to identify gaps and propose new solutions. Our experience highlights the important role of policy advocates in connecting the multiple streams at play in the policy and legislative arena.

Keywords: violence against women, advocacy and political process, South Africa

GENDER-BASED violence is increasingly recognised both within South Africa and internationally as a profound violation of women's human rights and a major barrier to social and economic development. This form of violence is notoriously difficult to document, and most prevalence studies are considered underestimates, given the reluctance of many women to discuss it. Despite this, various studies have identified a high prevalence of both physical and psychological violence against women in South Africa, highlighting the urgent need for effective legislation. A prevalence study across three provinces in South Africa found that 9.5 per cent of women had been physically abused in the previous year. In one province 28.4 per cent of women reported ever being physically abused, and over 50 per cent of women reported one or

more types of emotional abuse in the previous year.¹ In another study over 40 per cent of male workers in three urban municipalities reported having physically and/or sexually abused their female partners in the previous 10 years.²

Gender-based violence in South Africa takes place within the context of a highly violent society. During the apartheid era, police-sanctioned violence was the order of the day and communities were forced to retaliate in defence of their lives. The glamorisation of the liberation armies in the eyes of youth has also contributed to the normalisation of violence. While gender-based violence exists independent of poverty and unemployment, high rates of poverty and inequity in South Africa, the legacy of apartheid, have fuelled the problem in the context of a strongly patriarchal society.

The impact of domestic violence on reproductive and general health

Domestic violence is associated with a wide spectrum of serious health problems among women, ranging from physical injuries to depression and suicide.^{3,4} Women's autonomy is undermined by violence, and the impact on women's sexual and reproductive health is far reaching. Domestic violence has been associated with an increased risk of reproductive organ damage, unwanted pregnancies, coerced abortions (often illegally performed), sexually transmitted diseases, pelvic inflammatory disease and infertility.⁵ Women who are physically abused during pregnancy may experience perinatal, neonatal and maternal morbidity and mortality including miscarriage, antepartum haemorrhage, premature labour, stillbirth and low birth-weight.⁴⁻⁷

South Africa has one of the fastest growing AIDS epidemics in the world, with over 4 million people infected and 1,500 new infections occurring daily.⁸ Violence against women has been identified as both a co-factor and a consequence of the AIDS epidemic.⁹ Fear of violence has been shown to compromise negotiations for safer sexual options,¹⁰ non-penetrative sexual activity, voluntary counselling and testing¹¹ and disclosure.¹² Several South African studies indicate that conditions and timing of sex within many adolescent relationships are controlled almost entirely by male partners, including through the use of violence.¹³

Legal reform: two new laws in less than a decade

Legislation in South Africa dealing specifically with domestic violence dates back to 1993 in the Prevention of Family Violence Act (133 of 1993). Although the drafting of this law, influenced by activism on gender issues, occurred during the build up to the first democratic elections in South Africa, it was passed in haste by the apartheid regime as part of a last ditch 'face-saving' reform agenda. Gender activists criticised the new law as an inadequate and flawed response to the problem and began advocating for improved legislation.

Ironically, despite ongoing criticism, the Act was reviewed in its entirety by the first post-apartheid Minister of Justice only after its



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constitutionality was challenged by an alleged abuser. The Law Commission, established to review legislation and make recommendations for repeal or amendment, proposed many changes to the Act. Under pressure to fulfil commitments to international treaties such as the Convention to End All Forms of Discrimination Against Women and deliver on its promises of gender equity, South Africa's new government was intent on passing the revised legislation before the next national elections. The Minister of Justice played a critical role in expediting the process and between 1997 and 1998, the new Domestic Violence Act (DVA) was fast-tracked through parliament and gazetted into law in November 1998.

The DVA was hailed as groundbreaking in a number of respects. It includes a comprehensive definition of domestic violence, covering physical, verbal, emotional, economic, sexual and psychological abuse, damage to property, entry into the victim's residence without his/her consent, intimidation, stalking or any other abusive behaviour, including threatened abuse. It also covers any kind of domestic relationship, includ-

ing married couples in terms of civil law, African custom and any religion; divorcees; cohabitants; homosexual relationships; parents of a child; persons related by blood, affinity or adoption; persons engaged to be married; dating relationships; any sexual relationship irrespective of duration and persons who live in the same residence irrespective of the nature of the relationship.

