



## Evaluation of the Effect of Migration on the Campaign towards Gender Based Violence in South Africa

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### **Abstract**

The aim of the study is to evaluate the effect of migration on the campaign towards GBV in South African. President, Cyril Ramaphosa assented to laws that strengthen fight against Gender- Based Violence. To realise the study, qualitative research method has been employed, through the interviews to evaluate the in-depth effect of migration on the campaign of GBV in SA, eight participants were interviewed. The thematic analysis was also use to transcribe all the interviews fully, to arrive at the meaningful responses by reflexive coding as well as the analytic technique. Findings has shown that amongst other issues, the victims could not report the abuse, since in most cases they were scared that they were going to be disowned (maintenance and financial support in general), also since some were illegal in the country, they could face the deportation even worse being arrested for being illegal in SA. Key recommendations are that due to the important implications towards the findings, this ought to be of a call to address the issues as soon as possible. It cannot be shy away of the fact that we are dealing with human species here, of which at the end it cannot be done away with the fact that there's an element of have been in a situation of breaking the laws: this should be treated as a crisis to assist in both sides of the victims and the perpetrators, as well as the government.

**Keywords:** *Gender Based Violence; Migration; Act, Borders; Human Trafficking*

### **Introduction and Background of the Study**

The aim of the study is to evaluate the effect of migration on the campaign towards GBV in South African. In many cultures, men's violence against women considered acceptable within certain settings or situations this social acceptability of violence makes it particularly challenging to address GBV effectively. In South Africa particularly, GBV transfuses the political, economic and social structures of society. According to Chirwa (2022), mentioned that in (2020), a census in South Africa showed the country plays home to about 87 000 Malawians; also Mbelwa District Council reported that at least 25 Malawians aged 15 to 25 in Mzimba process travel documents every day to trek to South Africa. Their southward trips personify an escape from the country's massive youth unemployment. The International Labour Organisation of the United Nations reported that, one in four Malawians aged 18 to 35 seek

employment, but find none. However, the march to South Africa has left women and girls suffering in silence at the hands of some migrants. Chirwa (2022) further stated that the King Makosi M'Mbelwa mentioned that gender-based violence (GBV) fuelled by migration remains a huge multi-faced problem in his kingdom as some of the youth only return when they die. He has mentioned that their youthful citizens migrate to South Africa, but most of them return as dead bodies in his calling for fair treatment of women and children left behind. There was also a phenomenon, which required diverse solutions, including job creation and access to business loans to nip the rising migration in its sprout. During their cultural festival at the foot of Hora Mountain in Mzimba called for the campaign against irregular migration and human trafficking. Even their women's Forum has made a plight fight against migration-related practices fuelling GBV in the vast district.

## **Existing Gaps in The International and Local Research on GBV, Which Perpetrates to Migration**

According to the UniSAFE (2021), Gender-based violence in the workplace is still under-researched, currently it has been principally sightseen in the domestic environment, in the form of domestic violence or intimate partner violence. The Eurobarometer study of data from 2016 shown that the vast majority of the population in Europe perceived the household as the main context in which gender-based violence may arise. Indeed, according to the survey, 86% of Europeans believed that violence against women is more likely to occur at their respective residential places.

According to The Conservation (2022) South Africa has notoriously high levels of violence against women. The latest police figures show that 10,818 rape cases were reported in the first quarter of 2022. The country has among the highest rape incidence in the world. On how can gender-based violence in the country be reduced, Louise du Toit, a Stellenbosch University theorist, considered four elucidations that are often offered. Although it has been found important to start by understanding the causes of gender-based violence – with a focus on sexual violence – globally and in South Africa. The past perpetrator violence, social and economic exclusion, injured masculinity or patriarchal politics (reaction to women gaining rights) as well as the violence that is a condition of human existence (ontological violence) has never been left out.

## ***Literature Review***

A literature review is an essential feature of academic research. Fundamentally, knowledge advancement must be built on existing work (Xiao & Watson, 2017). The literature review establishes the foundation of academic inquiries and reviewing relevant literature helps to understand the breadth and depth of the existing body of work, and also to identify gaps to explore. This passage will cover an overview of the provision and challenges of the effect of Migration on the Campaign towards Gender Based Violence in South Africa, by looking at scholarly work in one or two countries.

