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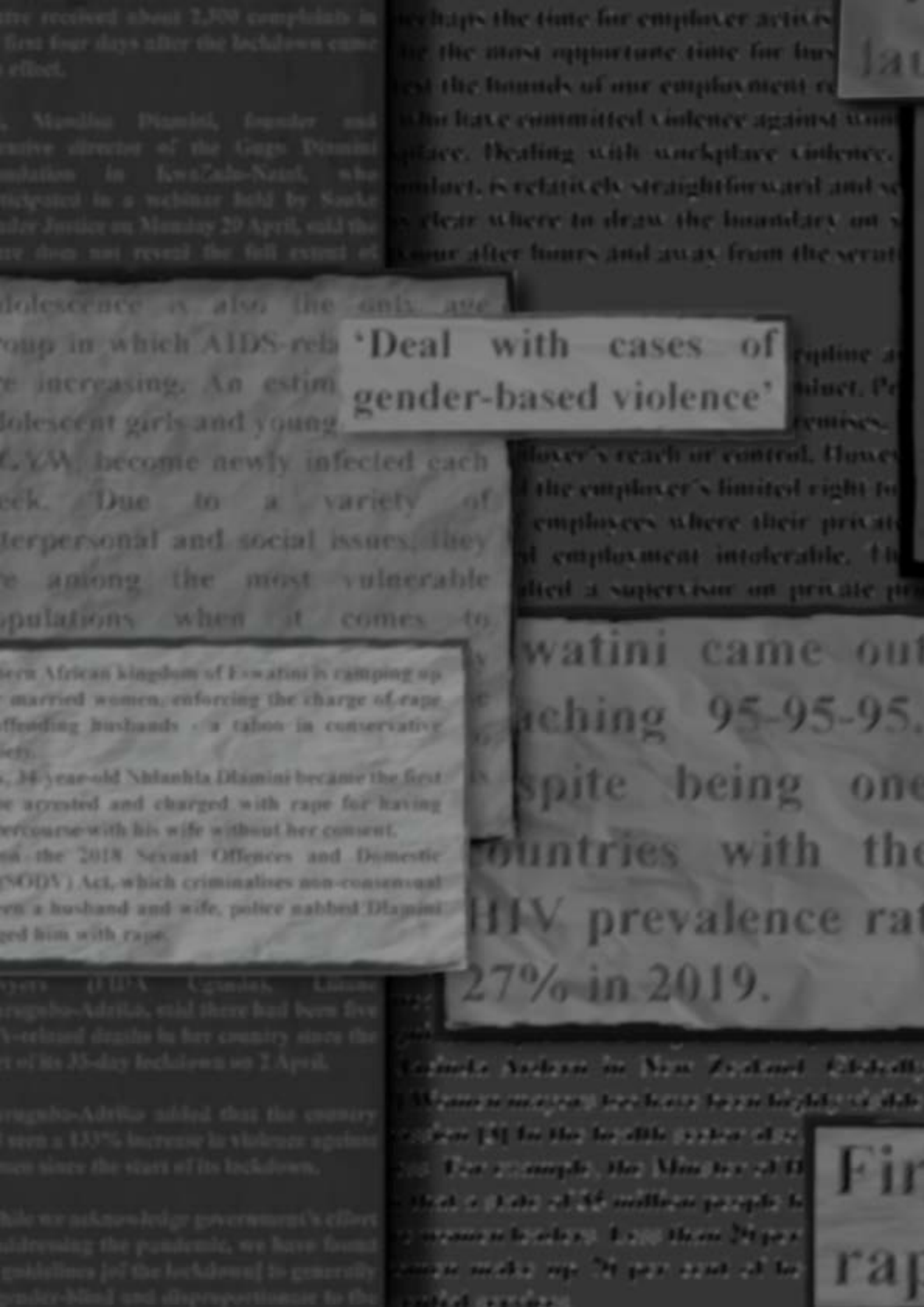
REPORTING ON GENDER-BASED VIOLENCE

A Guide for Journalists and Editors in Eswatini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Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists (ICJ) promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952 and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

® Reporting on Gender-Based Violence: A Guide for Journalists and Editors in Eswatini

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A Guide for Journalists and Editors in Eswatini

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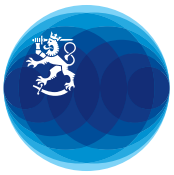

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INTRODUCTION

This guide is informed by an intersectional approach to gender-based discrimination gender-based violence (GBV). Such an approach recognizes that one basis of discrimination may be compounded where there is discrimination based on other grounds recognized under international human rights law: race, colour, sexual orientation or gender identity, age, gender, religion, language political or other opinion, citizenship, nationality or migration status, national, social or ethnic origin, descent, health status, disability, property, socio-economic status, birth or other status.

This approach is consistent with international and regional human rights law.

The guide is intended as a valuable tool and resource for you as editors and journalists in Eswatini by supporting your efforts to contribute towards GBV reporting which is respectful of survivors and victims of GBV, consistent with the law and contributes to ensuring a non-discriminatory public discourse on GBV in Eswatini.

This guide is the product of collaboration between Swaziland Action Group Against Abuse (SWAGAA) and the International Commission of Jurists (ICJ).

This Guide aims to equip journalists with the necessary information to employ gender-sensitive reporting in their daily work. In order to do so, it attempts to dispel and contradict some common myths about GBV, while also giving journalists useful practical tips on gender-sensitive reporting.

This guide is best read in conjunction with the summary of the Eswatini's Sexual Offences and Domestic Violence Act published by COSPE, the Foundation for Socio-Economic Justice and the Southern African Litigation Centre.

This guide can be read with the ICJ Practitioner's Guide No. 12 on Women's Access to Justice for Gender-Based Violence and the ICJ Access to Justice: Challenges Faced by Victims and Survivors of Sexual and Gender-based Violence in Eswatini report.

ABBREVIATIONS

GBV: Gender-Based Violence

IPV: Intimate Partner Violence

DV: Domestic Violence

VAW: Violence Against Women

LGBTQIA: Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual

SODV Act: Sexual Offences and Domestic Violence Act No. 15 of 2018

CEDAW Committee: Committee on the Elimination of Violence Against Women

SWAGAA: Swaziland Action Group Against Abuse

BACKGROUND ON REPORTING ON GENDER-BASED VIOLENCE IN ESWATINI

GBV Statistics in Eswatini

According to the SWAGAA, in Eswatini violence against children, including girl children, and child sexual assault are alarmingly high.

Statistics show that in Eswatini, it is expected that:

one in three Swazi girls will experience some form of sexual violence by the time they are 18 years old.

Almost half of Swazi women (48.2%) will experience some form of sexual violence over their lifetime. Intimate partners, such as husbands and boyfriends, are most likely to be the perpetrators of sexual violence against women, making a woman's home often a very dangerous place.

48.2 %

Almost **half of Swazi** women (48.2%) will experience some form of sexual violence **over their lifetime.**

In terms of rates of violence against children and child sexual abuse in Eswatini, the statistics are staggering. **Nearly 9 out of 10 children** experience some form of physical or psychological abuse violence in the Kingdom.

Gender-based violence (GBV), and particularly violence that affects women and girls, is a widespread and raging problem which

will affect one in three women in their lifetime, according to global estimates published by World Health Organisation (WHO) in 2017.

Gender-based violence and femicide statistics are stark all over the world. The WHO notes these statistics:

35% of women globally have either experienced physical and/or sexual intimate partner violence or non-partner sexual violence.

38% of femicides around the world are committed by an intimate partner.

7% of women worldwide have experienced sexual violence by someone other than a partner.

Global estimates point to

200 MILLION

women having experienced female genital mutilation/cutting.

When writing a story about GBV, it is always important for journalists to add context. Citing accurate statistics is a good way to show the scale of the problem, However, journalists must always evaluate, and if necessary, qualify these statistics by taking into account, for example, the unreliability of police statistics and the gross underreporting of GBV crimes. When available, it is advised to quote statistics from independent expert sources and other credible local and international NGOs like the United Nations (UN).

Stories of GBV always figure prominently in the news cycles in Eswatini. Media has the power to impact on issues of public interest, concern and importance. It can and does do so in the way media outlets report on and frame, or choose to neglect reporting on to and framing, political, economic and social issues. Swazi journalists are bound by the Swaziland National Association of Journalists (SNAJ) Code Of Ethics. According to the Code of Ethics Article 6.1, "A journalist should not originate material, which encourages discrimination on the grounds of ethnicity, colour, creed, gender or sexual orientation."

Specifically, Article 15.1 on Survivors of Sexual Assault states, "Journalists shall avoid identifying survivors of sexual assault or any information that may lead to the identification of the survivor". While this sets out basic ethics for reporting GBV, there is a need for more detailed guidance on reporting GBV in Eswatini.