Like its predecessor, the DVA does not recognise domestic violence as a criminal offence. It retains the speedy, inexpensive and unsophisticated civil procedure of obtaining a restraining order in a magistrate's court. Abusive conduct which is a criminal offence, i.e. assault, rape or malicious damage to property, is still criminally punishable. However, given police reluctance to intervene in domestic violence cases, the DVA is intended to facilitate the prosecution of more crimes committed in a domestic context rather than create a new set of crimes.

It sets out, in clear terms, the duties of the police and increases their powers and those of the courts to confiscate firearms, accompany survivors to collect their personal belongings, grant orders for emergency monetary relief and arrange custody and access to minor children. The police are now explicitly obliged to protect survivors and their children, help them find a safe place and obtain medical treatment and counselling, and advise them of their rights and remedies. Failure to comply with these obligations constitutes misconduct.

Police powers to arrest are explicitly set out and magistrates' powers to protect domestic violence victims were widened to include, e.g. the power to order an abuser to leave a joint home and continue paying rent or mortgage bond. Court proceedings must now be held in camera, and three support persons for both victim and abuser are allowed during proceedings. Police and prosecution procedures are set out in National Police Instructions and Prosecutorial Guidelines in terms of the Act to ensure consistent procedures. The Police Service is required to submit six-monthly reports to Parliament outlining cases involving non-compliance by police and what action was taken against each officer.

Barriers to implementation

Despite flaws, the new DVA was generally welcomed as a vast improvement on prior legislation. However, enthusiasm soon gave way to disappointment as delays in implementation grew. Firstly, regulations to the Act had to be drafted by the Department of Justice, after which the National Police Instructions and Prosecutorial Guidelines had to be drawn up by the Police Service and the Prosecuting Authority respectively. Only then, could training of magistrates, members of the police service and prosecutors on the complexities of domestic violence and the Act itself, commence. Finally, development of infrastructure was required, e.g. referral arrangements with medical services and non-governmental service providers.

While gender activists and organisations providing support services for women understood that there were some legitimate logistical constraints, there was a general feeling that the pace of progress was unnecessarily slow. The Government seemed to lack an implementation strategy and there were no clearly articulated time frames. Furthermore, setting up multidisciplinary collaboration through a team of representatives of the Departments of Justice, Safety and Security, Welfare, Health, Education, Correctional Services and the National Directorate for Public Prosecutions was a major delaying factor. Departmental preparations for implementation were not cohesive and did not progress at a parallel pace.

The lack of inter- and intra-departmental budgets presented further obstacles. Parliament enacted the new law without any regard for its fiscal implications. These were only considered during the drafting of the Regulations to the Act and the National Police Instructions, by which stage the three-year national budget was fixed. The Department of Finance only allows for implementation funds to be allocated once a bill has been passed, resulting in an obvious catch-22 situation for the departments responsible.¹⁴

There were also legitimate concerns about the length of time required to train a large criminal justice system in the intricacies of the new legislation. The implications were of particular concern for the police, as failure to fulfil their duties under the new law could result in disciplinary action. Some of these duties were difficult to fulfil in the context of under-developed infrastructure, scarce resources, lack

of interdepartmental co-operation and poorly articulated departmental responsibilities. An example of the latter was the obligation on police to ensure a complainant received medical attention. The Police maintained that responsibility for transport in these circumstances should reside with the ambulance service. According to the police, lack of response on the part of the health department caused delays and eventually the police had to perform this function, albeit reluctantly and with limited vehicle availability.¹⁵

Police also cited the regulations governing the collection of personal property of the complainant as an example of lack of clarity that could adversely affect the police. While police are obliged to accompany a complainant to collect personal property, they are not authorised to enter the premises if access is denied.¹⁴ Police felt vulnerable to sanction under these circumstances and wanted these issues resolved before the regulations were passed.