## **Namibian Context**

According Sonke Gender Justice (2021) MenEngage Namibia, as a national network of organisations working with men and boys to end Sexual and Gender-Based Violence (SGBV) – which is part of the global MenEngage Network – is expressing its support and solidarity with the then protests against SGBV in Namibia. There was a concern about the rising number of SGBV cases, affecting children, women and men of all ages, that was when the Namibian government's responded in that regard. In addition, there was a strong need observed for consistency and inclusivity in Government's

response and for stakeholders across all sectors to also address underlying root causes. In some of their underlying root causes were patriarchal traditions, harmful gender norms, unresolved individual and collective trauma, as well as violence as an automated and learned response to conflict. The latter has therefore become clearly visible in how uniformed forces responded with excessive force against loud and angry, but overall peaceful protesters. The call was for the Namibian Government to be inclusive and consistent in its response to SGBV, and appalled to hear that Namibia intends to not renew its signature to the East and Southern Africa Ministerial Commitment on Comprehensive Sexual Education (CSE), which would reverse previous successes made in preventing SGBV.

Given Namibia's identity as secular state, it was of utmost importance that religious and cultural norms do not obstruct the local and international commitments made to ensure the rights and well-being of Namibian adolescents and youth. It was discovered that in meaningfully engaging young people in open and inclusive ways on issues of sexuality, consent and healthy relationship through CSE was a proven way of preventing SGBV all over the world and also in Namibia. Therefore, that has been established and reaffirmed through the work done by the Ministry of Education, Arts and Culture, the Office of the First Lady of Namibia and a growing number of Namibian Civil Society Organisations that were active in that arena. It was plentifully clear that there were not going to be possible to overcome the challenge of sexual and gender-based violence by responding with violence or exclusion in return. Instead, there was a provision in every Namibian with sufficient knowledge, skills and resources to support victims and to deal with perpetrators in appropriate manners to end the harmful and dangerous cycle of violence in the country.

Additionally, women and girls face specific vulnerabilities in forced migration including sexual and gender-based violence (SGBV). The exact proportion of forced migrants experiencing SGBV is unknown but thought to exceed 50%. Men, boys and LGBTQIA+ people can also be victims.

## **European Context**

Factors contributing to GBV include sexual cleansing rituals, initiation ceremonies, women's financial dependence on men, socialization of boys and girls at home and in school, inadequate laws on GBV and domestic violence, as well a lack of law enforcement on intimate partner violence (DHS, 2007).

Migration can lead to a greater degree of economic and/or social autonomy for women, and the opportunity to challenge traditional or restrictive gender roles. Through migration, both men and women may develop skills or earn higher wages, some of which they can send back to their country of origin as remittances. The Centre for Migration Gender and Justice (2020) state that European Union wide survey on minorities and discrimination, first and second-generation migrants from North Africa reported the highest rates of harassment. Findings from the study suggest that migrant women's experiences of violence and harassment were frequently perpetrated by someone they know, making reporting difficult. This is evidenced in the limited number of women that reported incidents to the police as they feared further violence or retaliation (Fundamental Rights Agency 2016).

It has been noticed that, these according to Oliveira et al. (2018) varied forms of GBV also occur in reception facilities. For example, found that across European asylum welcome services (EARF) in eight countries (Belgium, Ireland, Malta, Greece, Hungary, Portugal, Netherland and Spain), female residents (asylum-seekers) are at risk of GBV. Female residents reported cases of physical violence, psychological violence, as well as socio-economic and sexual violence. As part of the study, respondents were also asked about the assumed causes of the reported violence. It has also been noted that, female residents were the main causes included, in the events or happenings. They were apparently asked if that,

the violence could have been prevented. Only around seventy four percent of all respondents (including professionals working the facilities) believed so.

In Continuation of the research, the respondents has suggested to offer proposals to prevent GBV in the future, which has possibly included the improvements in asylum procedures – even though it was taken to consideration that could not be an overnight decision, it has to follow the processes and amendments procedures. However, the European Commission (2021) has stated that the amendments to the existed GBV intervention measures, increased staff and communication training as well as intercultural awareness. They have also pointed out that, COVID-19 pandemic have not spared them as it has also being noticed that, it has also exacerbated risks of GBV in the context of migration. Phillimore et al. (2021), has attested by establishing that, the interacting forms of structural violence have been intensified. Never the less that the survivors of Gender Based Violence have been confronted with the increased precarity due to state abandonment (founded on migration eminence, for instance), thereby intensifying survivors' psychological distress alongside increased physical harm. Undeniably, developing investigation shows that quarantine orders have led to increased GBV, especially domestic fierceness this has been found by the (UN Women, 2021). Likewise, the United Nations (UN) has warned of the uneven representation of migrant women in crucial, though low-paid, precarious labour. Employment in these sectors has placed migrant women at risk of intersecting forms of discrimination as well as violence and harassment (UN Women, 2020).