Such reporting can assist journalists to contribute towards dismantling gender myths and stereotypes surrounding GBV and influence the public's views on GBV.

This is important because it facilitates the implementation of Eswatini's obligation to implement international legal obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Part I, Article 5):

"To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

According to data from the National Surveillance System on Violence, Abuse, and Exploitation, "the prevalence of violence against women and girls is high, as is the rate of abduction of young girls, often perpetrated by persons known to the victims."

The CEDAW Committee, in its evaluation of Swaziland's performance under the CEDAW, expressed concerned with the "low level of reporting of violence against women, owing to a culture of silence and impunity, and at the lack of data on the number of reported cases involving violence against women that have been investigated and prosecuted and on the nature of sanctions imposed on perpetrators."

It is important for media organizations to contribute towards **ethical reporting of gender-based violence** and failure to do so may facilitate the perpetuation of gender stereotypes. More directly, insensitive reporting on GBV can further victimize, stigmatize and even endanger GBV survivors– and women and girls more generally. This could aggravate trauma and exacerbate violations of human rights. This is sometimes described as **secondary victimization**.

What is secondary victimization?

This refers to behaviours and attitudes of journalists, social service providers, the police and society at large that directly or indirectly blame the victim (also known as "victim-blaming") of GBV and is insensitive, and which traumatizes survivors of violence who are seeking help from these parties.

When GBV cases are reported in a way that is ethical and responsible, this will contribute in:

1. preventing causing further harm upon survivors, and
2. contributing to curbing the culture of impunity in which perpetrators of GBV are seldom held accountable.

Journalists and editors work under immense pressure. At times they may feel that gender-sensitive reporting (and ethical considerations more generally) might, out of necessity, take a backseat in the tumultuous context of newsrooms. Yet journalists and their editors are all too aware of the need to keep public confidence in the integrity of their work and of the significant risks of failing to do so. This Guide provides support to journalists and editors in ensuring that the best interests and human rights of survivors of GBV are a priority and that their stories and experiences are depicted in an accurate and respectful way which does not cause survivors and victims of GBV further harm.

As affirmed in the foundational 1948 Universal Declaration of Human Rights, the founding document, the promotion of human rights is the responsibility of every organ of society. This necessarily includes, institutionally and individuals, members of the journalism profession, who themselves benefits from human rights protections, particularly in respect of freedom of expression and information.

THE SODV ACT

In 2018, the Sexual Offences and Domestic Act (SODV Act) was enacted into law. This comprehensive law constituted a great advance in longstanding efforts for effective measures to curb gender-based violence. This followed decade-long advocacy from the Deputy Prime Minister's Office, as well as various local civil society and women's rights organizations who advocated for this Bill to be passed into law.

The Government of the Kingdom of Eswatini is a signatory to CEDAW. CEDAW is an international treaty that sets out the rights of women and girls. The SODV Act plays an important role in domesticating the provisions in CEDAW relating to GBV. Before the SODV Act was passed Eswatini's failure to sufficiently regulate and prohibit GBV was in violation of its international law obligations in terms of CEDAW.

The SODV Bill was first introduced to Parliament in 2009. The Bill was tabled and debated in the House of Assembly and the Senate before eventually being passed in October 2011. However, the SODV Bill of 2009 failed receive the required Royal Assent from the King, before Parliament was dissolved for the 2013 general elections. The procedure of enacting the Bill into law started again in 2015.

SWAGAA was one of the first civil society organizations to advocate for the enactment of the SODV Bill, back in 2001. Over the years, the organization has worked tirelessly with Parliamentarians, Senators, international institutions, lawmakers, magistrates, non-profit organizations, traditional leaders, local community members and survivors of GBV and sexual abuse to enact the SODV Bill.

A comprehensive legal framework to protect people from domestic violence or sexual assault did not exist prior to the enactment of the SODV Bill.

In accordance with ordinary procedures concerning the adoption of legislation, the Bill was tabled and debated several times in both the Houses of Assembly and Senate, receiving attention from the media and inviting the public and stakeholders to make submissions on numerous occasions.

However, the Act has stirred up some controversy. Some interveners oppose the Act as whole and/or specific provisions of the Act. Consequently, Parliament has been petitioned to review or amend the Act. Some interveners are concerned that they perceive the Act seemed to focus on protecting women only, as opposed to men, while other interveners have argued that the Act is unconstitutional and violates the Bill of Rights. One Member of Parliament who has openly slammed the Act is HRH Princess Phumelele.

Princess Phumelele has said that it was wrong for Parliament to pass the SODV Act because it could actually spark domestic violence instead of preventing it. She also reportedly said it was wrong for women to be allowed to refuse their spouses "conjugal relations" as it was a dereliction of a woman's "responsibility". She has allegedly expressed confusion about how the Act was passed by Parliament given that some legislators were against its adoption.

Another Member of Parliament, Hon Mduduzi Magagula, moved a motion to petition the Deputy Prime Minister (DPM) to allow for the Act to go to the DMS's portfolio committee so that they could conduct public hearings. However, he withdrew this motion before it was debated after receiving strong criticism from civil society and members of the public.

Resident of Dvokodvweni Inkhundla in Eswatini by the name of Simanga Lukhele delivered a petition to Parliament challenging the SODV Act

"on behalf of all concerned citizens in the country". In his petition, Lukhele called on the DPM's office and the portfolio committee to conduct public hearings on the Act. According to Lukhele, some views from legal experts were that the Act violated the Bill of Rights. Lukhele's petition was challenged by human rights activists and other members of society.

Despite lively public debate on its merits, the SODV Act remains the law in Eswatini. If Eswatini adopted certain of the views in opposition to the Act, such as those of Princess Phumelele described above, this would result in a violation of the human rights of the women, protected under the Constitution and international law.

Read the SODV Act Here

Read the Constitution Here

Read the CEDAW Convention Here

Read the Maputo Protocol Here

Read the ICJ report on Access to Justice Challenges Faced by Victims of Sexual and Gender Based Violence in Eswatini Here

GLOBAL AND REGIONAL HUMAN RIGHTS LAW AND STANDARDS

Women's rights are protected under international law, in particular and both universal and regional treaties and standards. The ICJ Practitioners Guide No. 12 on Women's Access to Justice for Gender-Based Violence says the following:

The prohibition against gender-based discrimination is not only contained in numerous universal and global human rights treaties, it is also a part of customary international law, which binds all States. Gender-based violence has been recognized as a form of discrimination. Therefore, States must act to prevent, prohibit, eradicate and remedy gender-based violence.

On 20 December 1993, all States gave their agreement to the Declaration on the Elimination of Violence against Women. The Declaration recognizes that:

"...violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

Ensuring women's access to justice for gender-based violence requires States to develop and actively implement policies to promote gender equality and to eradicate gender inequality.

Laws, practices and initiatives to eradicate gender-based violence are unlikely to succeed without an accurate awareness of the limitations of women's lives, how their freedom of choice and action is limited, and the way that gender-based violence supports discrimination and bring benefits to dominant men.

The CEDAW Committee has affirmed that States must "conduct and facilitate qualitative studies and critical gender analysis in collaboration with civil society organizations as well as academic institutions of all justice systems in order to highlight practices, procedures and jurisprudence that promote or limit women's full access to justice; and systematically apply the findings of this analysis in order to develop priorities, policies, legislation and procedures to ensure that all components of the justice system are gender-sensitive, user friendly and accountable".

Gender-based violence impairs or nullifies women's enjoyment of their human rights.

The CEDAW Committee identified that gender-based violence impairs or nullifies the enjoyment of human rights and freedoms including:

a. The right to life;

b. The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment;

c. The right to equal protection according to humanitarian norms in time of international or internal armed conflict;

d. The right to liberty and security of person;

e. The right to equal protection under the law;

f. The right to equality in the family;

g. The right to the highest standard attainable of physical and mental health;

h. The right to just and favourable conditions of work.

The UN Committee against Torture has further recognized that:

"Being female intersects with other identifying characteristics or status of the person such as race, nationality, religion, sexual orientation, age, immigrant status etc. to determine the ways that women and girls are subject to or at risk of torture or ill-treatment and the consequences thereof. The contexts in which females are at risk include deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes."

For African States , the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol), contains wide-ranging human rights protections for women, including from all forms of violence, whether it takes place in public or in private. States must also promote equal opportunities for men and women to play meaningful roles in society. The legal instrument guarantees the right to take part in the political process, to social and political equality with men, improved autonomy in their

reproductive health decisions, and an end to female genital mutilation, among other rights.

