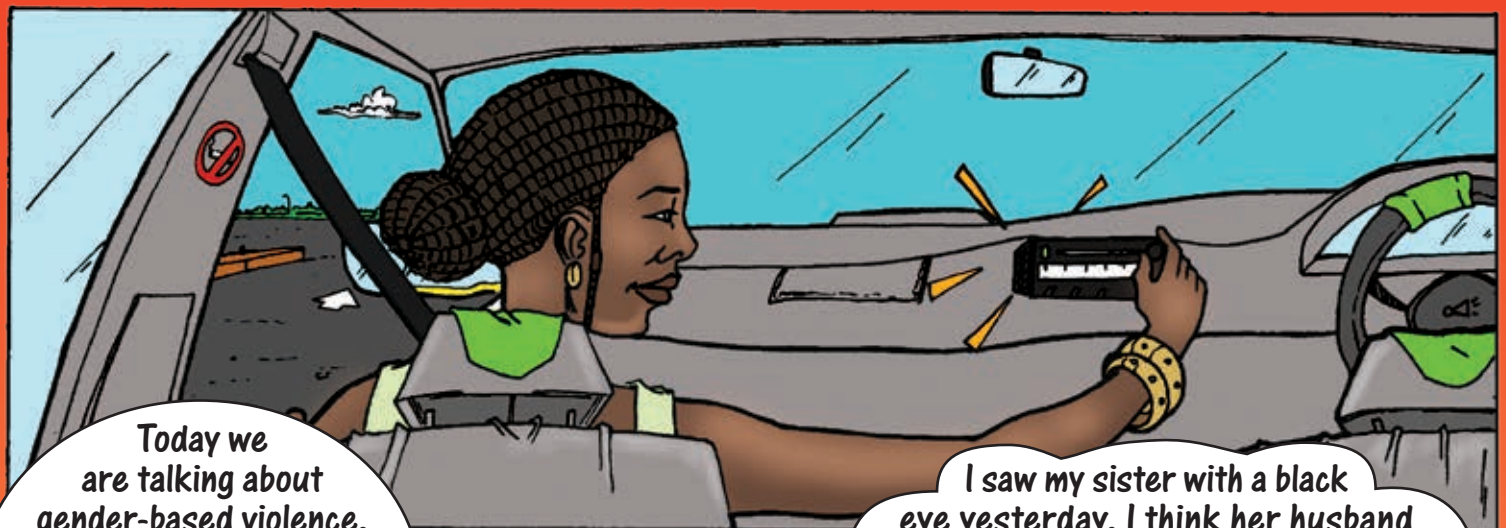


The links between HIV and GBV



Today we are talking about gender-based violence. Domestic violence has many negative emotional and physical effects, including an increased risk of HIV infection.



I saw my sister with a black eye yesterday. I think her husband is violent; he is not a good husband. Mrs Petrus said she saw him with another woman this weekend. I am worried about her. I am going to talk to her.



Sister I am worried about you. I have seen the bruises on your body. Does your husband hit you?

I have been too scared to tell you! Too scared to tell anyone! He hits me and sometimes he forces me to have sex with him.

