

South African NGO Shadow Report

Responding to the combined 2nd, 3rd and 4th Periodic Report of the Government of South Africa &

**Providing alternative information on the SA
Government's implementation of the Convention on
the Elimination of All Forms of Discrimination against
Women (CEDAW)**

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Executive Summary

South Africa has one of the most progressive constitutions in the world in which equality of all citizens is guaranteed. The country has ratified and signed a vast range of regional and international human rights instruments which include but are not limited to the Convention on the Elimination of all Forms of Discrimination against Women, the Beijing Platform for Action. The SADC Declaration on Gender and Development, The Africa Charter on Women and People's Rights, the Maputo Declaration on Sexual and Reproductive Health and Rights and others.

The South African constitution goes a long way in providing the mechanism for de jure equality for women. It does not contain a definition on discrimination as required by the CEDAW convention which was a recommendation made to the State when they made their first periodic report to the CEDAW committee in 1998.

The State has established an extensive human rights framework including an impressive National Gender Machinery (NGM) which is mandated to ensure that the principles of the CEDAW convention are entrenched. The principles of Equality, Non Discrimination and State Accountability are the guiding principles for South Africa's strategies to end all forms of discrimination against women and to advance the rights of women and girls in the country.

The State has taken measures to domesticate CEDAW and an extensive law reform process was undertaken since the ratification of CEDAW. This has ensured that most of the State's laws and policies provide de jure equality for women in relation to men. Over time and with implementation of the laws and policies, it has become evident that some laws and policies are either neutral or that some of them in fact discriminate against women and girls and require reviewing and change. An example is the Customary Marriages Act and the Sexual Offences Bill.

A recent case where a young woman of 15 years old reported a rape in a school yard, and who changed her story after the police investigation, found herself arrested for "having sex with a minor". The boys she first alleged raped her were 14 and 16 years old.

The State has effected "special temporary measures" as required by the Convention Article 2 to address the disparities that exist between men and women and it has put a monitoring system in place to measure the effects of these temporary special measures. The progress in this regard have been small and some of the special temporary measures have benefited women previously advantaged by apartheid rather than those disadvantaged by apartheid. This points to the fact that a stronger gender analysis is required to re frame to temporary special measures so that they do yield better results for the women most affected.

A community research initiative was undertaken to garner information from women at community level as to how the State was progressing in terms of ending discrimination.

Seven provinces out of nine were visited and three focus group discussions were held in each with different groups of women from a wide range of NGO's. Some key informant interviews were conducted for more information on the formal mechanisms and arrangements of the State with regard to effecting de jure equality.

More than a decade after ratifying CEDAW and working to bring about substantive equality and working to eliminate all forms of discrimination against women and girls in South Africa. The community research undertaken for this report reveal that while some women have gained a measure of equality with men and while some women no longer experience serious discrimination, the majority of women are mired in poverty, face untold discrimination in the family, the workplace, communities and society as a whole. This discrimination is manifested in numerous ways but the most critical across the country was violence against women and girls. Exceedingly high levels of domestic violence, rape, incest, sexual harassment and femicide frame the lives of women and girls in this country so that too few women are benefitting from the States mechanisms and strategies to bring about de facto equality.

Stereotypical views of women being subservient to men dominate society's view of women and influence all attitudes and behaviours of men and women. The media is complicit in entrenching the low status of women through adverts and story lines that are demeaning to women and which glorify the commodification of women's bodies. The media has yet to be held to account for failing to contribute to the eradication of discrimination against women.

The State has to be urged to review their domestication of CEDAW by studying the General Recommendations 19, 21, 24, 23, 26, 27 as well as the Convention on the Rights of the Child, Beijing Platform for Action, the International Covenant on Populations Development and Security Resolution 1325 and 1860 to gain a stronger understanding of how to better end all forms of violence against women and girls in South Africa.

Women's poverty has increased since the dawning of democracy in the country but absolute poverty has decreased as a result of the extensive work of the State. A huge social grant system was effected and some 12 million people in the country, mainly women benefit from this State support mechanism.

Special temporary measures have included a quote system for all State initiatives and programmes. This has created the opportunity for women to benefit. It has not resulted in the de facto benefits for women. The greatest achievement has however been in the area of women in decision-making where currently women make up more almost 50% of MP's and hold down senior positions in all spheres of government. These gains have not translated to the same benefits in other areas of public and private spheres.

The community research as well as some focus groups discussions with women in government reveal that while they occupy senior positions and have are contributing to decision making processes in seemingly significant ways, they continue to face enormous obstacles to their full inclusion in their full

realisation of their rights. Much work has to be done to route our corruption which includes women been asked to provide sexual favours for jobs or women's needs not been met in those spaces. The special needs with regard to disproportionate family obligations is one contentious issue that some said cause grave concern for women in decision-making positions.

The community research has revealed that men have learned how to manipulate the system often fronting women to gain access to opportunities then ensuring that they in fact do not reap those benefits. This is made possible by the fact that men enjoy male privileges which are upheld by all of society, including women.

In essence, the State has made strong efforts to effect the full realisation of women's human rights are required by articles 1 and 3. A great effort has been made to ensure women's rights de jure equality before the law as required by article 2a.

The challenges to de facto equality and the full realisation of women's rights comes in addressing historical discrimination (article 4 (1)) addressing discriminatory customary and traditional practises (articles 2(f) and 5, addressing stereotypical roles of women and men as discussed in the preamble to CEDAW (paragraphs 12 & 13) and Articles 5 (a) and 5 (b).

Article 5 requires the State to take all possible measure to modify the cultural norms, patterns and behaviours of communities through extensive educational programmes for families and communities. This area of implementation is weak. There is a concerted effort to "preserve" culture and tradition and this is done at the expense of substantive equality for women. A proposed Traditional Courts Bill will entrench Tribal Authority and thus entrench the power differentials at community level and it is set to adversely affect rural women. An initial review of this proposed bill highlights serious discrepancies to the CEDAW convention and the three principles of substantive equality, non discrimination and State accountability.

Article 6 calls on State parties to address the issue of trafficking and sexual exploitation of women. South Africa has undertaken an extensive consultation on the issue of trafficking and a white paper has been drafted and disseminated for discussion and input throughout the country. The State has to be urged to consider the rights of women and girls when finalising the legislations that is urgently require to address the growing phenomenon of trafficking.