### **Gender-Based Violence in the Context of Migration**

Completely the way over cross-border travels of individuals, femininity is a significant influence, it potency define sources and concerns of immigration, influence on refuge processes, and be a crucial component in social privileges harms. Intercontinental, local and nationwide regulations safeguard females and daughters, males and boy-children, after viciousness and fissures of their social privileges (Olamide, 2020). According to Global Campus of Human Rights (2022), immigrants particularly females and teenagers, moving and overpass boundaries frequently originates with high threats like bodily hurt, voluptuous and gender-based viciousness (GBV), psychosocial distress and manipulation, as well as trading. Addressing the root causes of forced and economic migration and ensuring that human rights are protected throughout the whole process are essential steps towards a stronger recognition of equal dignity for all.

According to Chirwa (2022) and other scholars the abandoned women suffer psychologically as they have to deal with heartbreaks. They are also subjected to financial abuse, as most of the men do not send any support. The United Nations reports that at least one in three women experience GBV in their lifetime and less than two in every five who experience violence seek help. In some African Countries, abused women in their respect areas do not report abuse, be it in form of emotional, physical even social.

According to Lockhart (2017), survivors experience a range of physical and psychosocial effects, including injury, sexually transmitted diseases, depression, post-traumatic stress disorder, social stigma, rejection, and isolation. Apparently, gender violence is not rare among female migrants, individual cases of trauma and experiences accessing support vary considerably men migrate for labour, and women join them later as dependents. However, Kofman provides the three different stages of gender breakdown to the labour market in destination countries, women's participation in migration decision-making, and women's autonomous migration with the examples from Europe.

The Nation (2022) has mentioned that, according to the Gender activist Pamela Kuwali, from Action Aid Malawi women's economic empowerment is essential to achieving gender equality and

addressing barriers that restrict women's ability to break the cycle of violence. In addition, she has alluded that creating livelihood opportunities for women not only enables them to have an equal opportunity to participate at all levels of society, but also serves to protect women and girls from violence by eliminating economic vulnerability

### **Vulnerability of migration to GBV**

According to the International Organisation of Migration (IOM) 2022, an increasing number of women are migrating independently from Central America and the Caribbean. Women represent 58.9 per cent of migrants from Caribbean countries and 50.3 percent from Central America. Moving abroad offers a range of potential opportunities and challenges, which are impacted by a person's gender in complex and multifaceted ways. Gender and migration are intersecting factors that mutually affect each other. Migration can have positive and negative effects on migrants depending on their individual characteristics and conditions. Likewise, an individual's gender influences their experience of migration, including the risks and vulnerabilities involved in their journey. Although in some instances, migration has the potential to create positive outcomes and contribute to women's empowerment. It can open opportunities for higher income, asset ownership, self-esteem, decision-making power and new autonomy. On the other hand, gender and migration can intersect to produce negative outcomes, such as multiple forms of discrimination, exploitation, and stigmatization. Migration may also offer women and girls an opportunity to escape situations of gender-based violence in their countries of origin.

Not farfetched, according to Mutambara (2018), in some of their findings revealed that most of the women in Zimbabwean Context, migrated to South Africa experienced xenophobic attacks and in some instances, it was spiked with gender-based violence attacks due to their identity as migrant and female. Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It may be physical, sexual, emotional, verbal, financial and/or psychological. It can occur in public or in private and individuals of all genders can be victims. It disproportionately affects women, girls, and those of diverse gender identity or diverse sexual orientation (LGBTQI) persons because of underlying gender inequalities. Worldwide, an estimated one in three women will experience physical or sexual abuse in her lifetime. GBV can be a factor that drives migration from countries of origin. According to a report by Support Kind (2018), GBV perpetrated by family members, gangs and drug traffickers forces many women, girls, and LGBTQI individuals to leave their individual countries. GBV, particularly sexual violence, is used to maintain control over territories and populations, as gang members punish women, girls and their families for not complying with their demands. An average of less than 10 percent of GBV cases in the region result in convictions. As they are unable to gain protection in their countries, many women, girls and LGBTQI individuals migrate in search of safer living conditions. Unsafe or irregular migration routes increase the risks of GBV, including human trafficking.

Human traffickers disproportionately target migrant women, girls and LGBTQI individuals. According to the Trafficking in Persons Report (2019), traffickers target migrant women, particularly from in some specific area. In Costa Rica, LGBTQI persons, particularly transgender Costa Ricans, are vulnerable to sex traffickers. Women and girls from Nicaragua, the Dominican Republic, and other Latin American countries have been identified in Costa Rica as victims of sex trafficking and domestic servitude.