There was a sense that many of these issues could have been resolved more easily. Some of the more complex problems, however, could take 'forever' to resolve, and could not be allowed to hold up the process indefinitely. Consequently, many role-players, including the Justice Ministry, recommended speedy implementation while resolving problems simultaneously.¹⁵

Advocacy to ensure implementation

Klugman points out that policy development is a 'process involving multiple streams that flow simultaneously, rather than a sequential process of problem identification, solution development and politics'. One of the actors in this process is the policy activist, or advocate, whose task is to create connections between these streams. Working with the media, lobbying government and engaging in social mobilisation, these advocates can identify problems and solutions and place them on the political agenda. The aims of the policy activist are to identify and engage all the stakeholders, to strengthen the capacity of those who support their policy goal and to identify strategies that will address politicians and civil servants' concerns. Advocates try to ensure that solutions can be implemented, and that there are adequate resources in terms of funds and staff as well as a willingness to change.¹⁶

Developing an advocacy campaign

An advocacy campaign to speed up the implementation of the DVA, launched in 1999 by Soul City Institute for Health and Development Communication in partnership with the National Network on Violence against Women (NNVAW), demonstrates the significant role that advocates can play in the development and implementation of policy. Soul City is a non-governmental organisation producing prime time television and radio dramas and print material to promote social change, health and development. The NNVAW is a large coalition of over 600 members, comprising grassroots activists and service organisations from both rural and urban constituencies. Soul City produced a TV and radio series for broadcast in mid-1999 which addressed the issue of domestic violence; the DVA featured prominently in all the project's materials. Additionally, we jointly established a 24-hour toll-free line to provide on-line counselling and referrals and to raise awareness of women's rights, including information on the new Act.

Advocacy training and strategic planning workshops were conducted to build capacity and formulate a national campaign strategy. The campaign would run in synergy with the Soul City broadcast period and would piggyback upon the extensive media hype associated with Soul City's prime time television and radio series, to ensure coverage. The goal was to secure the speedy and effective implementation of the DVA, and called on the government to:

- implement the DVA no later than 1 November 1999;
- clearly set out and make known a strategy for implementation;
- allocate the resources required for implementation;
- develop and implement a monitoring and recording system to determine the effectiveness and to identify and address its weaknesses and gaps ;
- improve access to justice, especially for marginalised women in rural areas and for women with disabilities, as promised in existing government plans.

The Ministers of Justice and of Safety and Security at national and provincial levels, their various departments and, specifically, the mem-



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bers of the inter-governmental DVA Implementation Task Team were identified as the campaign's primary target audience. The public at large was also a target audience. Three key advocacy tools were utilised - lobbying, media advocacy and social mobilisation. These tools were often combined and mutually reinforcing. The aim was to mobilise a groundswell of public support for the implementation of the Act, pressurise national government to act, present campaign demands directly to provincial ministers and hold elected officials accountable to the public.

Through this process, awareness of the new Act would also be raised; communities could be involved in developing local solutions to the problems of implementation and to gender violence in general; and government would see that the campaign enjoyed popular support, which would help to hold officials accountable to their constituencies. Media coverage was important to increase the profile given to gender-based violence in newsrooms, to gain greater public support and reach decision-makers. Lobbying efforts included:

- meetings in person, phone calls, faxes and e-mails were used to lobby government officials and the Implementation Task Team;
- presentations to provincial parliaments where

advocates put questions directly to provincial ministers;

- letters, faxes and phone calls to the Justice Portfolio Committee, responsible for taking the Regulations through Parliament, to ask for information on the progress of the Regulations;
- submissions to Parliament on the content of the Regulations.

A resource pack for journalists was produced and distributed to newsrooms across the country. It was sent to editors through the South African National Editors Forum, with an endorsement from the Forum's chairperson. Information on the Domestic Violence Act formed part of the pack. The pack was launched during the campaign, with the keynote address by the Minister of Safety and Security. A workshop was held for journalists, to familiarise them with the issues covered by the pack. Other media advocacy work included press releases and direct pitching to journalists to generate campaign coverage on television, radio and in print media, and interviews with Soul City's celebrity actors to attract media attention.