The State must consider the rights of women and girls who are in prostitution and with immediate effect decriminalise women who are engaged in prostitution. It is not proposed that men are decriminalised because this will in effect sanction the commodification of women's bodies and entrench inequality. Only a few women choose prostitution as a form of work in South Africa, the majority of women who are prostituted do so from a place of vulnerability and are forced by circumstances into what they called "degrading and humiliating" activity.

Some women interviewed in the community research spoke about wanting to “get out” if they could but with no means to support their children, their families and themselves, they did not have a choice. Choice for the majority of women who are being prostituted is not free.

The State has made good progress in the areas of education for women. The areas requiring much focus for discriminatory policies and practises are employment with regard to access to male dominated industries. Some progress has been made but more is required and the monitoring and evaluation of special measures must be improved. Remuneration disparities continue to exist and benefits are still denied to a vast majority of women through the casualization of labour. Universal access to health care is required to stem maternal and infant mortality and to reduce the levels of STI infections including HIV/AIDS. Sexual and Reproductive Health and Rights are routinely denied women because of their low status in the family and society, culture and tradition and religion and through the stereotypical and traditional views of women and motherhood.

Furthermore, while the State has effected some forms of monitoring and evaluation of its mechanisms as stipulated in article 2 to ensure substantive equality for women on a basis with men, the monitoring systems are not strong enough.

Article 14 provides the State with a very clear mandate on the measure required to address the needs and concerns of rural women.

Harmful cultural and traditional and religious practises mar the lives of rural women increasing their vulnerability to poverty, violence and other forms of oppressions and discrimination. Much more is required of the State to ensure substantive equality for rural women.

Former President Nelson Mandela made a commitment to the women of South Africa which, now more than ever, the current government need to honour

“It is vitally important that all structures of government, including the President himself, should understand this fully. That freedom cannot be achieved unless women have been emancipated from all forms of oppression. All of us must take this on board, that the objectives of the Reconstruction and Development Programme (RDP) will not have been realised unless we see in the visible and practical terms that the condition of women of our country has radically changed for the better, and that they have been empowered to intervene in all aspects of life as equals with any member of society”.

*President Nelson Mandela
1994*

1. Shadow report Development

1.1 Process of developing this report

Those involved in the development of this NGO shadow report were involved in the development and writing of the first NGO shadow report submitted by Masimanyane Women's Support Centre and its alliance partners at the time. This prior engagement with the shadow reporting process enhanced the current report as it was built on the knowledge and experience they have gained over the past 13 years of working to end violence against women and to advance women's rights in South Africa.

Masimanyane Women's Support Centre took the lead in the process of developing this shadow report. They were existing partners with International Women's Rights Action Watch Asia Pacific (IWRAP) and called upon this renowned group of experts on the CEDAW convention to support the South African initiative.

The process began with Masimanyane Women's Support Centre developing a concept note which it shared with groups in South Africa that it already had a partnership with and with IWRAP Asia Pacific. All parties assisted with the design of the shadow report writing process.

Five teams were established to engage in the data collection process. The teams were mainly made up of women from previously disadvantaged groups under the apartheid government who understood the deprivation of communities and who could better assess the progress made under the new democratic government. All of them are currently in management positions in their organisations or field workers of considerable experience. There was only one man who contributed to the field work with another providing technical input to the research process. The team selection facilitated language access except in one province where translation had to be provided.

South Africa has 9 provinces and after some discussion, 7 of the 9 provinces were chosen to be included in the information gathering process. The provinces included in the study were Gauteng, Limpopo, Free State, Western Cape, Eastern Cape, Kwa Zulu Natal and Northern Cape. It was decided to hold at least 2 focus group discussions in each province and to try to conduct some key informant interviews to enhance the information gained.

A literature review was done and relevant research reports were sourced to provide a strong evidence base. Statistics available in each province were gained from the relevant government departments together with other relevant reports from those departments.

A questionnaire was developed to guide focus group discussions. Masimanyane contacted its alliance partners in the 7 identified provinces and requested them to set up the focus group discussions. This process made it possible for some 87 organisations to input into the shadow process and some 1211 people provided information for the report. There was wide interest in the process.

A national training workshop on CEDAW and the development of a shadow report was held and representatives from 9 provinces attended. The purpose of the workshop was to create a greater understanding of the convention and to teach women's groups about the principles of equality, non discrimination and state accountability. The workshop was facilitated by International Women's Rights Action Watch Asia Pacific

The actual field research was undertaken over a two month period.

1.2 The Research experience

The research teams were overwhelmed by the dire state of women and girls in all provinces in the country. Some required counselling after the stories they heard and the experiences they encountered. This shadow report provides evidence from the lived realities of women and girls across the country and points to extreme levels of deprivation, oppression and discrimination much of which is expressed in high levels of poverty and unemployment, extremely high levels of maternal mortality, harmful cultural and religious and traditional practises and various forms of violence against women and girls. The majority of respondents who participated in the focus group discussions said that their overwhelming concern for women and girls is violence against women or, at the very least, the threat of such violence.

This alternative report is thus the work of a number of organisations who worked together to bring information from 7 provinces into this process so that it carries a broad consensus as well as giving sound geographical representation. Most of the organisations who were involved have worked on advancing women's rights for as much as 2 decades.

This alternative report on the status of South Africa takes the principles and values of the Cedaw convention as its point of departure and will apply the provisions of the Cedaw convention to reflect on whether women are enjoying their full human rights and whether they are living free of all forms of discrimination against them.

The report also takes a retrospective look at the previous NGO Shadow report and considers the steps that the State has taken to address some of the concerns raised in that report. It also examines the current gaps and it puts forward some recommendations in this regard.

This alternative report by no means attempts to address all aspects of discrimination against women and girls in South Africa but uses the experience gained from a number of organisations to provide alternative information on the quality of life and status of women and girls in 2010.

2. Current contextual situation

2.1 The State's response to CEDAW in South Africa

The Convention on the elimination of all forms of discrimination against notes in its preamble the following:

....."that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural lies of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity".

Article 1 provides the following definition of discrimination by asserting that *...."discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field"*

CEDAW requires States who have ratified the convention to comply with the provisions of the convention. The SA State has made considerable efforts to meet the requirements of Article 3 which calls on it " *to take appropriate measures through its legislation to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men"*.

The state has done this by entrenching the principles of human rights in the constitution and enshrined the principles of equality between men and women.