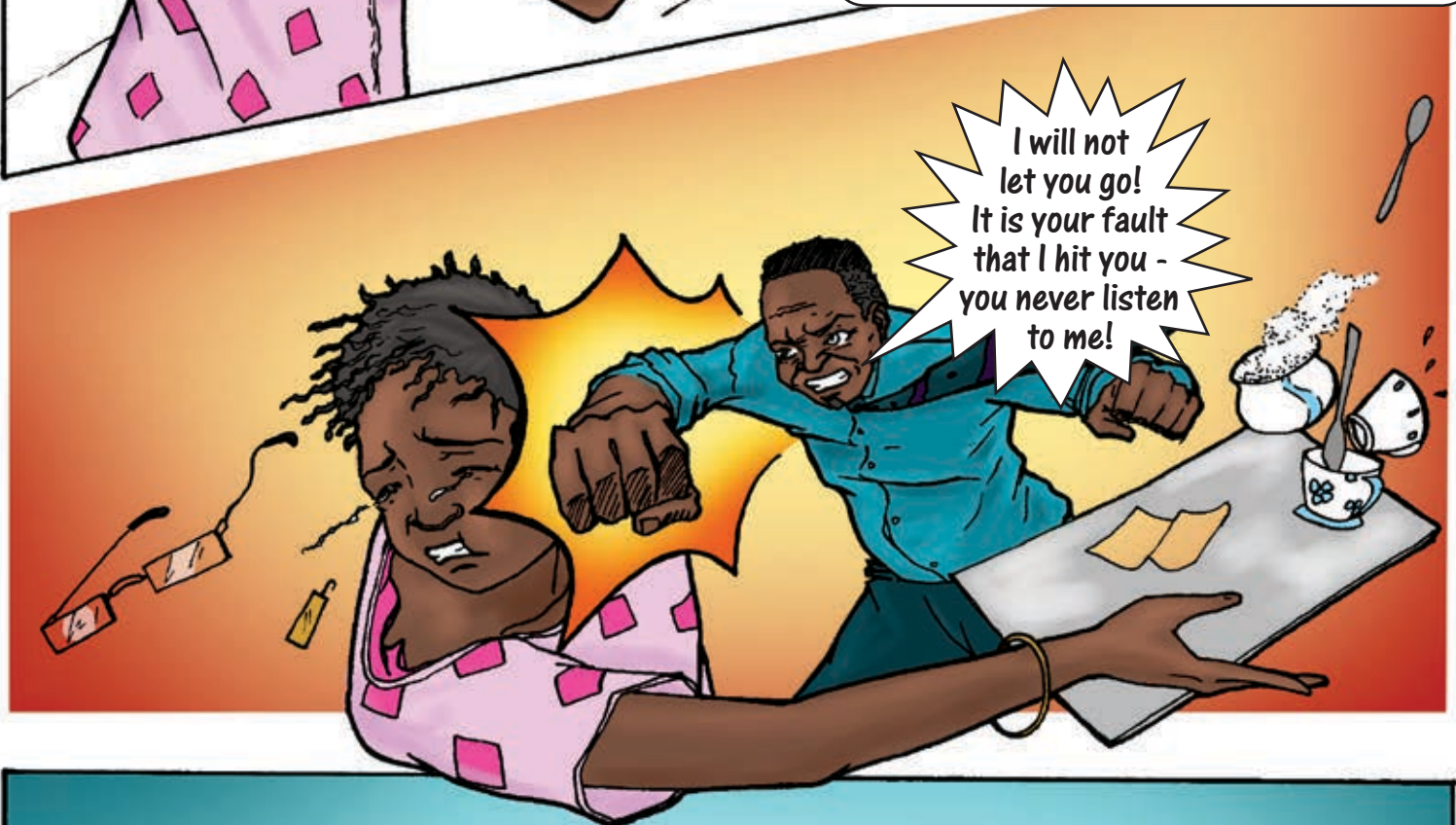
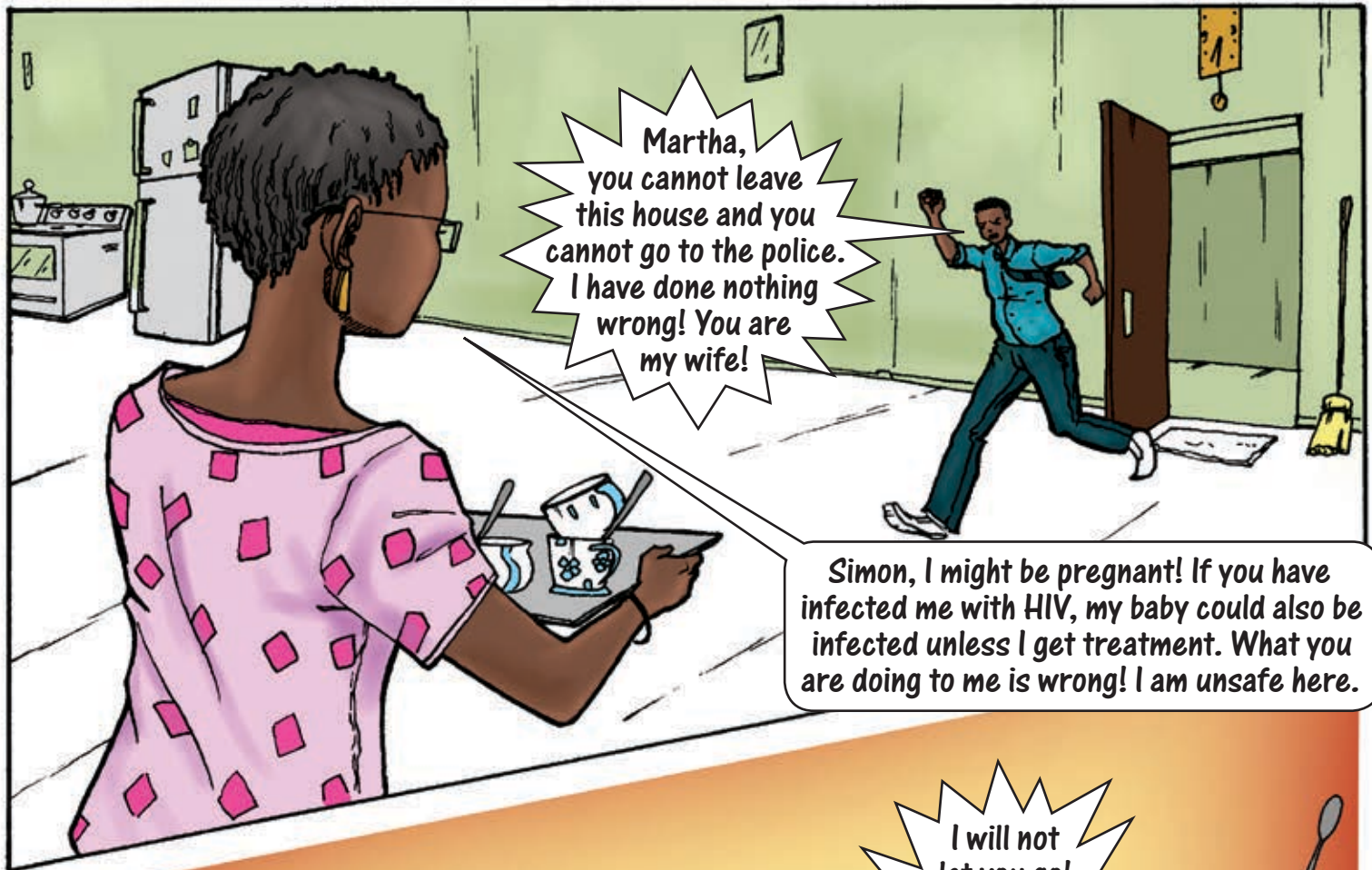
NO! That is rape! No one should force another person to have sex, even if they are married! What are you going to do?