## **Adoption of New Laws of GBV in SA**

According to Eyewitness News (2022), South Africa, amongst other countries, is upfront with the policies and legislations implementation. South African President has signed into law three anti-gender-based violence bills that were to afford victims of GBV more protection. New changes were among others to allow victims to make online protection order applications without being present in court.

According to the Department of Justice and constitutional Development Republic of South Africa (2022), the amendment bills signed into law were the Criminal and Related Matters Amendment Bill, Criminal Law (Sexual Offences and Related Matters) Amendment Bill and the Domestic Violence Amendment Bill. The outstanding key change in the legislation was to protect women, that protection order applications could be submitted in twenty-four hours a day. Victims also do not have to present in court when a magistrate grants an interim protection order. The Criminal Procedure Amendment Bill will further regulate the publication of information, which reveals or may reveal the identity of an accused, a witness or person against whom an offence has allegedly been committed who is under the age of eighteen years. The deviations to the Unlawful Law (Sexual Crimes and Associated Stuff) Adjustment Piece has extend the realm of the transgression of incest and make known to a new crime of sexual terrorisation. It also makes provision particulars of persons convicted of sexual offences to be made publicly available.

South African president Cyril Ramaposa in The Presidency (2018) has signed into law legislation aimed at strengthening efforts to end gender-based violence, with a victim-centred focus on combating the inhuman pandemic. The President has asserted to, the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill; the Criminal and Related Matters Amendment Bill, as well as the Domestic Violence Amendment Bill. The enacted legislation was deliverable from the National Strategic Plan of Gender-based Violence and Femicide, which was called for at the November 2018 Presidential Summit against Gender-Based Violence and Femicide (GBVF). Although these three amendment bills has come into effect, it has shown the Government's seriousness on provision for stricter laws to prevent GBV. Apart from legislative changes, South Africans are strongly encouraged to work together to protect women and children against GBV. The prevalence of GBV, in South Africa has been found between 25% and 40% of South African women, whom have experienced sexual and as well as the physical IPV in their lifetime just under 50% of women report having ever experienced emotional or economic abuse at the hands of their intimate partners in their lifetime. Monitoring and Evaluation (M&E) is important in this study to pattern the application of the GBV, act/bill in South Africa, due to its prevalence. In many cultures, men's violence against women is being considered acceptable within certain settings or situations - this social acceptability of violence makes it particularly challenging to address GBV effectively. In South Africa in particular, GBV pervades the political, economic and social structures of society.

## ***Research Methodology***

### **Data collection**

The investigator established eight custom-made semi-structured interview guides for the eight respondents, based on an inclusive topical guide arranged for the GBV Campaign and Migrants in Limpopo, from different neighbouring countries.

## **Data Analysis**

The researcher opted for a qualitative research design, which involved semi-structured interviews conducted with eight participants. The rationale of choosing the qualitative research, it is because according to Mishra (2019) it is very important in educational research as it addresses the “how” and “why” research questions and enables deeper understanding of experiences, phenomena, and context. Qualitative research allows one to ask questions that cannot be easily put into numbers to understand human experience. This methodology intricate the importance of the investigators’ partiality and reflexivity, comprising of six phase process. The reflexive thematic coding and analysis technique first intricate interpretation through all the transcribed scripts to help with associate. The subsequent procedure elaborate coding the text. This involved conveying words and expressions to masses of the documented data which permitted the investigator to categorise, decrease and filter the content of the textual data. The coding process involved was iterative, involving revisions, reorganization of codes and relating coded interview data to the key questions that were asked during the data collection process. The ensuing phase intricate scrutinising the data using the thematic analysis method. This method intricate classifying and alliance carefully linked codes, jargons, notions, and arrangements which arisen from the qualitative data. This permitted the investigator to descend the key themes for examination and compose.

The participants were from in and around Limpopo Province and the ones migrated from neighbouring countries around the Limpopo Province borders, reason being it was simple since the researcher is located in Polokwane, Limpopo Province. This was to avoid the data to be unmanageable, also to fulfil the reason for research. Since it is that, the research can only be researched if there was a problem observed. Therefore, in this study, the researcher has observed a lot of migration and gender based violence around the area. (Due to the sensitivity of this research – the research ethics had to be realised and adhered to, i.e. Consent that interviews were voluntarily, confidentiality will be of high standard and no specific answers will be attached to the particular respondent or shared with other respondents). The rationale of choosing the qualitative research, it is because it is very important in educational research as it addresses the “how” and “why” research questions and enables deeper understanding of experiences, phenomena, and context. Qualitative research allows one to ask questions that cannot be easily put into numbers to understand human experience.