A national gender policy was developed to guide the implementation of CEDAW, the Beijing Platform for Action and other women's rights instruments.

Under Chapter Nine of the South African constitution, the State has put extensive gender machinery in place to address gender equality. The most significant to date has been the Commission on Gender Equality, the Office on the Status of Women recently replaced by the Ministry of Women, Children and People with Disabilities.

The Office on the Status of Women was first established but was replaced in 2009 by a Ministry for Women. Children and People with Disabilities. The South African Human Rights Commission was established to oversee the full implementation of human rights principle and values and to monitor all institutions, both government and civil society in this regard. A Parliamentary Committee known as the Joint Monitoring Committee on the Improvement in the Quality of Life and Status of Women (JMC) is also in place.

Established first as an ad hoc committee in 1996, it is now a full committee made up of both members of the National Assembly and the National Council of Provinces. The committee's main function was to monitor and evaluation the progress made by the State with respect to implementation of the Beijing Platform for Action, CEDAW and all other national, regional and international instrument.

Under the leadership of former MP Pregs Govender, the committee undertook consultations with NGO's and other civil society institutions a bout key legislation and policies. There are real engagement with key stakeholders which served to strengthen the initiatives to advance gender equality.

Initially the JMC played an important role in establishing the Gender Budgeting initiative which saw this committee making inputs into the national budgeting process and attempting to engender that process. This initiative has weakened considerably since Govender has left parliament

Other human rights mechanisms that impact on women include:

- Commission on Human Rights
- The Public Protector,
- An Independent Complaints Directorate to which complaints against any police personnel can be made, as well as

The Constitutional Court is the highest court of appeal and looks at violations of human rights from a judicial perspective. The Constitutional Court has used CEDAW extensively in reviewing cases regarding women's rights and it has requested that legislation be reviewe4d or drafted that embodies the principles and spirit of CEDAW

South Africa has also established equality courts which was a recommendation from the CEDAW committee when South Africa made its first periodic report.

The State report to CEDAW provides extensive information in on its human rights framework and mechanisms.

This report acknowledges that the State has put numerous policies and programmes have been put in place by the state which attempt to guarantee women's human rights. This includes an electoral system used by the majority ruling party, the African National Congress which insists that women make up 50% of all elected officials across all tiers of government. The Commission on Gender Equality was established to ensure that civil society is positively engaged in the advancement of women's rights and that the rights of women are not violated through any social institutions.

The various Chapter Nine institutions who make up the national gender machinery have developed their understanding of their roles and responsibilities over time and some really good progress has been made. They have litigated on behalf of women and some landmark decisions were made through the initiatives of the Commission on Gender Equality which has contributed to the advancement of women's rights in the country.

Many other institutions in the country are being transformed and some achievements in this regard are noted. There has been some training and capacity building initiatives aimed at State actors including the courts, the police services, the military, health workers etc. There is however much that still needs to be done to transform the attitudes and behaviours towards women and to change the stereotypical images of women.

The State must also be commended for putting extensive “temporary measures aimed at accelerating de facto equality between men and women” in place as required by article 4 of the convention. This includes an affirmative action programme, balanced scored cards for business and an impressive electoral process which ensures the equal participation of women. The temporary special measures have been extensive and have yielded some positive results.

2.2 Population information

Statistics South Africa (Stats SA) estimates the 2010 mid-year population of South Africa to be 49,99 million. 51% of the population is female. 31% of the female population is 15 years and younger, while 7.6% is over 60 years of age.

2.3 Health

Life expectancy at birth is estimated at 53,3 years for males and 55,2 years for females. The infant mortality rate is estimated at 46,9 per 1 000 live births. Maternal mortality is 625 per 100 000 live births, amongst the highest on the African continent and the world.

From 1992 to 2003 life expectancy was reduced by 12 years in females and 14 years in males, a reduction that is mainly attributed to the HIV and AIDS epidemic.

The State acknowledges that the health care system is flawed due to numerous factors including a brain drain, only 40 000 doctors to serve the population of 49 million, loss of health care workers to HIV/AIDS related deaths, poor capacity, a very heavy disease burden due to HIV/AIDS, privatization of health care as well as shortages of equipment and drugs. These are some of the challenges that the State faces in facilitating access to health care.

The people suffering the most are those living in rural communities. Poor women are particularly affected by long distances to clinics and associated transport costs since they generally have lower salaries, are more frequently unemployed and have less access to transport than men. Because of a strong patriarchal system, the ability of women to engage in decision making about their own health is a further inhibitor to them accessing health care. This was confirmed by the community research undertaken for this report.

While the State has increased the number of mobile community clinics and services, not all communities are serviced and many have limited to no access to such support.

South African women have relatively good access to fertility control services and antenatal care. For 92% of the births in the period 2000-2006 there was a skilled attendant at delivery. However, the national figures hide deep inequalities. For example over 40% of very poor women in the rural Eastern Cape, one of the poorest provinces in the country, give birth at home without skilled attendance. Maternal mortality rates are alarmingly high and of grave concern to the state and communities.

The exact contribution of HIV and AIDS to maternal mortality is not known but HIV infection in pregnancy increases the risk of obstetric complications. Moreover, in 1998 more than 90% of South African women dying during pregnancy or birth were dying in hospitals. Studies and reports on the causes of maternal mortality are lacking. Maternal death is also still not considered a matter of human rights despite the government's emphasis on women's rights. It is poor women, especially rural women who have low status in their families and communities who succumb to maternal deaths. The States ratification of numerous human rights instruments such as the Maputo Protocol on Sexual Reproductive Health and Rights (SRHR) has not led to better access to health care for women indicating that a better analysis is required and different strategies must be identified to reduce the current high levels of maternal deaths.

The field research revealed that communities are struggle to access health care. Many are too far away from health facilities. Many health facilities are poorly resourced having no doctors or limited access to doctors. Some doctors work for a few hours and leave with patients still waiting to be attended to. The following is an input about access to health that came for the community research.

“There are no adequate services: people are chased away from hospitals to clinics if they do not have a referral letter. The clinics do not have facilities and medication.

In terms of contraceptives, female condoms are not available unless one person goes to a pharmacy. When a person has a Pap smear taken, the results are not issued. There are areas that health facilities are inaccessible to the communities and they cannot afford the transport needed to travel.

Other areas are serviced by mobile clinics that go to the sites once a week. Some clinics are said to be working 24hours and other areas do not have any health facilities such as hospitals or clinics.