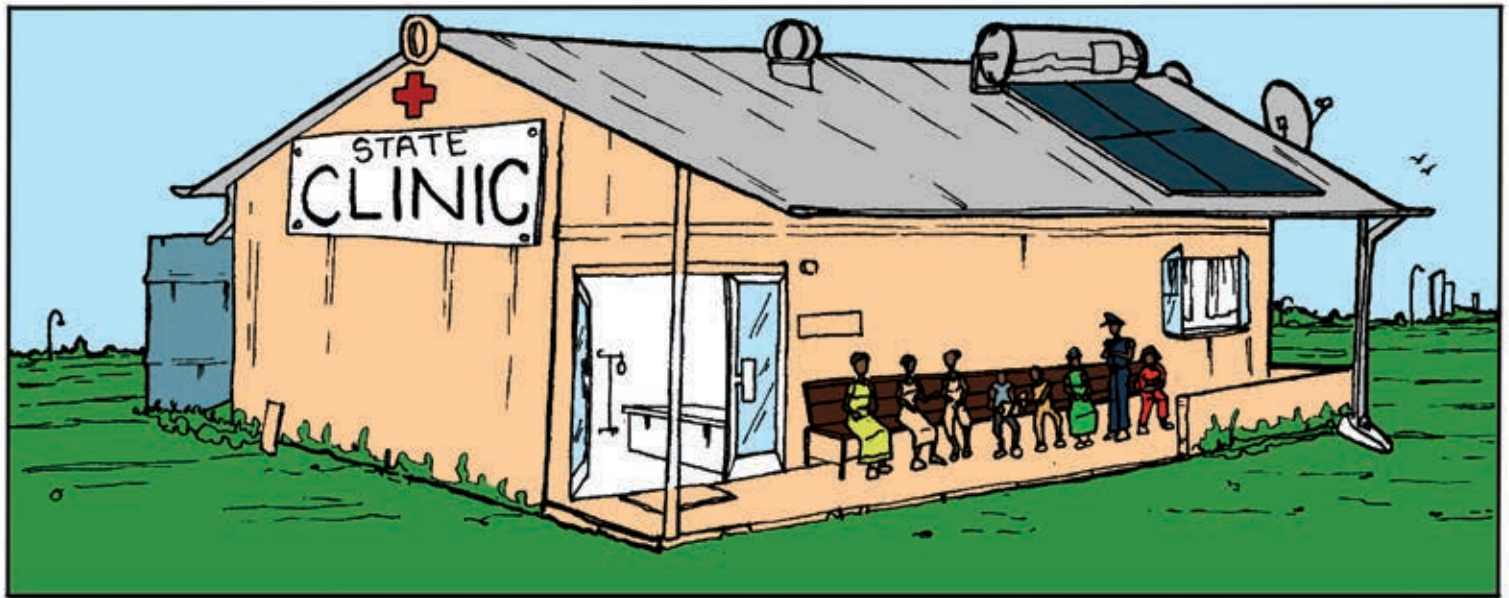
I do not know! He refuses to wear a condom. If I ask him to wear one, he beats me. Now I think I might be pregnant! What if he has HIV?