## **Research Ethics**

World Health Organization (WHO) (2016), State that research ethics govern the standards of conduct for scientific researchers. It is important to adhere to ethical principles in order to protect the dignity, rights and welfare of research participants. As such, all research involving human beings should be reviewed by an ethics committee to ensure that the appropriate ethical standards are being upheld. Discussion of the ethical principles of beneficence, justice and autonomy are central to ethical review.

Therefore, the five principles for research ethics were adhered to by:

- Having discussed intellectual property frankly.
- Being conscious of multiple roles,
- Following the informed-consent rules,
- Respecting confidentiality and privacy as well as the
- Tapping into ethics resources.

Finally the (POPIA) has been adhered to, the Protection of Personal Information Act (POPI Act) is a new Act which governs the way in which you handle the personal information (such as names, email address, physical addresses) that you collect from others. POPI Act compliance, also known as POPIA compliance or Protection of Personal Information Act compliance, involves bringing your organisation into alignment with the POPI Act by implementing the correct workplace policies, processes and procedures. No matter the size of your organisation, all organisations need to become POPI Act compliant.

### ***Findings and Recommendations***

Amongst other respondents, whereby the question was, if they do report the gender base violence or why they did not report – It was established that some are scared of the perpetrators; some have mentioned that they were scared that they were going to suffer (disowned).

In terms of the woman migrants, have found out that, they are sexually abused in return for them to cross the boarder- also in case of the illegal migration.

The South African law cannot be able to protect them because they are in the country illegal, also unable to report the abuse.

However, during their journey, some migrants face situations where they are more vulnerable to violence. Numerous factors influence a person's risks and vulnerabilities throughout their migration journey. Alongside gender, a key factor is whether the migration route is safe and regular. At their destination and for those who return to their countries of origin, other intersecting factors, including a migrants' financial insecurity, awareness of their legal rights, and language abilities influence their vulnerability to GBV.

Gender norms and unequal power relationships are the root causes of GBV against women and girls as well as men and boys and those of diverse gender identities. Perpetrators seek to exploit inequalities in order to exert power, coerce and deceive their victims. Recognizing these causes is central to developing effective interventions.

One of the strategies put forward by the Global Compact on Migration (GCM) addresses both gender inequalities and GBV through national labour laws, employment policies and programmes. This approach recognizes the independence, agency and leadership of women and seeks to reduce their vulnerability by increasing their access to labour markets. According to the GCM, countries must ensure that the human rights of women, men, girls and boys are respected at all stages of migration, that their specific needs are properly understood and addressed and that they are empowered as agents of change. These initiatives should be complemented by measures that support victims and ensure the effective prosecution of crimes.

A human rights-based and gender-responsive to migration, governance is crucial for reducing GBV. Ensuring that the lives of all migrants are protected, and they have access to justice reduces their vulnerabilities and alters the culture of impunity in which perpetrators believe they will not face punishment.

GBV can cause short, medium and long-term physical and mental health consequences for survivors. Understanding how gender intersects with migration and addressing the root causes of GBV will create greater equality and human dignity throughout the region.



In South Africa, already there is a shortage of employment, at all levels or types of employment. It is still difficult to can recommend that the government can be able to afford the migrants, while it is still having their own challenges based on the employment and gender based violence control.

In conclusion, South Africa will have to put in place its mergers to can be able to have a control on the gender based violence, also include the migrants as they are also human and not by choice to have migrated in the country.

### ***Conclusion***

The aim of the study was to evaluate the effect of migration on the campaign towards GBV in South African. President, Cyril Ramaphosa assented to laws that strengthen fight against Gender- Based Violence. To realise the study, qualitative research method has been employed, through the interviews to evaluate the in-depth effect of migration on the campaign of GBV in SA, eight participant were interviewed. The thematic analysis was also use to transcribe all the interviews fully, to arrive at the meaningful responses by reflexive coding as well as the analytic technique. Findings has shown that amongst other issues, the victims could not report the abuse, since in most cases they were scared that they were going to be disowned (maintenance and financial support in general), also since some were illegal in the country, they could face the deportation even worse being arrested for being illegal in SA.

The researcher has established that the policies, bills of act as well as laws towards the GBV Campaign were very well indorsed, however the is still a problem with the forces behind the GBV and immigration which in turn the policies cannot be well adhered to. In South Africa and neighbouring countries there's shortage of employment, therefore it makes it difficult to manage such initiatives.

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