As part of social mobilisation, pamphlets and postcards were produced and distributed throughout NNAW community structures. NNAW members organised community meet-

ings, campaign launches and marches, and Government ministers and Task Team officials were often invited to speak. Campaign demands were presented and community members asked questions about why implementation was being delayed. Soul City celebrity actors attended many gatherings as a drawing card for both the media and the public at large. Special hearings were organised in provincial parliaments, where community members were given the opportunity to question provincial ministers. Media coverage was generated through this process.

The Government's response

The impact of the campaign interventions was evident during meetings to lobby government officials and the Implementation Task Team. A growing sense of urgency was discernible from within government ranks to move the process forward. Government expressed concern about the campaign-related marches and the increased public pressure to implement the DVA. They also noticed the increase in media interest in the DVA's progress and were frequently contacted by journalists. Government officials also reported having to answer numerous enquiries from the public as to why the Act was not being implemented.¹⁵

The communications machinery of the Government began to respond to negative media attention, with promises to speed up implementation and appeals to the public for patience. However, although the campaign added to the frustrations of officialdom, it was perceived by many government officials as necessary and advocates were encouraged outside of official meetings to keep up the pressure.

According to officials in the South African Police Service (SAPS) the campaign did not impact on them as they were powerless to move until they received the Regulations from the Justice Department. However, there is little doubt that they moved quickly on developing the National Instructions and proceeding with training. Further, out of concern that the media coverage was unfairly apportioning blame on the police, SAPS exerted substantial pressure on the Justice Department to speed up the drafting of the Regulations.

The pressure was also felt at both ministerial and departmental levels, where other factors also

played a role. Ministers and the Justice Portfolio Committee in Parliament placed their own pressures on departments to move more quickly on implementation. They themselves were also under pressure from those advocating gender equity from within Parliament and the Government. A few organisations in civil society, acting independently of the campaign, also exerted pressure.

As a result of these combined forces, it was announced that 15 December 1999 would be the implementation date, just over a year after the Act became law. The campaign partners distributed white roses (the colour white symbolising no violence against women) and sent postcards congratulating the Government. The DVA has now been in operation for almost a year and organisations have been monitoring implementation closely during this period. Mixed reports are emerging concerning the quality of implementation, and the need for ongoing advocacy in this regard is becoming evident.

For example, a more effective training strategy is required. Relatively few justice agents and police officials have been trained on the DVA and the social context of domestic violence. Police officials were to train their colleagues, but often do not have the training skills to do so. Relatively few magistrates, prosecutors, clerks of the court, nurses, doctors and social workers appear to have been trained, and survivors are suffering from the repercussions of this. Lack of a training budget has been offered as an explanation for these limitations.

Although the extent of the problems has not yet been evaluated, the following are examples of reports that are filtering in. Police officers have continued to refuse to intervene in domestic violence cases, and DVA procedures may not follow even if they accept a report of domestic violence. There are many reported incidents of women being turned away without protection and without their rights under the Act being explained. Abusers have been released with only a warning, and complaints of violation of protection orders are not always acted upon. Information notices and application forms are often only available in the minority English and Afrikaans languages and not in the nine other official languages spoken by the majority of the South African population. Overworked clerks of the court seldom explain rights to victims nor

assist with the completion of complex application forms. NGOs who offer this sort of support are largely concentrated in big cities and only rarely work in rural areas.

There are also reports of clerks informing some victims that they do not qualify for protection, e.g. where the parties are not living together or where the abuse, although inter-familial, does not occur between persons who share an intimate relationship. Clerks sometimes issue the less effective peace order (a warning not to interfere with someone's peace, subject to a nominal fine in the event of transgression), especially when the abuse involves little or no physical violence. As a result not all protection order applications are put before a magistrate for consideration. Similarly, not all complaints of violation of protection orders reach the court.

Lack of waiting rooms and private consulting rooms in police stations and courts, sufficient personnel, transport, safe places and application forms further restrict effective implementation of the Act. One court only issues 50 applications per day due to resource constraints – applicants in excess of this number are told to come back the following day.