Please come home with me. We can go to the clinic, and, if you want, you can report Simon to the police.







Sarah went to the police to report that her cousin raped her. The police have taken her to the clinic so that the doctor can treat her and also collect evidence from her body. Sarah will also receive PEP medication to prevent HIV infection. Sarah has bad cuts and scrapes from the violent rape. Her cousin is HIV positive and did not use a condom. This means that Sarah is at high risk of HIV infection. This risk can be reduced by taking PEP.

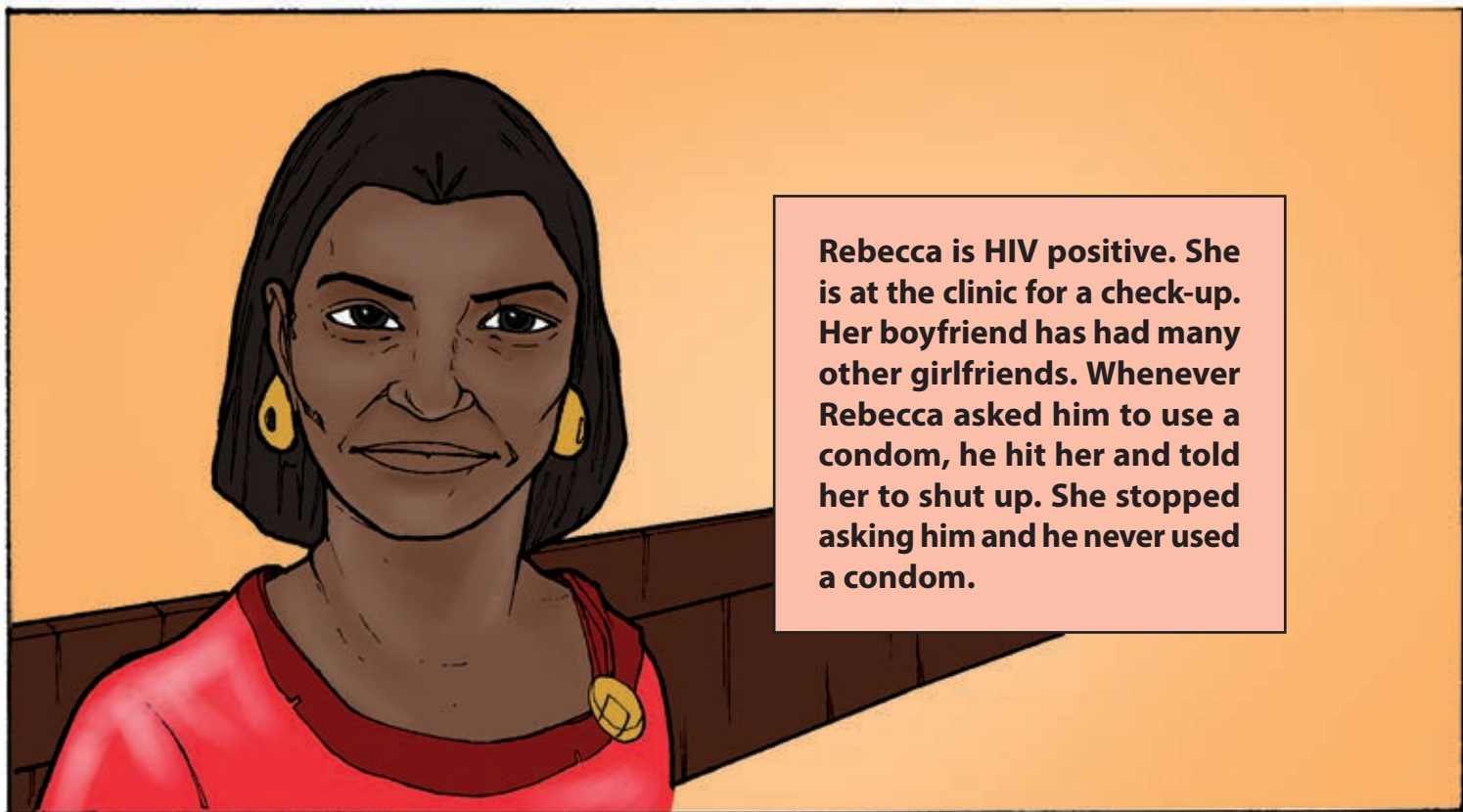
Gloria was raped by her uncle. Today she is in the clinic to collect her PEP medication. It reduces the risk of HIV infection. She came in immediately after the rape and was given the pills for the first few days. Now she has come back to collect the rest of the pills. This is so the doctor can check that the medication is not causing any problems. She has to take the medication every day for 28 days.