It is important to note that the treaties to which Eswatini is party are legally binding. This means that the State – including the executive, the legislature, the judiciary and the King himself – are bound to act in compliance with such treaties as the International Covenant on Civil and Political, International Covenant on Economic Social and Cultural Rights, the Convention on the Elimination against all forms of Discrimination against Women, the Convention against Torture, the Convention on the Rights of the Child, and on the Maputo Protocol, among others.

USEFUL DEFINITIONS

This section is important for journalists and editors because these concepts enable readers to understand so they can have a better grasp of the harms of gender-based violence, which will help to change negative and false perceptions of GBV. These definitions are derived from international law and human rights sources.

Consent

Consent in the context of sexual conduct means to agree voluntarily or unequivocally agree to any sexual act. In the context of sexual activity, all parties involved have to consent for a sexual activity to be lawful. Consent may be withdrawn at any point while in engaging in a sexual act with others. This is a requirement of both international human rights law and Eswatini law. A sexual activity is only consensual when the agreement is voluntary and when all persons involved have the freedom and capacity to make voluntary choices throughout the entire duration of a sexual interaction.

As examples, a person cannot consent in the following circumstances: if they are drunk, drugged, asleep or unconscious; if they are a minor (the age of consent in Eswatini is 18 years) who does not have the legal capacity to consent to sex; if they in certain relationships of unequal power where they are effectively unable to exercise in free consent. Of course, there are many other instances where a person may be able to consent but either does not consent to a certain sexual act or withdraws their consent during a specific sexual act.

Domestic Violence

While the term "domestic violence" is often used interchangeably with the description of IPV, it generally refers to all acts of physical, sexual, economic, psychological violence that occur with the family or domestic unit or between

former or current spouses or partners, whether or not the abuser shares or has shared the same residence with the victims.

Gender

Gender is related to but distinct from sex. It refers to the **socially constructed** characteristics and roles attributed to women and society's social and cultural meanings for these biological differences which has created hierarchical relationships between women and men in the distribution of power and rights favouring men and disadvantaging women, the CEDAW Committee notes.

What is a social construct?

An idea that is created, sustained and accepted by the people in a society. These ideas help us understand and make meaning of the world. Social constructs can be so entrenched that they feel "natural", but they are not. But even though social constructs are created, that does not diminish their meaning. Examples of social constructs include race, gender identity and sexual orientation.

These prescribed or constructed gender roles differ from society to society and culture to culture. Gender is often externally manifested in forms of expression such as the clothing we choose to wear, the hairstyles we have, the way in which we speak, and other behavioural choices. Different external manifestations of gender may be considered "feminine" or "masculine" by our societies because of **gender stereotypes**. For example, dresses are considered feminine and pants are considered masculine.

What are gender stereotypes?

Gender stereotypes are generalised views or preconceptions about characteristics or the roles that are or ought to be possessed by, or performed by women and men. Gender stereotypes are harmful when they limit, as examples, women and men's capacity to develop their personal abilities, pursue their professional careers and make choices

about their lives. For example, the perception that all girls are, or should be, shy and demure, and boys are, or should be, rough and fearless or that girls should wear pink and boys should wear blue. This follows from the Office of the United Nations High Commissioner for Human Rights (OHCHR) commissioned report – ***'Gender Stereotyping as a human rights violation'*** **published in September 2014.**

As the CEDAW Committee has highlighted, such traditional attitudes which regard women as subordinate to men or as having stereotyped roles help perpetuate widespread practices involving violence, coercion or other abuse of women. Such prejudices may also be used to justify gender based violence as a form of protection or control of women.

What is considered "masculine" or "feminine" in any society will change over time. Gender and gender roles are, in reality, highly fluid and flexible, changing constantly over time within cultures, customs, communities and societies.

Gender is not the same as sex, which is biologically determined. **Sex** refers to the biological characteristics, like genitalia and genetic differences. However, it must be noted that sex is not just male or female, there are **intersex** persons, who have both male and female sexual characteristics and organs where an unambiguous assignment of male or female cannot be made, too.

One's **gender identity** reflects a deeply felt and experienced sense of one's own gender. Not every person's gender identity is aligned with the sex assigned to them at birth. **Trans and transgender** are terms which describe people with wide-ranging gender expressions and identities. These include people who cross-dress, people who identify as third gender (neither woman nor man), people who do not identify within the male/female binary, transsexual people, and others and whose sense of their own gender is different to the sex that they were assigned at birth. Some transgender people undergo surgery

or take hormones to align their body with their gender identity; others do not. Trans people may have any sex characteristics and sexual orientation. **Cisgender** (or "cis" for short) describes people whose sense of gender is aligned with the sex they were assigned at birth. Some people identify as **agender** and/or discard the idea of a fixed gender identity.

Gender-based Violence

Gender-based violence refers to physical, sexual, psychological, economic or cultural violence against another person because of their gender. GBV is commonly experienced as violence against women, but can affect men, and lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) persons.

The CEDAW Committee explains that under international law, gender-based violence is "a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men" and defines gender-based violence as:

"violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty."

Intersectionality

Intersectionality describes how persons may be subjected to discrimination or unequal treatment in a variety of compounded ways in accordance with their status or identity. This results in intersecting and overlapping forms of discrimination, often more complex to identify and understand. For those subjected to discrimination, multiple forms of discrimination may experience at the same time. Social identities can include gender, race, class, sexuality, sexual orientation, gender identity or expression, ethnicity, nationality, citizenship status, religion, and disability to name a few.

An intersectional understanding of identity markers recognizes the many aspects of identity that may enrich lives and experiences, but also that compounds and complicates marginalization and discrimination. For example, a black queer woman may be discriminated against based on her gender, her race and her sexuality simultaneously. None of these identities can be prioritized over the other because all of them inform her lived experience and compounded experience of discrimination.

Intimate Partner Violence

The violence that takes place between intimate partners is sometimes referred to as intimate partner violence (IPV). IPV can happen between people who are married or unmarried persons in any form of romantic or sexual relationship. Section 151 of the SODV Act specifically provides that marriage or previous existing relationship is not a valid defence for rape.

Rape

The precise definition of rape may vary from jurisdiction to jurisdiction, but at the core, any definitions must include with Rape refers to all vaginal, oral or anal penetration of a sexual nature with any bodily part or object that happens without consent or an unlawful sexual act.

According to the SODV Act, rape is an unlawful sexual act with a person.

The SODV Act says:

- Rape is gender-neutral which means that anybody can be raped. Men and boys can also be raped by persons of any gender or sex.
- Sexual penetration is any act which causes penetration by genital organs, anus or other orifice or into genital organs, anus or other orifice; or by the sexual organs of an animal. Previously, before the SODV Act, the offence of rape only applied to anal penetration.

- Marriage is not a defence to a charge of rape.
- Any sexual act with a person below 18 is unlawful, it is a crime to have a sexual relationship with a child.
- A person who is married to a child and/or has sex with that child, even where the child consents, commits the crime of rape.
- The following people are not capable to consent: asleep, unconscious, persons with certain disabilities that directly prevent their ability to consent, persons under the influence of any medicine, drugs, alcohol or other substances which eliminate their ability to consent.

Sexism

Sexism has no internationally agreed-upon definition, but a recent definition adopted in by ministers of the Council of Europe defines it as conduct "based upon the idea that a person or groups of persons is inferior because of their sex" which has certain adverse purposes or effects. These include violating rights and dignity of people; physical, sexual, psychological or socio-economic harm or suffering; creating an intimidating, hostile, degrading or, humiliating or offensive environment; creating a barrier to the realization of human rights; and maintaining and reinforcing gender stereotypes.

Survivor/ Victim

Both "survivor" and "victim" are terms often used to refer to a person who has experienced gender-based violence. The terms "victim" and "survivor" are often used interchangeably though they might be considered to have different meanings and implications. "Victim" is most often used in the legal and medical sectors, as well as in some leading international law and standards, such as the UN Basic Principles of Justice for Victims of Crime and Abuse of Power and in the practice of the Rome Statue of the International Criminal Court. by persons who have been subjected to GBV themselves to emphasise the wrongs that have been done to them and their lack of fault therefore.

"Survivor" is a term that is generally preferred in the psychological and social support sectors. It may also be the preferred description of persons who have been subjected to GBV themselves to emphasise that they are not merely passive victims but that they maintain agency and resilience continue to actively live and survive even in the face of subjugation. A person who has experienced GBV may consider themselves both a victim and a survivor simultaneously or may prefer one of the two descriptions.

TYPES OF GENDER-BASED VIOLENCE

GBV manifests itself in various ways and can be exhibited through sexual, physical, emotional, psychological, verbal, cultural/religious or economic abuse. These explanations are also helpful to include in reporting. Here are some general explanations of some of the types of gender-based violence:

Sexual Abuse

Various forms of sexual violence including, but not limited to, rape, sexual assault, sexual harassment may be defined as sexual abuse. Child marriage is also a form of sexual abuse.