Farms do not have accessibility to health services and farm workers especially women do not get information on health issues.

Teenage pregnancy and HIV is alarmingly high as there is a lack of accessibility to contraceptives and female condoms are not available at all.

Backstreet abortions are very common in Limpopo and are done by Nigerians who do not assist you with the complications of abortions. Some of the reasons why young people who opt for abortions by Nigerian's is because the procedure is confidential as opposed to the service offered in public hospitals and clinics. The Nigerian advertisements promote privacy, painless, safe and affordable abortions. Public hospitals and clinics do not have promotional material on abortions.

HIV/AIDS

South Africa has some 5,6 million people living with HIV/AIDS. This is the second highest number of infected people in the world in 2009. Prevalence is 17.8 percent among those aged 15-49, with some age groups being particularly affected. The epidemic is gendered in that more women are infected than men. Almost one-in-three women aged 25-29, and over a quarter of men aged 30-34, are living with HIV in South Africa.

Estimated HIV prevalence among South Africans, by age and sex, 2008

Age	Male prevalence %	Female prevalence %
2-14	3.0	2.0
15-19	2.5	6.7
20-24	5.1	21.1
25-29	15.7	32.7
30-34	25.8	29.1
35-39	18.5	24.8
40-44	19.2	16.3
45-49	6.4	14.1
50-54	10.4	10.2
55-59	6.2	7.7
60+	3.5	1.8
Total	7.9	13.6

Among females, HIV prevalence is highest in those between 25 and 29 years old; along males, the peak is in the group aged 30-34 years¹.

The Department of Health surveyed 32,861 women attending 1,447 antenatal clinics across all nine provinces of the country and found that and estimated 29.4% of pregnant women (aged 15-49) were living with HIV in 2009. Until 1998 South Africa had one of the fastest expanding epidemics in the world, but since 2006 HIV prevalence among pregnant women has remained relatively stable..

From 2008 to 2009 there was a slight decrease in HIV prevalence among young women aged 15-19 years and an increase in prevalence among those aged 30-34.

¹ www.avert.org.

The Department of Health estimates that the overall HIV prevalence rate is approximately 10,5%. 57% of all those infected in South Africa are women. Young women aged 15-29 make up the largest group of infected people in the country. Infection rates are higher among rural women².

2. 5 Education

South Africa has made enormous progress in addressing the education of the previously marginalised black population. The previous government did not promote formal schooling for black children but the new government has succeeded in enrolling 98% of all children at primary school level.

This was achieved by making schooling for children between the ages of 6-14 compulsory. The proportion of girls under 19 years attending school increased from 21% to 66% between 1995 and 1999. In the years from 2002-2006, 81% of the population aged 15-19 was attending school and the majority of the students were women (General Household Survey {GHS} 2006).

However, according to the 2006 General Household Survey (GHS) 10.7% of the population aged 20 and above had no formal education. Gender differences are pronounced: among men aged 20 years and above 8,6% had no formal education, whereas among women 12.6% had no formal education. Black women have the lowest standard of formal education, with 20% of black women still lacking any formal schooling³.

Teenage pregnancy is an important indicator of the situation of teenage girls, especially in regard to its effects on schooling and education. In 2002, there were 66 000 teenage girls that reported pregnancy as the main reason for not attending an educational institution. This rose to 86 000 in 2004, but dropped to 71 000 in 2006.

However, in September 2010, the Cape Argus reported that teenage pregnancies were definitely up in the Western Cape, one of South Africa's most developed provinces. Between 2009 and 2010, some 14 400 live births were recorded to young women between the ages of 12 and 19. Marie Stopes, the largest private reproductive health facilities reported that they conducted over 5000 termination of pregnancies in the Western Cape.

2.6 Poverty and Unemployment

Since 2001, when it was first conducted, the Labour Force Survey (LFS) has consistently recorded a higher unemployment rate among women, compared to men. The most recent data, recorded in the September 2006 LFS, reports an official unemployment rate of 21,2% for men, compared to 30,7% among women.

Over the period 2002 to 2006, the percentage of children that went hungry was substantially higher in female-headed households than in male-headed households. For example, in 2006 in 3,4% of female-headed households, children went hungry as against 1,6% in male-headed households. However,

² Avert HIV/AIDS monitor

³ African Bank – RSA National Gender Profile 2009

over the period 2002 to 2006, and reflecting the national average, the percentages of children that went hungry declined, particularly in female-headed households.

2. 7 Issues related to cultural and traditional practises

South Africa is a strongly patriarchal society and is steeped in culture, tradition and religion all of which is underpinned by patriarchy. This deeply male centred society privileges men and boys while women and girls are subjected to many forms of oppression and discrimination.

Under South African civil law, parental authority is shared by the mother and father. African women married under customary law, however, are seen as perpetual minors and have no authority in the family. Patriarchal traditions that require women to submit to men, who are the heads of families, are deeply rooted in South African society in both urban and rural areas. Even in educated households and across a number of ethnic groups, the practice of husbands paying a dowry reinforces the inferior status of women with many being considered a “purchase” of their husband and their husbands’ families.⁴

Forced marriages are still widely practised with girls as young as 12 years being subjected to this practise.

Virginity testing is increasing in South Africa with little regard for the invasion of a young girls bodily integrity.

Witch burning is the ultimate onslaught on the human rights of individuals resulting in the untimely death of people who fall victim to this cultural practise. Some men are accused of witchcraft but it is predominantly older women who fall prey to this cultural practise losing their lives when accused of “bewitching” their perpetrators

Inheritance rights of women are under constant attack and HIV/AIDS is fueling the negative effects of this cultural practise. Women who are widowed are subjected to oppressive mourning rituals which prohibit them from engaging with their families and the community. During this process, many women are stripped of their inheritance rights. Some communities still expect women to be “taken over” by the brother of the deceased or another male relative.

2. 8 Fertility rates

Fertility has declined from an average of 2,89 children per woman in 2001 to 2,69 children by 2007. The implied rate of growth for the South African population has been declining steadily between 2001 and 2007, from approximately 1,3% between 2001 and 2002 to about 1% for 2006 to 2007. The growth rate for females is slightly lower than that of males.

⁴ SIGIG Paper Gender Equality and Social Institutions in South Africa

2.9 Marriage and Divorce

In 2009, 171 989 civil marriages were recorded in South Africa of those marriages 52,5% were solemnised by civil rites and 47,8% by religious rites.