John and Ndino are part of a "STOP GENDER-BASED VIOLENCE" campaign at their school. They have come to the clinic to ask for information. A Namibian study found that one out of four girls aged 10-14 have experienced forms of sexual abuse. When John and Ndino heard this, they decided to encourage learners at their school to speak out if they are abused.



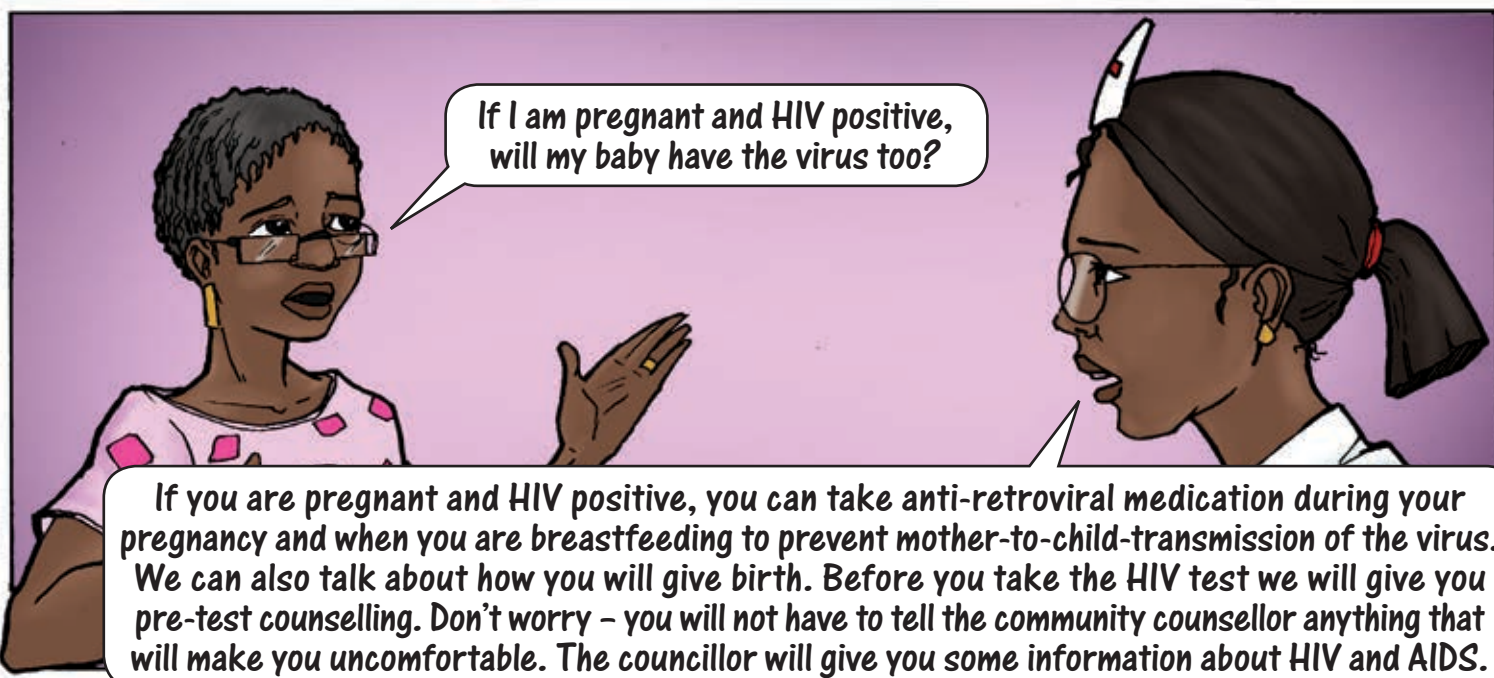
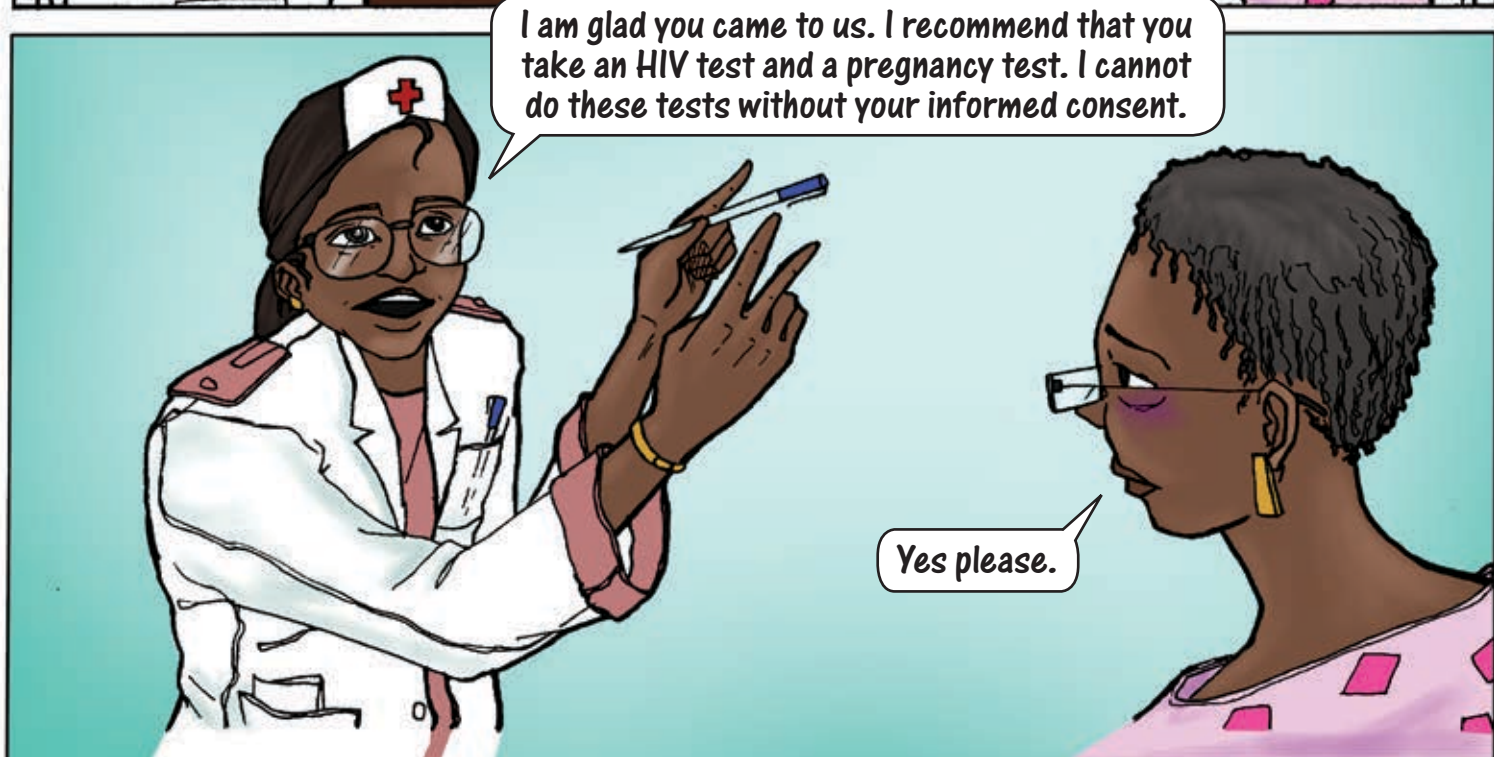
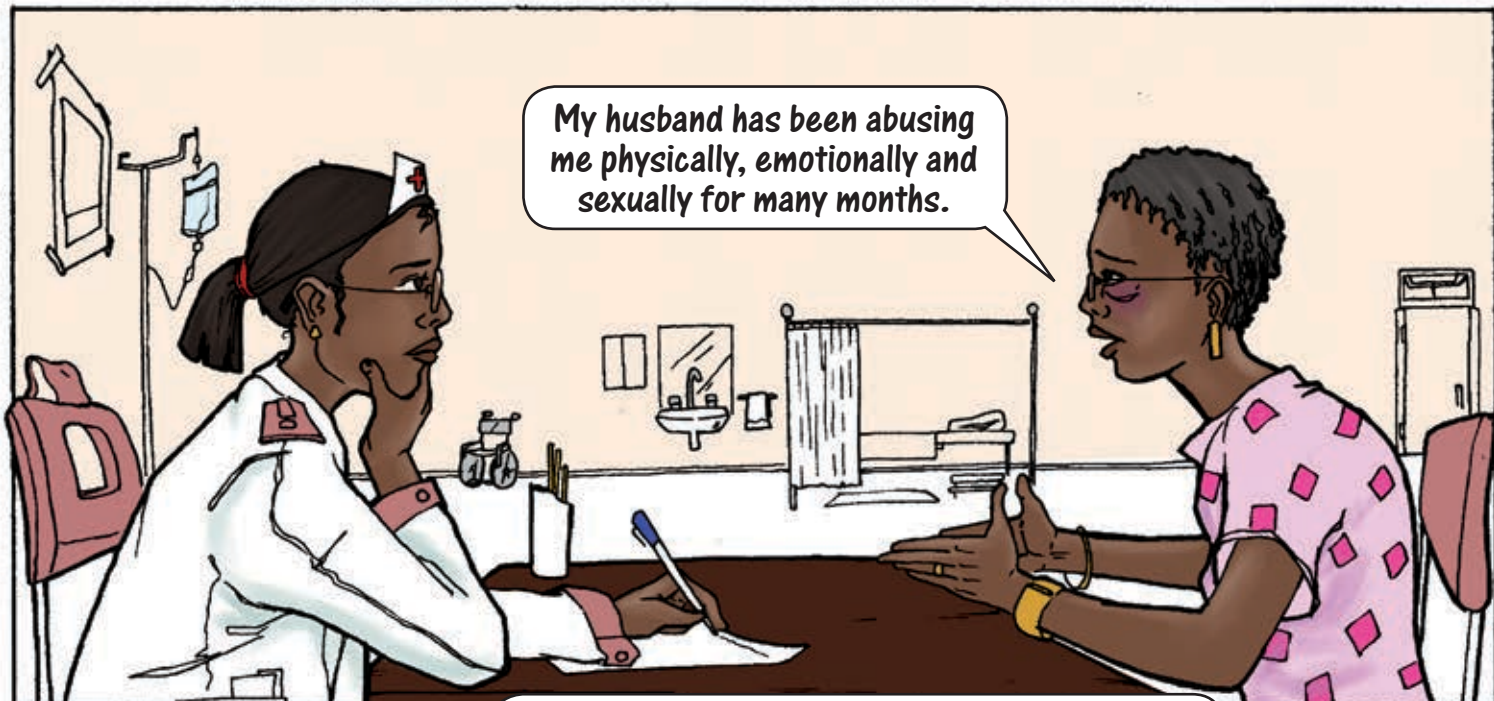
Rebecca is HIV positive. She is at the clinic for a check-up. Her boyfriend has had many other girlfriends. Whenever Rebecca asked him to use a condom, he hit her and told her to shut up. She stopped asking him and he never used a condom.