Physical Abuse

Physical abuse is the intentional act or threat of physical violence towards another which causes injury or trauma. Hitting, slapping, kicking, punching, pushing are some examples of physical violence.

Emotional Abuse

Subjecting another to behaviour that is degrading or humiliating. This includes verbal abuse, threats to cause emotional pain, manipulation and intimidation, and continuous obsessive possessiveness or jealousy.

Psychological Abuse

Repeated abuse may cause the victim to experience psychological trauma, including anxiety, chronic depression, or post-traumatic stress disorder.

Verbal Abuse

This is a form of emotional abuse which may include repeated criticism, insults and name-calling with the intention to harm a person's sense of self and/or produce negative emotions.

Cultural/ Religious Abuse

Harming a person because they are practising their culture, religion or tradition or using cultural practices to abuse another person.

Economic Abuse

When an intimate partner or other person has control over another person's access to economic resources entitled under law or required out of necessity. This diminishes one partner's capacity to support themselves, making them dependent on the perpetrator financially. Economic abuse may also include, as an example, preventing someone from having gainful employment.

GBV AND COVID-19: HOW THE PANDEMIC AMPLIFIED THE IMPACT OF GBV IN ESWATINI

At the onset of the spread of the novel coronavirus in the beginning of 2020, governments around the world began introducing a range of measures to curb the spread of Covid-19 (the disease caused by the virus), including travel bans; lockdowns; curfews; and school, business and border closures. In Eswatini the government declared a National Emergency and passed regulations aimed at preventing the spread of COVID-19. These included restrictions on internal and cross-border travel and restriction on gatherings. They also restricted trade in certain goods and services including closure of schools.

By the end of May 2020, it was estimated that more than a third of the world's population was living under some form of lockdown due to the Covid-19 pandemic. The same occurred in Eswatini where confirmed infections have progressively increased.

It is critical that States take effective measure to protect the right to health of all persons in the situation of the pandemic. It is indeed an obligation under international human rights law. However, these emergency responses must be tailored in a way to minimize other adverse human rights impacts and in a manner consistent with other human rights protections, including against GBV.

Certain measures have often proved dangerous for women who may often now be "locked down" with their abusers in their homes. Women face living with violent partners, cut off from people and resources that can best help them. This has led to what Phumzile Mlambo-Ngcuka, Executive Director of UN Women, has called a "shadow pandemic" – that of violence against women.

As more countries report infection and lockdown, more and more domestic violence helplines and shelters all over the world are reporting mounting calls for help.

How to seek help in Eswatini?

A number of toll-free lines have been made available:

- Police 999
- SWAGAA 951
- Ministry of Education 9664
- DPM's office 112.

During the lockdown SWAGAA introduced a toll-free line that could be accessed through a mobile phone and within the first week the toll-free line recorded a total of 70 new cases.

But in many places, there is a lack of access to information on how to contact police, access medical treatment, psychological support, or shelters when domestic violence occurs during the pandemic.

Already, prior to the COVID-19 pandemic, many cases of GBV or IPV go underreported. Now the circumstances under COVID-19 restrictions make reporting even more challenging. COVID-19 restrictions mean that women often do not leave the house to seek help for fear of being arrested. These restrictions also mean that there are limitations on women's and girls' access to phones and helplines as well as disrupted public services such as police, justice, health and social services. Disruptions to public services may also compromise the care and support that survivors need, such as clinical management of rape, and mental health and psycho-social support.

Before COVID-19, domestic violence was already a various serious and prevalent human rights violation globally. In the last year, the UN reported that 243 million women and girls (aged 15-49) globally have been subjected

to sexual or physical violence by an intimate partner. As the pandemic continues, this number is expected to grow. Added to this are the multiple impacts on women's mental and physical wellbeing, their sexual and reproductive health, their mental health, and their ability to participate and lead in the recovery of our societies and economy.

SWAGAA Director, Nonhlanhla Dlamini has said that: "Support or assistance for women experiencing domestic violence was not classified as an essential service that may continue when the country went on lockdown". SWAGAA and other organizations in Eswatini have persisted in their work to lobby the government to classify their work as an essential service. The government later provided authorization to allow SWAGAA's staff to move more freely in order to assist women experiencing GBV during the lockdown.

In situations like these, the increase in violence against women must be dealt with urgently. Shelters and helplines for women must be considered an essential service. Specific funding and broad efforts made to increase awareness about their availability.

As of August 2020, Eswatini does not have a shelter for adults, but only has one for children. In the event that there is need for someone to escape an abusive relationship they have to find an alternative place amongst extended family members. Sometimes the risk is very high for the hosting family as the abuser could come and cause a scene.

Watch the animation launched by the ICJ calling on States to adopt gender-sensitive responses to the COVID-19 pandemic here.

Read this ICJ global right to health report called "Living Like People Who Die Slowly" which details disproportionate impacts on non-citizens, older persons, women, LGBT persons, persons deprived of their liberty, persons with disabilities, sex workers and health workers during COVID-19 here.

WHY CONTEXT MATTERS

When reporting GBV, it is important to describe the broader context within which such abuse occurs. This is not only about the "who, what, when, where, and how" of the abuse, but more of the societal context that better explains the underlying drivers of GBV.

1. Patriarchy

In Eswatini, as in many places all over the world, it's important to be conscious that patriarchy is ingrained within all societies, cultures and communities. As defined above patriarchal cultures result in the existence of social norms and societal institutions which privilege men and discriminate against women. This reinforces men's superiority and dominance over women. This power difference plays itself out in a very significant way in the context of sex. Women often either do not have an opportunity to fully and equally consent or choose with whom and how to engage in sexual interactions. This amounts to a human rights abuse.

2. Cultural Norms

While the Eswatini Constitution has a Bill of Rights, as in societies and cultures across the world, women are still often regarded as inferior to men. Under Swazi law and custom, a man can marry as many wives as he wants. A woman cannot marry more than one man. While men who are married under civil law are not allowed to marry a second wife as that is considered illegal, in practice men still do often marry another woman. The introduction of SODV has helped to reduce child marriages as it is an offence to have sex with a child below the age of 18. However, child marriages still occur and family members often conceal them but where they have been exposed arrests will usually follow.

CASE STUDY 01

This guide has included two case studies based on accounts that have been published in Swazi media. The purpose of including these articles as case studies is to examine current reporting and identify how this reporting can improve by making use of the practical advice and tips contained within this Guide.

The first is from the Eswatini Observer on 14 January 2020 titled "Man Arrested For Raping Wife".

MAN ARRESTED FOR RAPING WIFE

2020-01-14

A 34-year-old man has been arrested and charged with rape for having sexual intercourse with his wife without her consent.

Nhlanhla Bongani Dlamini is alleged to have first assaulted his wife before forcing himself on her.

The two have two children together. Due to the nature of the offence, Dlamini moved a bail application at the High Court. The matter appeared before Judge Mzwandile Fakudze. Dlamini was represented by Musa Shongwe of Simelane Shongwe Attorneys law firm.

Through his attorneys, Dlamini argued that he is innocent and intends to plead not guilty during trial. He alleged that he never assaulted the complainant in any manner.

He pointed out that he is in a relationship with the complainant and they have two minor children.

The accused submitted that on the day in question he never raped the complainant but they had consensual sexual intercourse. Explaining how he was eventually arrested for rape, Dlamini said last week Wednesday Matsapha police under the Domestic Violence Unit stationed at Sigoduweni Police station pounced on him. He was subsequently charged with having contravened the SODV Act. The accused, when making the application for bail, said he was presently kept at the Manzini Remand Centre facility. [Interviews the accused].

Dlamini submitted that he is a law abiding citizen who has never been arrested for any offence in his life. The accused stated that he is sickly person as he is constantly in need of medical attention due to asthma. Dlamini stated that he has reasonable fear that due to his incarceration, his condition may be worsened. The accused was eventually granted bail fixed at E50 000 but was ordered to pay E3 000 cash and provide surety in the sum of E47 000.

Analyse the story above and evaluate it according to:

1. What domestic and international law states
2. Its use of language. Does it legitimize the accused and delegitimize the survivor/victim? Does it prejudge the allegation?
3. Do's and don'ts when reporting GBV
4. Checklist when reporting GBV
5. How you think the story could have been better reported?

Take 20 minutes to think about the above questions before you look at the analysis and evaluation of the article.

Notes:

Our analysis and evaluation of the article:

While as in any criminal case it is important for a journalist to keep in mind the presumption of innocence of the accused and his or her right to a fair trial, it is also important that the voice and situation of the survivor or victim of a crime be given equal prominence. In the account below there is clearly an imbalance between the two.