The number of recorded customary marriages has been fluctuating between 2003 and 2009.

The lowest number of recorded customary marriages was observed in 2009 (13 506) and the highest was in 2004 (20 301). This raises a concern as to whether women are utilising this provision or whether they are unaware of it.

In 2008, 732 civil unions were registered. A year later in 2009, the number of registration had increased to 760.

The total number of officially recorded divorces in 2009 was 30 763. This represents an increase of 6,4%, as compared to the 2008 divorces (28 924). It is observed that 45,2% of all the divorce cases were from marriages that were solemnised by civil rites and 47,9 by religious rites.

Divorce rates are an indication of relationship breakdowns some of which has elements of domestic violence. The most important aspect of this is the issues child maintenance which hugely impacts on women and the responsibility they carry with raising children as single parents after divorce. Many South African men are derelict in their duties to their children and this results in the oppression of divorced women who end up suffering untold discrimination. While the state has instituted a Maintenance Act to get men to take responsibility, evidence abounds in the country that men fail to fill this responsibility and courts do not go far enough in ensuring that men do what is expected of them.

2.10 Violence against women and girls

In South Africa almost 60 000 rapes were reported to the police in the period March 2009 – February 2010. It is estimated by NGO's and Women's groups who provide support services to survivors of VAW that only 10% of rapes are ever reported which means that South Africa is more than likely having more than 500 000 rapes each year. A former United Nations Special Rapporteur on Violence against (UNSRVAW) in her 1998 visit to the country has said that South Africa has amongst the highest levels of violence in the world for a country not at war.

There is a tremendous focus on rape in the country. However, the current UNSRVAW, Advocate Rashida Manjoo has said that the most pervasive form of violence against women is domestic violence. At a global conference on violence against women held in East London October 2009, Shanthi Dairiam, a former CEDAW Committee member articulated what women's groups delivering services to survivors of VAW have noticed that is that there is a low level of violence that occurs in women's lives on a daily basis. This low level violence goes largely unnoticed and unrecognised for the insidious relentless onslaught that it has on women's lives.

Much of this domestic violence is almost undetectable and not adequately accommodated through the legal framework of the country.

Harmful cultural, traditional and religious practises are increasing at an alarming rate. The practises include the abduction and rape of girls, virginity testing, food restriction for pubescent girls, witch killing, forced marriages, female genital mutilation, pregnant girls expelled from churches, dowry violence and many others.

2.11 Women in decision making

In 2010, South Africa's ratings on women in decision making has put it in 6th place globally. In 2009 43% of MP's and 41% of cabinet ministers were women. In addition, 5 of the 9 provincial premiers were women. Women's representation in provincial parliaments stood at 41%

The ANC since 1994 adopted a 30% quota for women in national and provincial parliaments but the national gender machinery increased this for the 2009 elections to a 50/50 target in line with the SADC Protocol on Gender and Development.

Female representation in Provincial Legislatures increased from 30% to 48% between 2004 and 2009. At the local level the Municipality Act of 1998 stipulated parity of men and women on political party lists and ward committees. In 2005 women comprised 40% of all elected councillors. However women councillors still experience marginalisation by male colleagues⁵.

2.11.1 Women in business

South Africa is a middle income country and it is considered the economic powerhouse of Africa. The private sector plays an important role in the country's economy. An important indicator of the advancement of women's rights is the role played by women in the economy. To this end, the Business Women's Association is an organisation established to promote and monitor women's participation in the private sector

The South African Business Women's Association (BWA) has consistently tracked the progress of women in senior positions in the corporate sector. Their annual census conducted in 2010 in the country reveals the following.

While women make up 51.6% of the adult population in South Africa, only 44.6% of working South Africans are women. Even more telling is that women constitute only 19.3% of all executive managers and as low as 16.6% of all directors in the country. Women of colour held 10.3% of all board director positions (women classified as black, coloured and Indian were included in this percentage). The figures have all increased since the 2009 reporting period.

⁵ African Bank – RSA Gender Profile 2009

Percentages of women executive managers, according to race, have remained fairly constant since the previous reporting period. There has been an increase in the number of black and coloured women directors in the country.

Of all the executive managers in South Africa at present, 62% are white women while black women represent 25.7% of women executive managers when compared to the total number of executive managers.

2. 11.1 Executive Managers in State departments.

Over the past 3 years, information on executive managers in State departments and institutions has been included in the Business Women's annual Census. The progress made by the State is impressive with many Ministers, Deputy Ministers, Director Generals and other senior managers being women. More women (55.8%) than men (44,2%) are employed by the state.

“Black women comprise the majority of women when comparing representation in each of the various salary bands. There are 16 salary bands with levels 1-2 representing lower skilled workers and levels 13-16 representing senior management. The number of women in levels 13-16 has increased to 35.3% from 34.3% in the previous reporting period.

The number of women in senior management is, still far lower than their male counterparts who comprise 64.7%. Women in senior management represent only 0.5% of the entire female population in government employ. Women are making inroads into middle management levels 6-12 and this progress should, hopefully, translate into more senior managers in the future. The highest percentage of women continues to be found in the highly skilled production (salary levels 6 to 8) at 50%. In higher management (level 9 to 12) women representation now stands at 14.3%”.⁶

2.12 Summary of the findings

The State has worked to domesticate the Convention on the elimination against all forms of discrimination against women by ensuring through appropriate laws, policies and programmes that de jure equality is effected. While much work has been done in this regard, there are still discriminatory laws and policies in place such as the Customary Marriages Act. The State as part of its obligations under the CEDAW convention has put an impressive national gender machinery (NGM) in place in the country to oversee the advancement of gender equality in all spheres of government and civil society.

The community research undertaken for this report confirm that while some South Africa women have benefitted substantially from efforts to advance the rights of women, the majority of women, mainly black, African and rural women, continue to suffer untold oppression and discrimination within the family, within marriage, within communities and even from the State.

⁶ African Bank – RSA National Gender Profile 2009

3. Manifestations of discrimination in South Africa

The constitution and bill of rights clearly speaks out against discrimination generally. However, women are still experiencing discrimination in the family and at community level. The community research undertaken for this report indicated that equality between men and women has a long way to go before de facto equality is achieved. The following is a report from one community interviewed for this report.