Finally, despite the existence of an inter-sectoral Implementation Team at national level, there is seldom intersectoral response at the level of police stations and courts. The Departments of Welfare and Health do not have a strategy for the implementation of the Act and are not apparently involved in day-to-day implementation. As a result, victims are often sent from pillar to post before being assisted, which contributes to a negative experience of the justice system. There

Challenging gender violence through prime-time drama

The Soul City Institute for Health and Development Communication is a non-governmental organisation that harnesses the power of popular, mass media for social change. The organisation has developed two vehicles – 'Soul City' for the general public, and 'Soul Buddyz' specifically for children. Each vehicle consists of prime-time television and radio dramas and is accompanied by information booklets which are distributed throughout the country through various channels including newspapers, governmental and non-governmental structures, community-based organisations and schools. The project uses a methodology known as "edu-tainment" which involves the integration of education and social issues into popular entertainment formats.

The ability of good drama to attract prime time audiences enables the project to reach millions of South Africans. Drama also provides a powerful mechanism to place issues on the national agenda, stimulate discussion, convey information and shift social norms. The drama series centres around the characters who work at a community clinic in Soul City, a fictitious township in South Africa. Independent research has shown a high level of identification with the characters in Soul City. Like other famous 'hospital' dramas, Soul City attracts prime-time audiences and has

become a household name in South Africa. The fourth series of Soul City deals specifically with violence against women. In this series, the husband of a much-loved character, Matlakala, becomes emotionally and physically abusive, with severe consequences for Matlakala's well-being and that of their children. Audiences see the once confident Matlakala's self-esteem plummet and depression set in as she is under increasing family pressure to 'make her marriage work' and accept her predicament as 'a woman's lot'. With the support of friends and colleagues at the clinic, and through the national helpline, she learns about the new Domestic Violence Act and begins an inspiring journey to reclaim her life, free from violence. Her husband, a highly respected teacher in the community, also goes through a journey of self-examination as his life crumbles around him.

In an attempt to shift social norms that view domestic violence as a 'private affair', the series also depicts the community's journey from 'silent collusion' with the abuse to active opposition. The story is based on extensive research conducted by the Soul City Institute, to determine the South African public's perceptions of the causes of domestic violence, its impact and solutions to it. An evaluation of the series is currently underway.

is continued resistance to NGO involvement in the process, except at the level of service provision. Recommendations by NGOs to individual police stations and courts on how they might improve their dealings with victims are often frowned upon, much to the frustration of NGOs.

Constructive advocacy

Advocates involved in the campaign have been playing an essential role, from problem identification to development of solutions and pressure to develop, implement and improve policy.¹⁶ A combination of South Africa's transformation agenda, the constructive approach adopted by campaign advocates, the credibility of the partners and their combined ability to mobilise at grassroots and governmental levels, as well as to generate high profile media coverage, have all contributed to the campaign's successes to date.

The approach of the DVA campaign was constructive rather than adversarial. While firm demands were clearly placed on the table, every attempt was made to assist government to address legitimate constraints and to facilitate the implementation process. This included helping government to inform the public of the Act and its intentions. The ability of both Soul City and the NNVAW to reach the South African public, particularly marginalised groups such as rural dwellers, was especially advantageous. The police and justice departments also made use of Soul City video material in their training courses.

As a funder of the Soul City-NNVAW partnership, the UK Department for International Development (DFID) also allocated funding to the Department of Safety and Security, to be utilised for training. Given the lack of fiscal planning within government for this purpose, this facilitation of donor funding by the campaign partners helped overcome one of the biggest barriers to implementation.

Drawing on diverse strengths of coalition partners

The different strengths of NNVAW and Soul City were successfully combined to advance the campaign agenda, highlighting the value of coalition building in advocacy campaigns. The Soul City project has over the years established

itself as a credible voice in South Africa on health and development. Its top-rated programmes reach millions of South Africans. The NNVAW in turn, brought the clout of its large grassroots constituency to the table, as well as its structural links with key government departments.

The credibility of both organisations in both public and government spheres was also key during the lobbying process. Soul City's reputation with the media as a credible source of information and the sound relationships cultivated over the years with journalists covering health and development issues assisted in generating extensive media coverage. Some formalised partnerships with both print and electronic media were established, and journalists from these media were assigned to a 'Soul City beat' and encouraged to cover issues raised by the organisation as part of their commitment to social development.