A 34-year-old man has been arrested and charged with rape for having sexual intercourse with his wife without her consent.

Nhlanhla Bongani Dlamini is alleged to have first assaulted his wife before forcing himself on her. [It is also advisable not to use euphemisms when reporting on GBV. The phrase 'forcing himself on her' is vague and could describe many types of assault. The facts should be described in direct and precise terms for example, "through an act of forcible genital penetration"].

The two have two children together. Due to the nature of the offence, Dlamini moved a bail application at the High Court. The matter appeared before Judge Mzwandile Fakudze. Dlamini was represented by Musa Shongwe of Simelane Shongwe Attorneys law firm.

Through his attorneys, Dlamini argued that he is innocent and intends to plead not guilty during the trial. He alleged that he never assaulted the complainant in any manner. *[It's better to leave the accused's voice out of the story, especially if you don't have a comment from the survivor. This otherwise creates an imbalance in the voices you are including].*

He pointed out that ***he is in a relationship with the complainant and they have two minor children.*** *[Sympathises with the accused and casts doubt that marital rape exists. Journalist can add that under Eswatini and international law, the relationship is not material to whether a rape occurred].*

The accused submitted that on the day in question he never raped the complainant but they had ***consensual sexual intercourse.*** *[Language again. The language particularly makes the accused seem like the victim. This could be simply reduced to saying the accused is challenging the consent]. Explaining how he was eventually arrested for rape, Dlamini said last week Wednesday Matsapha police under the Domestic Violence Unit stationed at Sigoduweni Police station pounced on him.* ***He was subsequently charged with having contravened the SODV Act.*** *[Add some detail about the SODV Act and international law. How did he contravene the SODV Act? Perhaps explain what rape is according to the SODV Act and international law and add some detail about how this crime is punished]. The accused, when making the application for bail, said he was presently kept at the Manzini Remand Centre facility. [Interviews the accused].*

Dlamini submitted that he is a law abiding citizen who has never been arrested for any offence in his life. *[This is not relevant according to the allegations].* ***The accused stated that he is sickly person as he is constantly in need of medical attention due to asthma. Dlamini stated that he has reasonable fear that due to his incarceration, his condition may be worsened.*** *[This is unnecessary and sympathises with the accused. If the situation in a prison is such that detainees are subjected to ill-treatment or denial of essential medical, the journalist could to get a response from the authorities who would probably say that he will be well-treated and get prison care]. The accused was eventually granted bail fixed at E50 000 but was ordered to pay E3 000 cash and provide surety in the sum of E47 000.*

MYTHS AND FACTS ABOUT GBV

When reporting GBV, it's important to dispel myths and misinformation to ensure that your readers are well-informed.

Myth: Sometimes "no" means "yes" during sex

Fact: "No" ***always*** means "no". If someone says no to a particular sexual act at any stage, ignoring them or forcing them to continue is a criminal act.

Myth: You can't change your mind while having sex.

Fact: Even during sex, anyone can withdraw consent at any stage. Someone can consent to a specific sexual act and then change their mind and withdraw consent during that act. If this happens ignoring them or forcing them to continue is a criminal act .

Myth: A person who is wearing "tight"/ "revealing"/"sexy" clothing is "asking for sex or to be raped" and cannot then blame a perpetrator of GBV.

Fact: What you wear has nothing to do with whether you want sex or to consent to sex. Women and girls are raped no matter what they wear: babies in nappies, old women in tracksuits, women wearing modest traditional clothing, and women covered almost completely wearing hijab are raped.

Rape is always the rapist's fault, not the survivor's, no matter what they are wearing.

Myth: A partner (including a spouse) cannot be raped by their husband or partner.

Fact: Forcing someone to have sex when they have not consented is always rape. It does not matter whether they are married or have had sex multiple times before, or even if they initially agreed to have sex with you.

"Marital rape", which sometimes is used to describe the rape of a woman by their husband, is a crime according to Eswatini legislation and international law.

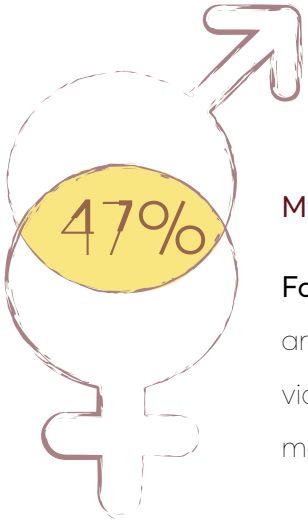
Myth: Domestic violence is a private family matter; the state has no right to intervene.

Fact: Regardless of whether it occurs in the private or public sphere, domestic violence, including violence against women is crime and a human rights abuse. The State, under international and domestic law, has not only the authority but the obligation to intervene to protect persons from domestic violence.

Myth: Sex workers or "prostitutes" cannot be raped.

Fact: Anyone can be raped in the absence of consent, including sex workers.

Sex workers are adults who receive payment in exchange for consensual sexual services. While sex workers are sometimes called prostitutes, this may be seen as pejorative so the preferred terminology is sex workers. The term "sex worker" recognizes that sex work is work. However, "prostitution", may have connotations of criminality and immorality. Many who sell sexual services prefer being called "sex worker" and find the term "prostitute" demeaning and stigmatizing. This contributes to their exclusion from health, legal, and social services.

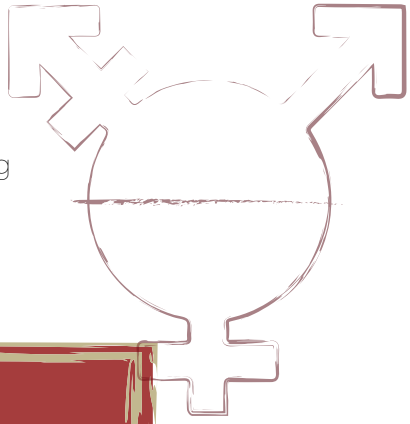


Myth: Men and women are equally violent to each other.

Fact: The majority of those affected by GBV, particularly IPV, are women and girls. Worldwide, almost half (47%) of all female victims of homicide are killed by their intimate partners or family members, compared to less than 6% of male homicide victims.

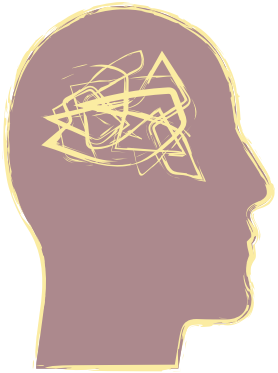
Myth: Only women can be raped.

Fact: Regardless of their gender, anyone can be raped, including men, boys and gender non-conforming people (GNC).



What does it mean to be *gender non-conforming*?

The term GNC is used to describe people who do not adhere to societal expectations of what is considered typical gender expressions or roles. The term GNC is more commonly used to refer to gender expression (how one behaves, acts, and presents themselves to others) and not gender identity (one's internal sense of self). This refer to a woman dressing in a way that is considered "manly" or a man wearing makeup.



Myth: Rapists are monsters and mentally ill.

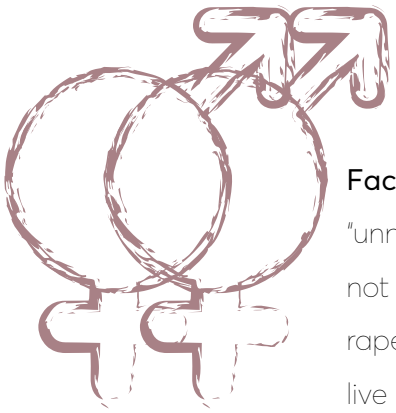
Fact: Anyone can be a perpetrator of rape. Perpetrators of rape and GBV often include: family members, close friends, influential members of the community, colleagues, teachers and famous people. Perpetrators do not fit into a box.

Myth: People rape because they want to have sex and cannot control their urges.

Fact: Evidence shows that rape is not primarily about sexual desire, but is ultimately very commonly about asserting control and power over another person.

Myth: Some women allow themselves to be abused. If they really wanted to, they could leave or fight back.

Fact: For many survivors, leaving violent relationships is difficult due to feelings of shame, guilt, lack of safe housing, economic dependency, and fear. Blaming women for not leaving their spouses or partners or "fighting back" is a form of secondary victimization.



Myth: Gay men and lesbian women "deserve" to be raped.

Fact: There are some who believe that homosexuality is "unnatural" and can be "cured" through heterosexual rape. This is not only untrue but also illegal. People who rape sometimes use rape as a weapon to harm and intimidate people who do not live according to their way of life.