*“There is no equality between men and women, in community meetings where there would be discussions about what is happening around the community- women are expected **not** to stand up, are expected to sit down (not in chairs) and fold legs and hands in a certain uncomfortable way. They do not have a say in meetings because they cannot talk themselves, they have to be represented by a men. Women’s rights in tribal authority are not respected and cannot run workshops in tribal authority; the tribal authority can arrange a meeting for women only. Within marriages and families women don’t get money from their husbands, it is given to their mother in laws who will buy what they think is needed in their daughter in law’s house without asking them. Women are treated as minors with no voice to say anything.”*

This scenario was particularly evident in rural communities but also in some urban setting.

This NGO alternative report will look at various aspects of oppression and discrimination of women and girls in South Africa and it will provide some recommendations to correct these forms of discrimination.

These four aspects being reported on here are:

- Women’s poverty and unemployment with a focus on rural women
- Violence against women including Harmful Cultural and Traditional Practises

3.1 Political Will

“The Government of South Africa has made strong and legally binding commitments to uphold and promote gender equality and has established a comprehensive national machinery to implement and monitor these commitments. The emphasis on gender, rather than women, implies the need to develop effective linkages between gender and other forms of inequality through concerted policy efforts⁷.”

The extract above summarizes the states response to addressing the oppression and discrimination of women and girls in South African society.

⁷ Sally Baden ;Shireen Hasim ;And Sheila Meintjes
Country gender profile: South Africa Report prepared for the Swedish International Development Office (Sida) Pretoria, Republic of South

3.1.1 Ministry of Women, Youth, Children and people with Disabilities

Most recently, the state established a Ministry for Women, Youth, Children and People with disabilities. One aspect of this Ministries mandate is to “*Emphasise the need for equity and access to development opportunities for vulnerable groups in our society.*” This was initially heralded as a boost to gender equality but a feminist analysis of this development clearly indicates it as a backward step for the movement towards gender equality. Firstly the mandate speaks of “equity” and not equality which immediately reduces the states ability to achieve substantive equality and it is in violation of articles 1 and 3 as well as article 2a.

The fact that women’s rights issues are now attached to youth and children and people with disabilities is in itself discriminatory for all the groups put together in this ministry. It is especially so for women who are now considered a “special needs group”. Women are infantilized through the establishment of this ministry. The state therefore becomes complicit in reducing the status of women through the mandate of this ministry. This is a structural obstacle to the advancement of women’s rights in South Africa.

3.1 2 Recommendations

One of the biggest obstacles to the advancement of women’s rights in the country is the weakness of the national gender machinery and the poor human and financial resourcing of the national gender machinery.

The State needs therefore to do the following:

At a political level the state must :

- Review the current laws and polices and improve alignment with CEDAW eg provide a definition on discrimination in the constitution and bill of rights as well as all other relevant legislation.
- Ensure that every state department adopts anti discrimination policies for all of its programmes
- Ensure full mainstreaming of gender by all state actors and stakeholders.
- Back the political commitment beyond the rhetoric with a true commitment to the implementation of its laws and policies.
- Appoint gender experts to the committee with expertise across a road range of fields. Significantly increase its funding of the National Gender Machinery. Currently all parts of the NGM are grossly underfunded and thus unable to effectively do their work
- Build the capacity of State officials on gender mainstreaming and gender equality.
- Build capacity of state officials on all national, regional and international instruments that promote gender equality.
- Improve the States systems of monitoring and evaluation

Social strategies to advance gender equality

- Improve the partnerships with civil society
- Increase funding to NGO's who work to advance gender equality
- Build the capacity of civil society organisations on national regional and international instruments and promote the application of these instruments through the work on civil society
- Conduct nation wide awareness programmes on the national gender machinery and their mandates.
- Conduct national community awareness programmes on the regional and international instruments and the mechanisms that promote gender equality
- Conduct national community awareness programmes that work to change the behaviours and attitudes of society that foster gender inequality and that which promotes the low status of women within families and communities.

Improve the capacity of civil society to monitor and evaluate the workings of the state and civil society

3.2 Women and poverty

3.2 1 Extent of the problem

The community research undertaken for this alternative report confirmed what is widely known and accepted in South Africa, that women remain the poorest of the poor. While some achievements have been made through the Millennium Development Goal programmes to reduce absolute poverty in the country, the general poverty levels of women as opposed to that of men is higher for women and the impact on women and girls remain of deep concern. Rural women and girls make up the largest population group living in poverty.

The State's MDG report provides information that suggests that absolute poverty has declined in the country. The MDG 2010 report asserts that this decline is due to ... "two essential measures, namely the proportion of the population who live below the thresholds of USD1 up to USD 2.50 per day. This implies that the country has reduced by 50% the number of people living on less than 1 USD per day.

Both men and women have benefited from this reduction in poverty levels. The number of men who have benefitted is higher at 10% than women at 12% in 2000 and 5.3% (females) and 4.8% (males) in 2006. 59,3% of poor individuals are rural women and the poorest of the poor are rural women aged 25-49 years of age.

Ozoemena, says that “Many of the existing government policies deal mostly with the formal sector, to the detriment of the informal, non-remunerative roles rural women perform. Most of these policies are furthermore not well implemented and hence do not benefit the maximum number of citizens”⁸.

The State’s commitment to eradicating poverty led to a significant increase in social grants. Over a ten year period, the State increased its spending on social grants from ZAR 10 billion to ZAR 37.1 billion (around USD 5 billion). Women have benefitted the most from the social grant system and this was confirmed in the community research.

In addition to the social grant system, the State has extended its poverty reduction strategies to include the provision of subsidised housing, electrified millions of homes and provided sanitation and safe drinking water to millions of homes. In spite of these huge efforts, millions remain without basic services particularly in rural communities.

The legacy of apartheid and the inequality runs deep and is defined by factors which include race, gender and class which is why the most affected are rural, poor, black communities and mainly women.

Ozoemena, further notes that” At the Beijing Conference in 1995, South Africa committed to addressing the issue of women’s poverty as contained point 16 of the BPA; , “Eradication of poverty based on sustained economic growth, social development and social justice requires the involvement of women as agents and also beneficiaries of people-centred sustainable development.” . Yet, 16 years after making that commitment there have been no notable benefits for the majority of South Africa’s poor who are mainly black African rural women who make up the largest groups of women in the country. While government has made extensive provision through various programmes including an extensive housing programme, the provision of electricity, water and other basic services as well as an extensive grant programme covering more than 12 million people, women still earn far less than men, are employed in an unsecured informal sector, have few skills to advance their quality of life, struggle to access decent sanitation and have far limited access to basic services”.