The NNVAW's community-based membership structure was instrumental in facilitating the social mobilisation component of the campaign. The resultant groundswell of public support at grassroots level proved highly successful in pressuring politicians and holding them directly accountable to their constituencies. Large crowds involved in protest action were also able to attract media attention and generate significant press coverage. The social mobilisation component of the campaign also facilitated more sustained activity on gender-based violence within some communities, where community task teams were elected to ensure ongoing action at local level and the generation of local solutions to problems.

Delivering on gender equity in a transforming South Africa

The transition from apartheid to democracy in South Africa challenged every facet of prevailing oppression, from race and class to gender. Gender equity is firmly on the transformation agenda and has resulted in South Africa's highly regarded Constitution and Bill of Rights, which protect the right of women to be free from violence in both 'the public and the private spheres of life'. In a climate in which domestic violence is viewed as a private affair and so-called outside intervention frowned upon, the significance of this clause cannot be under-

estimated. Together with South Africa's ratification of international instruments such as CEDAW, which defines gender violence as a human rights violation, the state has acknowledged its duty to intervene proactively to protect women from domestic violence. South Africa's first democratic government was under pressure to deliver on its vision of a 'non-racist, non-sexist and democratic South Africa'. These imperatives created a favourable climate for the campaign. While extensive gender structures had been established during the first years in office, concrete deliverables were less apparent. South Africans have become increasingly impatient with the plethora of excellent policy and legislation that remains unimplemented. The campaign resonated with this public frustration.

Obstacles to NGO involvement in implementation

While the campaign achieved its major goal, numerous attempts by civil society organisations to impact on the content of the national instructions, guidelines and training of police and justice officials were less successful. Further, a clear strategy and budget for implementation has still not been forthcoming from government.

Given the critical role NGOs dealing with victims/survivors of domestic violence and the justice system played in lobbying for the repeal of the 1993 law and the drafting of new legislation, their exclusion from the implementation process was ironic. Their extensive practical experience could have contributed much to the whole process. Instead, organisations such as Tshwaranang Legal Advocacy Centre and Rape Crisis and the Community Law Centre at the University of Western Cape were limited to commenting on the draft Regulations to the DVA. A substantial number of recommendations made in their comprehensive representations were unfortunately not implemented, further damaging effective implementation of the new legislation. The National Police Instructions remained a secret until proclaimed in the government gazette; NGOs were denied the opportunity to engage with them first. Information regarding obstacles to speedy implementation remained privy to the Implementation Task Force, despite offers by NGOs to assist.

The need for ongoing advocacy

While many of the concerns around implementation are being dealt with through ongoing workshops and training for police, a number of areas for ongoing advocacy have been identified as both positive and negative reports emerge. These include greater intersectoral collaboration to ensure that the police, judiciary and health sector are able to respond more effectively to domestic violence. This collaboration needs to extend beyond government to enhanced communication with organisations providing services for abused women. Ongoing monitoring is also necessary to identify problems and advocate for specific solutions.

Systems must be put in place to support government and vice versa. The lack of safe places where survivors can be referred must be addressed by the Welfare Department with funds from Government, the private sector and donors. Creative ways to meet these needs through the mobilisation of existing community resources must also be explored.

Importantly, ongoing budgetary allocations must be made to facilitate effective implementation of the Act and any other measures adopted to address gender-based violence.

Ongoing advocacy is also needed to clarify and possibly amend aspects of the new Act itself. Police officers report finding the interface between civil and criminal process in the DVA confusing, and seldom accept a crime report where a victim/survivor has a protection order. Other weaknesses in the Act include lack of clear criminal procedures in the event of an abuser violating a protection order; lack of a definition of what constitutes 'personal' belongings and the unclarified role of the police when a dispute regarding ownership of belongings arises during the accompaniment process; and the absurd possibility of a lower court overruling a custody decision issued by a High Court in the process of granting a protection order.

One emerging shortcoming of the Act is the fact that parts of it are couched in soft language which serves as a let-out clause. For example, police need only comply with their obligations where this is 'reasonable and practically' possible. Not only does this allow room for non-compliance with obligations, it makes prosecution for non-compliance virtually impossible. Nor are clear procedures for laying complaints

against non-compliant police officers set out either. The police continue to have a lot of discretion in exercising their powers to arrest, even where a protection order has been issued. Under the terms of the Act, a police officer may only arrest an abuser 'if it appears to the officer concerned that there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result of breach of the protection order by the abuser'. It is becoming evident that as long as the powers of arrest remain subjective and as long as many police officers have a non-interventionist attitude, the vulnerability of survivors to domestic violence may not be decreased in spite of the new Act.