WHY SOME SURVIVORS DONT REPORT GBV

Many survivors end up not reporting cases of GBV because of the social stigma attached to it as well as lack of faith in the police and justice systems. In many jurisdictions around the world this fear is justified because there is evidence that police, prosecutors and even courts do not take GBV sufficiently seriously and are often the cause of significant further harm to women in the form of secondary victimization. Sometimes, it is even difficult for survivors to report the violence because the reporting itself forces them to relive the trauma.

As a result, even though existing statistics on GBV are alarmingly high, they typically underestimate the problem. Many times, GBV survivors do not come forward because there is a lack of understanding that the violence is a crime and an abuse of their human rights. Other times, GBV survivors only come to this realization months and even years after the violence itself took place. Such survivors may have suppressed memory of the incident to help themselves try and either cope or move on from very traumatic experiences. Similarly, other types of GBV including emotional and economic violence are often not recognized as crimes or social wrongs – even by those affected themselves.

According to Section 50 of the SODV Act, in criminal proceedings involving the alleged commission of a sexual offence, a court may not draw any inferences from the absence of previous consistent statements, or from the length of delay between when the offence took place and when the victim reported it to the police

It is sometimes also the case that survivors are unaware of the available services or legal and other mechanisms through which they may report the violence. They could also be afraid of further violence against themselves or their family members should they come forward.

All of these factors lead to GBV being reinforced by a culture of silence and a denial of the seriousness of the consequences of abuse. These survivors of GBV are not silent because they are weak or because they have not been wronged. They are very often silenced by these well-founded fears which inhibit them from taking action in exercise of their human rights.

There are often material consequences that explain why women do not report the GBV that they experience. These include the fear of losing their homes and the custody of their children as well as the high cost of legal action.

The "Access to Justice Challenges Faced by Victims and Survivors of Sexual and Gender-based Violence in Eswatini" report by the ICJ and Swagaa notes also that many victims are often economically dependent upon the perpetrator. Women in Eswatini also do not have access to health professionals or social workers who may be able to provide them with professional counseling as they pursue their cases through the justice system, and when they move on to recover from their trauma.

The reasons GBV frequently goes unreported is important for editors and journalists reporting on GBV to understand.

ETHICAL PRINCIPLES

There are several ethical principles which journalists need to be aware when reporting on GBV. The International Federation for Journalists (IFJ) Global Charter of Ethics for Journalists, adopted at the 30th IFJ World Congress in Tunis on 12 June 2019, completes the IFJ Declaration of Principles on the Conduct of Journalists (1954), known as the "Bordeaux Declaration". Such sources state ethical principles for journalists to note.

Here are some ethical principles to take note of in your reporting:

1. Duty to inform

As journalists with a duty to keep your readers informed, always ask yourself why you are reporting on a story. It's always important to distinguish whether your story "in the interest of the public" or if it "is of public interest". For example, GBV stories that feature lots of detail involving high profile figures is often sensationalized and not informative for survivors of GBV. When a story features a high profile figures, since the interest is so high, responsible journalism can also serve as an opportunity for a teaching moment.

2. Accuracy

As journalists, reporting should always be factually correct. This guide contains extensive guidance on how to accurately report GBV.

3. Fairness

Journalists should always be fair and honest with interviewees. When speaking to sources who have experienced GBV, journalists are responsible in protecting their potentially vulnerable sources. This guide provides information on how to conduct interviews with survivors.

4. Impartiality

It is always important not to bring your own biases into reporting GBV, just like in any other story. Journalists must remain aware of their own biases on the subject and the stereotypes they believe about women, girls, sexuality and violence. Reporting GBV needs to be approached from a completely objective and fact-based perspective.

5. Respecting Privacy

Reporting in a way that is both principled and ethical means respecting the privacy of both GBV survivors and their families. More information about this is contained in the "Tips for Interviews" section.

6. Never Paying for Interviews

While it may be tempting for journalists to pay money or offer gifts in exchange for interviews, payment for this kind of interview is considered ethically inappropriate. Not only is payment likely to influence the nature of the interview, it can also make it harder for other journalists to get an interview. Sometimes, paying in cash or any other kind for an interview can also put unwarranted pressure on survivors to speak to the media.

Journalists, who sometimes bond or develop a trust relationship with their sources, often know even more information than what they are willing to or may ethically disclose publicly.

Facing this dilemma, it is always best for journalists to employ the harm limitation principle.

This means showing special care and sensitivity in their writing. Journalists should always display special sensitivity when dealing with children and people who may not understand how the media works and the possible implications of their story being in the public space and identification of individuals.

What is the harm limitation principle?

One of the most esteemed ethics in journalism is the harm limitation principle. This involves the responsibility that journalists have in deciding what information to report and how to report it. Journalists handle a lot of very sensitive information, so it is important that journalists decide if certain information should be shared with the public using the explicit guidelines in place in order to assist them in making these decisions.

By showing care and sensitivity in their writing, journalists can limit the likelihood of their copy being reworked in a way that they would not agree with or having a sensational headline allocated to their stories. Journalists can also try and send suggested headlines to accompany their stories. This would help journalists to protect their own reputations. This also applies to photographs. To maintain a sense of ownership over your work, send through your own photograph captions with your copy.

Both editors and journalists must take extra care to ensure that stories about GBV are reported responsibly and fairly.

WHY LANGUAGE MATTERS

No one knows better than journalists how important words and language are. Reporting that does not take cognizance of language could lead to stigmatization, secondary victimization and retraumatization of survivors. Careful and gender-sensitive language plays a significant role in improving the coverage of issues related to GBV. Over time, gender-sensitive reporting can shape the narrative around gender-based violence, influencing public ideas and curbing rape culture. The table below highlights some of the language do's and don'ts when reporting on GBV.

Do's

DO use the **descriptor** that an interviewee prefers, e.g. "Survivor". Many people prefer the term **"survivor"** because it conveys **agency and resilience.**

Don'ts

DON'T use the descriptor **"victim"** unless this is the wording an interviewee prefers. Many people feel "victim" has **negative connotations**.

As explained in the **ICJ Practitioner's Guide 12 on Women's Access To Justice for Gender-based Violence,** using the term 'victim' is not necessarily a hard 'don't'. As the Practioner's Guide says: "Individuals whose rights have been abused or violated are normally described as "victims" of human rights violations or crimes. For example, this is the terminology used in the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and it is also used in the practice of the Rome Statute of the International Criminal Court. Women human rights defenders tend to use the term "survivor"

instead of "victim" as a way of reflecting the agency, resilience and courage of women and girls subjected to violence. For them, the term "victim" is seen as implying passivity and acceptance of the violation. However, sometimes both terms are seen as appropriate –"survivor" celebrates the individual, but "victim" recognizes the enormity of the system of gender-based discrimination that women and girls face.

Do's

DO use **language** that describes the **violence** and **non-consensual** nature of the assault. E.g. Rape, sexual assault or sexual harassment

DO use language that **portrays the violence** and non-consensual nature of the **sexual assault**.

E.g. "Sexual assault"; "oral rape"

Don'ts

DON'T use **euphemisms** to describe non-consensual sexual violence. If there is no consent, it is always rape or sexual violence. It is **violence** and should be described as such. E.g. do not use phrases such as "Oral sex"; "non-consensual sex"; "forced sex" to describe sexual violence.

DON'T use **euphemistic language** to describe the sexual assault in a **less serious way**. This can be **vague** and **reduce the seriousness** of the violence.

E.g. "Forced sex"; "sex scandal"; "private parts"

Avoid unnecessarily salacious details of the assault or the survivor and the accused's relationship. This has no bearing on the validity of the allegations of sexual violence. This also means avoiding using inappropriate sexual details.

Do's

DO use language that accurately conveys the **seriousness** of the sexual assault.

DO use language that places the **responsibility on the** perpetrator and **not the survivor,** while bearing in mind that until established by court of law such responsibility should be qualified by the word "allegedly".

E.g. The street vendor was alleged to have sexually harassed the survivor.

DO use **active language** when describing the violence, **placing the** onus of the violence **on the perpetrator.**

E.g. He raped the survivor, who was employed in his company.

Don'ts

DON'T use language that downplays the **violent nature** of the sexual assault. Being forced into any sexual act is by itself **inherently violent** and actual physical harm – such as wounds and bruises – are not necessary for the harm to have been done.
E.g. "The survivor was unharmed".

DON'T use language that describes the abuse as **belonging to the survivor**.

E.g. "Her rape" – removing the accountability from the perpetrator.

DON'T use **passive language** when reporting GBV as it **shifts the focus** from the perpetrator and onto the survivor.

E.g. She was allegedly raped by her boss.

Do's

DO use **"sex work"** and **"sex worker"**. This terminology **avoids** moral judgement and treats the selling and buying of sexual services as a **work matter with implications** for labour law and occupational health and safety rights. Similarly, **contemporary terms** like **"slay queen"** and **"sugar baby"** also **add moral judgement** and take away from the seriousness of the offence committed against the survivor.