The 2007 Community Survey conducted by Statistics South Africa indicated large migratory patterns from the rural to urban settings within the country. Women make up a large share of the population who are migrating to urban areas in order to secure work or with the belief that it will improve their life circumstances.

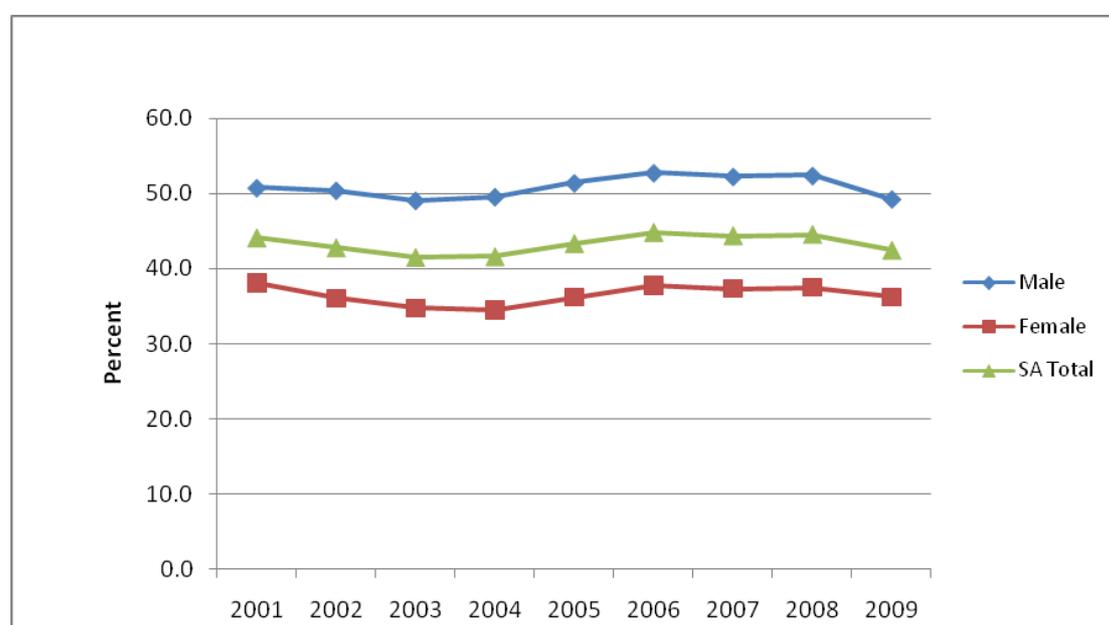
This migration reduces their access to decent housing, sanitation, water and other basic services because of an existing backlog which government does not have the resources to fully address at the present moment.

⁸ Rita Ozoemena Poverty alleviation strategies in South Africa: Creating dignified living for women through cial justice and development - Consultancy Africa Intelligence's Gender Issues Unit

The community survey report of 2007 provides evidence that 93.2% of people within the lowest income bracket are Black African and only 3% of the white population are experiencing such poverty. The result suggests that there are severe racial disproportions in income distribution. At the top end of the scale, only 17% of the income is attributed to Black Africans whilst 72.7% is shared amongst the white population.

In the South African context, poverty and unemployment remain structurally inter-linked. The employment to population ratio in South Africa since 2001 is low, averaging 51% for males and 37% approximately for females. The national average is approximately 43%. This ratio suggests a high level of unemployment in South Africa which although declined from a high of 29% in 2000 to a low of 24% in 2009, still remains high by any standard. The result of this phenomenon is a potential increase of poverty especially amongst females.

Employment to population ratio



3.2.2 Causes of the problem

We acknowledge that the state has made extensive institutional arrangements aimed at achieving gender equality. This includes a very progressive constitution, extensive gender and human rights machinery and mechanisms and it has put extensive programmes in place to support the implementation of the human rights mechanism.

The obstacles to achieving gender equality at a structural level include economic policies that favour big business at the expense of the poor, who are mainly women. There is strong resistance to the current economic system which acknowledges that the economic policies are not pro poor but little is said by the trade union movement of the fact that women constitute the majority of poor people in the country. This lack of a gender analysis counts against women.

Women's poverty is caused by a number of structural problems together with social and cultural obstacles. The main problem is a lack of gender equality and a failure by the state to bring about such equality. While the political response appears to provide the will necessary to ensure gender equality, an analysis of the state's response suggests that substantive equality is not likely to be achieved with the current responses.

3.2.3 Social factors that increase women's vulnerability

Factors which add to the burden that women carry include the continued low status of women within family and community. Women report that there is a lack of acceptance from men and from other family members including mothers-in-law to have women participate in decision making processes that affect them or their families. Culture, tradition and religion play a very significant role in women's lives guiding and influencing most aspects of their lives.

Family structures continue to change significantly because members of families still travel to larger cities in pursuit of work, educational and other opportunities. These migratory patterns, while different to those of the apartheid era which were enforced by the previous regime, still have a negative impact on women. Rural women whose husbands and partners work in the urban settings are more often than not, left to support their families on meagre incomes to no income at all.

HIV/AIDS has had a huge impact on family structures. In many cases both parents have died leaving girl children as young as 8 years of age to support other siblings and to assist in raising them. Government has initiated huge programmes in support of orphans and vulnerable children but our field research indicated that many such children, particularly girl children, are unaware of these programmes and unable to access them.

Ownership rights are critical to securing a sustainable livelihood and income, and increase women's control over resources and family assets. When women are deprived of ownership rights, this impairs or nullifies economic security and reduces the ability of women to effect strategies that reduce poverty and increase food security and family wellbeing.

The 2010 MDG report by the State reports that... "Discriminatory attitudes and practices regarding the role of women in society, such as the low status of female-headed households and child-headed households, or the limited inheritance rights accorded to women, are significant barriers to their control over resources"⁹

Government has made good progress to ensuring universal primary education and many young people are now reaching Grade 12 (matric level) but in 2009 alone, 234 000 did not pass that final exam. A very small percentage of those who do not pass the final exams will be taken back to re do the year which means that almost 200 000 young people each year will have an incomplete education and no means of changing that situation so that they can get jobs.

⁹ 2010 South African MDG report.

The majority of those who do not complete their education are rural poor. Again, this is weighted against young women.