It is estimated that more than one-third of women in Namibia have experienced violence at the hands of an intimate partner.

Domestic violence has many negative emotional and physical consequences, including an increased risk of HIV infection.





**THREE
DAYS
LATER**

Martha, you are pregnant and the test says you are HIV negative. But please understand that it can take up to 12 weeks after exposure before the test can detect HIV. I will write a date in your health passport so you know when you must come back for another HIV test.

I don't know if I can trust my husband to stop sleeping with other women. I do not think he will stop beating me either. What if he starts to abuse our baby?

Martha, there are ways you can protect yourself and the baby from your husband. You can speak to a social worker, police officer, pastor or someone you trust about your options. You can get a protection order from a magistrate's court and move out of your home to stay with a friend or in a shelter. You can apply to the court for maintenance to get support for yourself and the baby. We have some factsheets here that you can read to start you off.



BASIC FACTS ON THE COMBATING OF DOMESTIC VIOLENCE ACT



**FACT
SHEET**

Gender Research & Advocacy Project
LEGAL ASSISTANCE CENTRE
Windhoek, Namibia, 2008

What is domestic violence?

Domestic violence is violence towards a family member or someone who is in a relationship with the abuser. When children are the victims, the violence is often referred to as "child abuse".

"I do not understand the definition of 'domestic violence'. I thought violence always involved doing physical harm to another person, but this definition includes things like economic abuse and emotional abuse."



"The definition looks at all the ways that people use to hurt and control others. When you think about it that way, you can see that there are many different forms of violence, and not all of them are physical attacks."



What is a protection order?

A protection order is a court order saying that the abuser must stop the violent behaviour, stay away from the people who are being abused, or even leave the family home altogether.

How do you apply for a protection order?

1. Go to the Magistrate's Court. You do not need a lawyer and the Clerk of the Court will help you to fill in the forms.
2. You should take any witnesses who have seen the violence and any evidence you may have, such as medical records.
3. The Magistrate will look at your application. If there is enough evidence a temporary protection order will be made. The Magistrate may want more information before making a decision.
4. When the abuser is given the protection order, he/she must decide to accept it or to disagree with it.
5. If the abuser disagrees, an informal hearing will be held with the Magistrate. This hearing is private. At the hearing both people can tell their side of the story. The Magistrate will then decide whether or not to make a final protection order.
6. If the abuser accepts the protection order, the protection order becomes final without a hearing.
7. The court will send a copy of the protection order to the local police station.

What is a domestic relationship?

- Marriage
- Living together
- Girlfriend and boyfriend
- Two people who are the parents of a child
- Parents and their children
- Family members with a domestic connection, such as where an uncle pays for the school fees of his niece and nephew

Examples of domestic violence

1. **Physical abuse**, such as beating, kicking or burning.
2. **Sexual abuse**, such as rape or forcing someone to have sexual contact.
3. **Economic abuse**, such as not allowing a person to have items or money they need or should expect to have (such as food or their own wages).
4. **Intimidation**, which is making someone afraid by using threats or similar behaviour.
5. **Harassment**, which is repeatedly following or communicating with someone in a way they do not want.
6. **Trespassing**, which is entering the home or property of someone without their agreement when they do not share the same home.
7. **Emotional or verbal abuse**, which is a pattern of behaviour that makes a person feel seriously upset or embarrassed. This could include repeated insults or jealous behaviour.
8. **Threatening** to do any of these things is domestic violence.

It is also domestic violence if a child is allowed to see physical, sexual or psychological abuse against a family member.

What can you do if you are experiencing domestic violence?

- (1) You can make an application for a protection order.
- (2) You can lay a charge with the police.
- (3) You can ask the police to give the abuser a formal warning.

You can go to the police and apply for a protection order at the same time.



See the Legal Assistance Centre's **Guide to the Combating of Domestic Violence Act** for more details.



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Martha spoke to a social worker who helped her make plans. Martha knew that Simon would not stop abusing her and having unprotected sex with other women, so she decided to leave him. Martha moved in with her sister. She went to the magistrate's court and got a protection order saying that Simon must stay away from her. She also applied for a maintenance order which would force Simon to provide financial support during her pregnancy and when their child is born. Martha returned to the clinic 12 weeks later. She took a second HIV test which confirmed that she was HIV negative.



Five ways that gender-based violence increases the risk of HIV infection

1. Physical injury increases the possibility of HIV infection

Cuts and scrapes caused during forced sex make it easier for HIV to be passed between the abuser and the victim.

2. GBV and multiple sexual partners

Research shows that violent partners are more likely than other men to have sexual relations with more than one woman at a time. Having multiple sexual partners increases the danger of HIV infection.

3. GBV and sexual frequency

Sex is more frequent in violent relationships because violent men often feel that they have the right to decide when sex should take place and that women have no right to refuse.

4. HIV status in violent relationships

A woman in a violent relationship may be afraid to request HIV testing or to disclose her HIV status. She may also be unable to persuade her partner to use condoms.

5. Inability to access services

A woman with a violent partner may be afraid to access treatment or other appropriate services.

If you have a comment or question about this comic, contact the Legal Assistance Centre:

SMS: 081 600 0098

Email: comic@lac.org.za

Fax: 088 613 693

Post: P.O. Box 604 Windhoek

We would like to hear your feedback about this comic.

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An electronic version (PDF) of this comic is available on the LAC website: www.lac.org.za

Text:

BRIGIT RUDD

Illustrations, design and layout:

TAFY TANG ARTS, JP VAN WYK AND PERRI CAPLAN

Project management:

RACHEL COOMER AND DIANNE HUBBARD

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