Don'ts

DON'T use **"prostitution"** or **"prostitute"** unless this description is specifically preferred by the sex worker in question. **Avoid** using terms like **"slay queen"** or **"sugar baby"** as well. This terminology carries negative connotations linked to inaccurate information about sex workers and the sex industry. It has also been **historically linked to shameful acts.**

TIPS FOR INTERVIEWS

Gender-sensitive reporting requires ensuring that telling the story avoids secondary victimization of a survivor. Taking this into account is crucial, especially when conducting interviews with survivors. Interviews must provide a space for survivors to open up about their story and be heard. It is important to honour this and be respectful, mindful, safe and responsible. Below are some tips on how to ensure that interviews safeguard the survivor's best interests.

Before an interview

Research and be informed about the impact GBV has on survivors and trauma they may be experiencing. This will help you display compassion and sensitivity when interviewing them.

Build trust with your interviewee by spending time with them before the interview. The better your relationship with the interviewee, the more comfortable they will be with you, which will allow for a better interview.

How you conduct the interview is important:

- Schedule the interview in a private and secure space that has been agreed upon by the survivor.
- Ensure that there is enough time and that the interview is not rushed.
- The time of day of the interview should ideally also be determined by the survivor: it may be easier for them to leave the house unnoticed at certain times.
- Take the time to review your process with the survivor.
- Allow the survivor to bring a support person to accompany them during the interview if they choose.
- Keep tissues and water on hand for the survivor.

Be aware of the assumptions you take into the interview. Do not approach the interview with negative assumptions or moral judgments, e.g. they are making it up, they could have prevented it, or even thinking that they should be over it by now. Recovering from trauma is a process and takes time. Be mindful and compassionate about this.

Keep crisis numbers on hand for the interviewee. Even though they have agreed to be interviewed, they may be triggered by the retelling of their traumatic experiences and this can, even when the interview is conducted respectfully, result in emotional trauma.

Be respectful of the interviewee. For journalists, ensure that you are respecting privacy, providing detailed and complete information about topics to be covered, and fully informing the survivor on how the information will be used. It also means informing the survivor before the interview begins that they do not have to answer every question the reporter asks and that they have the right to ask the interviewer to skip a specific question or to take a break if the interview becomes upsetting.

Interviewees MUST be made fully aware of the consequences of being interviewed, including:

- The intended publication
- That they will remain anonymous (unless they give express permission otherwise)
- That the interview will remain confidential (unless they give express permission otherwise)
- That they do not have to answer questions they don't want to
- If you intend to record the interview. They have the right to request the interview not to be recorded.

- If you use the survivor's story in future, other than what they have agreed to, ask for their permission first.
- If you are able, allow interviewees to review the copy before publishing.

If you need an interpreter to conduct the interview, it's always better to ask an organization that works with GBV if they can recommend someone who is an appropriate choice for this type of interview. Before the interview day, meet with the interpreter to go over interview questions and appropriate terminology and language. Keep in mind that the interviewee might sometimes be more comfortable with someone of their own sex or gender.

Be mindful of your own sex and gender in relation to the interviewee. For example, if the survivor is a woman, she might not want to be interviewed by a man. In that case, ask if she would prefer if a female colleague of yours to interview her instead.

During an interview

Show compassion to the interviewee. Retelling a story of experiencing GBV can be difficult and traumatic. Be compassionate and understanding, and do not shame or blame the survivor for the violence perpetrated against him/her. It's also common for survivors to experience panic attacks, which are common symptoms of trauma, during the interview.

Be aware of your body language and your use of touch during the interview. Allow enough space between yourself and the interviewee to make them feel comfortable. Don't touch the interviewee, unless they have given you permission to do so to comfort them. If you touch them without permission, they might feel uncomfortable.

Respect the right of survivors to refuse to answer any questions or divulge more information than they are comfortable with. It's also important for journalists not to veer from the agreed-upon questions. If you are going to ask difficult questions, explain why you are asking them, e.g. "I am going to ask you about the incident. I am doing this because I want to ensure the accuracy of my article and do justice to your experience."

Be aware that no two survivors are the same. Experiences of GBV differ and are informed by race, class, gender, sexuality, disability and other social locations. The interview provides a space in which to explore these intersectionalities, which are important to frame your article in. It is important to honour each person's individual experiences and to be aware that there is no right or wrong way to act during the interview.

Avoid questions, attitudes or comments that are insensitive to cultural values, that place an individual or group in danger, that expose an individual or group to humiliation, or probing for details that reactivate an individual's or group's pain and grief associated with their exposure to GBV.

Pay attention to where and how the survivor is interviewed. Try to make certain that they are comfortable and able to tell their story without outside pressure, including from the reporter/interpreter or other media professionals.

The use of images, footage and photographs to illustrate GBV is complicated. Except in cases where survivors have given their informed consent, photos should not include any identifiable information. Any use of images should present the subject in a way that upholds their dignity. Where possible, images should be used to illustrate a general situation, rather than a specific incident of GBV. It is not recommended to take pictures of survivors.

If pictures are taken by photographers, it is important to obtain written consent from the survivors and to stay in contact with photographers to review and select images, clarify any information, and discuss possible uses. Unless the individuals represented in the images have given their written, informed consent for use of their image in association with a story on GBV, the use of stock footage to illustrate a story on GBV should also be avoided. Photos of child survivors should never be used.

End the interview well. Ask the interviewee if they would like to add anything else and ensure that you bring the conversation back to the present and to things the interviewee finds safe.

After the interview

Respect the privacy of the interviewee and their family as required to practise principled, ethical journalism, especially if they have been granted anonymity. Be careful of "jigsaw identification" when granting anonymity. This is when consumers of the media are able to piece together details, such as the location, clothing or age of the survivor, even though you don't name them specifically.

Article 15 of the Swaziland National Association of Journalists (SNAJ) code of ethics on Survivors of Sexual Assault which states, "Journalists shall avoid identifying survivors of sexual assault or any information that may lead to the identification of the survivor".

Be impartial because as a reporter, it is your responsibility not to judge or discriminate. Don't imply that the survivor was to blame by mentioning clothes

worn, the survivor's appearance or their level of inebriation. While you may want to add "colour" to your story, this can unintentionally lead to the onus of blame.

Follow up with the survivor post-interview.

- Make yourself available for contact after the interview.
- Before sending the article to the editor, allow the survivor to review it to ensure that their story is accurately captured.
- If they feel uncomfortable with something and want it edited or removed, do so.
- Remind them of support crisis numbers that are available to them post-interview.

CASE STUDY 02

The second story was published on 7 January 2020 in the Eswatini Observer and is titled "Keyboard Player Rapes Minor in Church".

KEYBOARD PLAYER RAPES MINOR IN CHURCH

2020-01-07

Relatives of a 16-year-old girl could not believe their eyes when they allegedly caught their church's keyboard player red handed having sexual intercourse with the minor inside the church.

The incident happened on Saturday at Joy of God Church situated at Jubela area, near Mkhuzweni.

The notorious keyboard player was arrested on Sunday and charged with contravening the Sexual Offences and Domestic Violence (SODV) Act 15 of 2018. He is employed by Power Trade Wholesalers in Manzini.

This incident follows that of a Worship Centre keyboard player in Mbabane who impregnated several girls from the same church.

According to sources, it was the teen's birthday on Saturday so she informed her mother that her friends have hosted a party for her in Manzini.

It is said she left home on the day as she was presumably in Manzini celebrating her birthday with friends.

At around 5pm, it is said she returned home with a brand new cell phone which she told her friends it was given to her as a gift by the keyboard player, whom she addressed as uncle.

It is said the girl used to brag and talk about the keyboard player more often, even to her mother. This is said to have sparked suspicions from the mother, but she said nothing nonetheless.

At around 8pm, the girl is said to have disappeared from home and a search for her proved futile.

During the search the mother and other members of the family are said to have seen light coming from church. Remembering that the keyboard player usually sleeps in the church on Saturdays, the girl's mother reportedly led the search party towards the house of God.

When they got there, sources said the door was locked from the inside, so the girl's mother peeped through the window to see if there was anyone inside. Just about that time, the door is said to have opened and the girl allegedly emerged. The mother then asked who else was inside the church and to her shock, she found the keyboard player hiding behind curtains. The keyboard player is alleged to also have a baby with the teen's mother.

Sources claimed that he and the older woman got intimate sometime last year while they were at a church camp, the same time that the woman conceived.

When the woman asked the keyboard player what he was doing with her child, he is said to have told her that he enjoyed being with the teenager more than her.

Thereafter, the accused person is said to have bolted out of the church and the teenage girl followed suit.