The Domestic Violence Act is but one important tool for combating gender-based violence. Ongoing gender-sensitivity training of police, magistrates and prosecutors is also essential. More attention needs to be focused on advocacy within the health sector, which is ideally placed to detect domestic violence, treat injuries and morbidity appropriately and refer women and children for help. Protocols for the detection and management of domestic violence in general need to be developed and disseminated nationally. School curricula should also address gender inequality and related violence. Broader legisla-

tion on non-violence and strict gun control are other important areas for advocacy. Services in poorly resourced areas, particularly rural areas, need to be intensified.

South Africa's experience with the DVA highlights a number of important considerations for advocates. While advocacy efforts often focus on the development of policy and legislation, this campaign points to the need to extend advocacy efforts beyond the development of policy and legislation to ensure effective monitoring and implementation and adequate budgetary provision for implementation, without which commendable legislation has little practical impact.

Our experience highlights the value of advocacy as a powerful tool for social change, providing a voice for civil society to hold governmental institutions accountable to electoral and constitutional promises at both national and international levels, to promote and protect the rights of women.

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Résumé

Le premier gouvernement démocratique de l'Afrique du Sud a adopté la Domestic Violence Act en 1998 dans le cadre de ses engagements locaux et internationaux en faveur de la protection des droits fondamentaux des femmes. Bien que la Loi ait été saluée comme un progrès décisif, les retards dans son application ont suscité une frustration croissante. Le Soul City Institute for Health and Development Communication a mené, en partenariat avec le Réseau national sur la violence à l'égard des femmes, une campagne d'information pour garantir une application efficace de la Loi. Les leçons de la campagne montrent qu'il est important d'établir des coalitions pour profiter de diverses forces, et d'utiliser un assortiment d'outils de plaidoyer, notamment les groupes de pression, les médias et la mobilisation sociale, pour atteindre les objectifs fixés. L'ironie veut que malgré le rôle essentiel que les ONG s'occupant des victimes de la violence familiale et le système de justice ont joué pour amener le changement et faire adopter la nouvelle loi, ils aient été exclus du processus d'application. Alors que beaucoup d'activités de plaidoyer portent sur l'élaboration de politiques et de législations, des efforts sont requis pour garantir une application efficace, l'engagement de ressources suffisantes et un suivi destiné à identifier les lacunes et proposer des solutions. Notre expérience met en lumière le rôle important des défenseurs politiques pour mettre en rapport les multiples courants qui s'exercent dans l'arène politique et législative

Resumen

En 1998, el primer gobierno democrático de Sudáfrica aprobó la Ley de Violencia Doméstica (LVD) como parte de los compromisos domésticos e internacionales de proteger los derechos humanos de las mujeres. Si bien se recibió esta ley emblemática con beneplácito, atrasos en su implementación llevaron a una creciente frustración. Este artículo describe una campaña dirigida a asegurar la implementación efectiva de la LVD, conducida por el Instituto de Salud y Comunicación para el Desarrollo "Soul City". Los aprendizajes de esta campaña ponen hincapié en la importancia de construir alianzas y hacer uso de una combinación de modalidades de activismo para lograr las metas de la campaña, las cuales incluyen el cabildeo, el trabajo con los medios de comunicación y la movilización social. Aunque las ONG jugaron un papel crítico en torno al trato de las víctimas de violencia doméstica, y el sistema judicial hizo lo propio al abogar a favor del cambio y redactar la nueva ley, resultó irónica su exclusión del proceso de implementación. Mucho activismo está enfocado en la elaboración de políticas y legislación, pero se precisan esfuerzos continuos para asegurar la implementación efectiva de las mismas, la asignación de recursos adecuados, y el monitoreo para identificar faltas y proponer soluciones nuevas. Nuestra experiencia subraya el papel importante de quienes promuevan políticas a favor de ligar las múltiples corrientes en juego en la esfera política y legislativa.