The mother is said to have then reported the child missing at Mafutseni Police Station. However, the girl is said to have returned home later on.

The girl reportedly informed her family that since the beginning of this year, she and the keyboard player were having an intimate relationship. According to the girl, she had consented to the sexual activity. However, Section 2 of the Sexual Offences and Domestic (SODV) Act 15 of 2018 states that a child below the age of 18 years cannot consent to sexual proposals.

When sought for comment on the matter, Deputy Police Information and Communications Officer Inspector Nosipho Mnguni confirmed the arrest of the keyboard player.

Analyse the story above and evaluate it according to:

1. What domestic and international law states
2. Use of language
3. Do's and don'ts when reporting GBV
4. Checklist when reporting GBV
5. How you think the story could have been better reported4

Take 20 minutes to think about the above questions before you look at the analysis and evaluation of the article.

Notes:

Our analysis and evaluation of the article:

Relatives of a 16-year-old girl ***could not believe their eyes when they allegedly caught their church's keyboard player red handed having sexual intercourse with the minor inside the church.*** *[This makes use of salacious language inferring a sex scandal and not a rape, also there is no 'sexual intercourse with a minor' as this is rape.].*

The incident happened on Saturday at Joy of God Church situated at Jubela area, near Mkhuzweni.

The ***notorious keyboard player*** *[salacious language, also humanizes the perpetrator and glamourizes his sexual promiscuity} was arrested on Sunday and charged with contravening the Sexual Offences and Domestic Violence (SODV) Act 15 of 2018. He is employed by Power Trade Wholesalers in Manzini.*

This incident follows that of a Worship Centre keyboard player in Mbabane who impregnated several girls from the same church. [Salacious language, also if 'girls' refers to those below the age of consent then this could constitute rape or statutory rape and this should be stated according to correct investigations conducted according to the law].

According to sources, it was the teen's birthday on Saturday so she informed her mother that her friends have hosted a party for her in Manzini.
It is said she left home on the day as she was presumably in Manzini celebrating her birthday with friends.

At around 5pm, it is said she returned home with a brand new cell phone which she told her friends it was given to her as a gift by the keyboard player, whom she addressed as uncle. [The payment is also not relevant to whether or not she had been raped].

It is said the girl used to brag and talk about the keyboard player more often, even

to her mother. This is said to have sparked suspicions from the mother, but she said nothing nonetheless.

At around 8pm, the girl is said to have disappeared from home and a search for her proved futile.

During the search the mother and other members of the family are said to have seen light coming from church. Remembering that the keyboard player usually sleeps in the church on Saturdays, the girl's mother reportedly led the search party towards the house of God.

When they got there, sources said the door was locked from the inside, so the girl's mother peeped through the window to see if there was anyone inside. Just about that time, the door is said to have opened and the girl allegedly emerged. The mother then asked who else was inside the church and to her shock, she found the keyboard player hiding behind curtains. The keyboard player is alleged to also have a baby with the teen's mother. [These details are unnecessary and again point to the reporting of a sex scandal and not a rape].

Sources claimed that he and the older woman got intimate sometime last year while they were at a church camp, the same time that the woman conceived. *[Unnecessary details which point to the reporting of a sex scandal and not a rape].*

When the woman asked the keyboard player what he was doing with her child, he is said to have told her that he enjoyed being with the teenager more than her. *[Unnecessary details which point to the reporting of a sex scandal and not a rape].*

Thereafter, the accused person is said to have bolted out of the church and the teenage girl followed suit.

The mother is said to have then reported the child missing at Mafutseni Police Station. However, the girl is said to have returned home later on.

The girl reportedly informed her family that since the beginning of this year, she and the keyboard player were having an intimate relationship. *[This again adds to the scandalous nature of the story and is unverified, journalist must state where these reports come from to avoid claim sounding like gossip).* According to the girl, she had consented to the sexual activity. However, Section 2 of the Sexual Offences and Domestic (SODV) Act 15 of 2018 states that a child below the age of 18 years cannot consent to sexual proposals.

When sought for comment on the matter, Deputy Police Information and Communications Officer Inspector Nosipho Mnguni confirmed the arrest of the keyboard player.

This story should avoid "reports" unless they are verified because it otherwise sounds like gossip. This story could have benefited from some context and background. Some options include: domestic law, international and regional human rights standards, definitions of statutory rape, statistics of statutory rape and sexual assault in Eswatini, a brief explanation of power dynamics and patriarchy, interview with organisations that work with gender-based violence and child abuse.

CHECKLIST WHEN REPORTING GBV

To ensure that reporting is gender-sensitive, these are the questions that journalists ask themselves.

	Why is it important that this piece is published? Will it bring any public benefit?
	Did I take into account the "Importance of Language"?
	Did I ensure that survivors, especially those from marginalized communities, are included in my story and given the space to speak on the issue?
	Did I speak to a diversity of sources, especially GBV experts, without solely focussing on police, legal or perpetrators' voices?
	Did I include up to date, reliable statistics and interrogate the validity of these within my article? *(It's easy to use popular statistics that add shock value, but these statistics are often incorrect or misquoted.)*
	Did I provide context, positioning the piece and all interviews within the greater context of gender norms, intersectionality, and the larger problem of GBV?
	Did I make it clear that such violence is unlawful?
	Did I provide information on local GBV support services in my article for the reader to access?

- Following my interview with a survivor, did I take into account and reflect on my own position as interviewer and reporter in relation to the identity of the people whose stories I am telling? *For instance, being a cis-gendered man writing about LGBTQIA persons*
- What risks does the piece bring to those involved in my story, to their relatives, or the social group they belong to?
- Did I use trigger warnings appropriately? *(Remember to only use trigger warnings if the content of your article is explicit in nature and could potentially trigger secondary traumatization in another survivor).*

What are trigger warnings?

A trigger warning is a statement at the start of media i.e. an article, video, etc. warning the reader or viewer that it contains potentially distressing material. Trigger warnings should also disclaim what the distressing content is.

For example, "This article contains a violence and a description of rape".

- Did I cross-check my facts and information in research and other documents?

- [ ] Have I provided enough information to the individuals being interviewed so that the individuals in my stories know the possible risks *(they may not be able to assess these themselves)*, the context, the content of the story and the media where the piece is to be published?
- [ ] Have I consulted with or attempted to gain interviews with GBV advocacy organisations and GBV experts?

It's also important to ensure that you are **not** doing the following:

- [ ] Have I excluded report details that could put the survivor at further risk, e.g. names, photos, unless specific consent is given?
- [ ] Did I exclude the names or any identifying features of child victims?
- [ ] Did I refrain from publicizing the names of reported perpetrators of sexual offences until they have pleaded in court?
- [ ] Did I avoid using headlines and taglines that are sensationalist or false, such as "sex scandal" or "controversy"?
- [ ] Did I exclude a focus on the survivors' clothing, addictions, sexuality, employment, past relationships or their drinking behaviour?

	Did I ensure that I am not giving detailed information that will give readers a clue without mentioning names?
	Have I refrained from focusing on facts that make perpetrators appear to be "unlikely" rapists, e.g. calling the perpetrator an "upstanding citizen", "star athlete", "volunteer in the community". *(This suggests bias towards their innocence.)*
	At the same time, did I ensure not to respect the presumption and not suggest bias, for example by referring to the accused as a "predator" or "monster". *Doing so can also undercut the rights and interests of the survivor by casting doubts on circumstantial fairness.*
	Did I avoid suggesting that the difference in power between the survivor and perpetrator is an attempt to tarnish the image of a public figure or a revenge stunt by a "jilted ex-girlfriend"?
	Did I avoid assuming that all survivors are the same, be it in their experience or their reactions?
	Did I ensure that I am not using stock photos that portray violence in an indelicate way, such as a photo of a woman with a black eye? *(Such imagery just adds shock value and is an unwelcome reminder of what violence looks like considering that many people have experienced this themselves and know what it looks like. Rather use photos that show the context in which the abuse occurred, e.g. a photo of the crime scene.)*

CONCLUSION

This guide has shown that there are a number of factors journalists and editors need to take into account when interviewing a GBV survivor and reporting on GBV in Eswatini.

As media practitioners, it is important that your reporting is consistent with international standards which safeguard the rights of women and children. As media practitioners, it is also imperative to understand the provisions of the SODV Act and the reasons for them. This will allow journalists to better inform their readers and foster a society that is well-informed.

The media have great power and influence and should use it wisely to ensure that public discussions on GBV are accurate and sensitive to the needs of survivors.

With this guide, we hope you have the necessary guidance and resources to report responsibly on GBV and sensitively interview a GBV survivor. Please ensure that you also refer them on to reputable, local anti-GBV organizations like Swagaa and counsellors should there be a need for such material and advice.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