While South Africa has a huge skills shortage generally, the skills deficit for rural women is greater. A focus group discussion with a group of young rural women from Peddie in the Eastern Cape revealed that there are no opportunities for these young women to acquire gainful employment even if they have completed the final matric examination. They cited the following as the main obstacle that they face:

“ All companies and businesses that we approach tell us the same thing. They want references and they want to know that we have some experience. We have none of that so we are not considered for any jobs they may have.”

This was a typical response to this question throughout the country

Women’s poverty in the country pushes them into situations of vulnerability including prostitution, trafficking and other forms of sexual exploitation. There are serious debates in the country to legalise prostitution. Some suggest that the State will benefit from this by having women who engage in prostitution pay taxes. While it is important to ensure and secure the rights of women who are prostituted and prevent their victimization from State actors such as the police, legalising the entire sex industry, promotes the commodification of women’s bodies and constitutes as form of violence against women. It entrenches gender oppression and discrimination.

3.2.4 Poverty and Harmful cultural, traditional and religious practises in respect of women’s poverty

Women are subjected to numerous harmful cultural traditional and religious practises across all sectors and in all communities. This impedes their access to rights. Rural women are especially vulnerable as they are forced to subscribe to tribal authorities who do not favour women’s rights. Access to land in rural communities is male dominated. Inheritance after the death of a spouse is taken up by male members of the family and women are often left destitute. Many women’s groups report how they are requested to assist women who have lost their homes and possessions after the death of a partner. Some are thrown out into the street without any further support. This practise increases poverty and women’s vulnerability in general.

Forced marriages of particularly young women and girls, interrupts their education. Forced marriages include the rape of the victim which often leads to enormous health problems compromising sexual and reproductive health and rights. This leads to further mental and physical ill health with prevents full participation of the young women in family and community life.

3.2.5 Consequences of the problem

- Women’s poverty has led to an erosion of their wellbeing and their enjoyment of their human rights. The physical, mental, emotional, psychological and other harm done to women is a consequence of the oppression and discrimination that women suffer as a result of poverty.

Considering that the majority of poor people are women, mainly rural women, reports from the field work undertaken indicate the following impact.

- Reduced access to education. Girls have less access in rural communities than what boys have because they bear reproductive labour roles such as fetching water and working in fields for, food production. They are also expected to cook food. Time spent on these activities limits time for education. Girls are also expected to take care of older people or babies and young children.
- Poverty limits women's access to health care and results in them experiencing ill health. This results in higher levels of mortality. Maternal mortality in South Africa has increased substantiating this fact.
- Chronic illness and morbidity are further consequences of poverty. Homelessness, poor housing and habitats, living in environments which are not safe for them and being exposed to violence as a result of poverty are the experiences of poor women and girls in South Africa. Vulnerability to being trafficked and or prostituted are further consequences of women's poverty. Women being dependent on men for their sustenance and wellbeing leads to many forms of violence against them including sexual violence.
- Women are not able to enjoy their full human rights. They are excluded through their oppression and the discrimination they suffer to fully participate in public or private life as required by articles 1,3 of the convention.
- While more women are now found in higher institutions of learning, many of those women are suffering from various forms of discrimination which affects their ability to fully participate in their studies or their work opportunities. This results in the low levels of participation in the economic sector particularly at senior management and executive levels.
- Women's participation in politics is considered to be amongst the best in the world. The field research indicated that there are serious contradictions in this view in that women at provincial and local government level experience extreme forms of discrimination which prevent them from making a full contribution to the transformation processes of the country. Women face huge obstacles which include sexual harassment and sexual exploitation in the form of sexual favours for jobs or promotion. This leads to the erosion of their rights and well being and it hampers the delivery of quality services to communities, particularly poor women.
- Harmful Cultural, traditional and cultural practises seriously discriminate against women by violating various rights including the right to bodily integrity, the right to privacy, the right to live free of torture and coercion, the right to own land and the right to etc .Article

14 articulates the States responsibility in securing the protection of women in rural communities.

3.3 Violence against women and girls

3.3.1 Defining Violence against Women (VAW)

The first international definition of VAW was the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) . This defined gender-based violence as

any act...that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in private or public life...violence against women shall be understood to encompass, but not be limited to, physical, sexual and psychological violence occurring in the family, the community, including battery, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women. non-spousal violence, violence related to exploitation, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, and violence against women perpetrated and condoned by the state.

Furthermore the convention in General Recommendation 19 refers to that fact that violence against women which "impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention. These rights and freedoms include:

- (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"

These articles and general recommendations provide the lens through the following input of violence against women is viewed.

3.3.2 Some identified forms of VAW in South Africa

In the field research undertaken for this report, some of the forms of VAW identified included, rape, battery, sexual assault, domestic violence, sexual harassment, incest, financial deprivation (men taking money from women or denying them access to financial resources), child abuse, femicide, trafficking for sexual exploitation, the rape of lesbian women (referred to as corrective rape by perpetrators) female genital mutilation and other harmful cultural and traditional practises.

South Africa has been cited as having amongst the highest levels of violence against women and girls in the world for a country not at war. Many government strategies to address this violence have proved to be limited and grossly inadequate as is born by the fact that VAW is a growing crime in the country.

A research study conducted in 3 provinces in the country indicated that 19-28% of women have suffered physical violence¹⁰. Other studies conducted on sexual violence indicate that as many as 60% of female teenagers are subjected to physical assault from male partners and 28-30% are coerced into sexual activity.¹¹

(i) Domestic violence

This is the most pervasive form of violence against women in the country. This was confirmed by the United Nations Special Rapporteur on Violence against women as far back as 1998 but recent reports from government and NGO's confirm that domestic violence is rife.

Domestic violence demonstrates that the family and heterosexual relationships become the means of ideologically controlling women. The Masimanyane study reported that in South Africa, ... "this ideological control is underpinned by masculinities that were integral to authoritarian rule and struggles by groups who resisted domination by others. Where communities perceived themselves to be under threat, ascendant manhood often came to signify the reclaimed pride of the entire community. Consequently, many men and women were complicit in venerating men's pre-eminence in the household.

Catherine Campbell argues that the assumption that men have automatic power and sexual mastery can be so strong that it can prevail even where women are de facto household heads in certain families. She writes about some township households: " In a community where the ideology of a dominant male still holds weight, a woman might not be accorded the respect and authority that a male would receive in his role...It seems as if many women take the role of the household head if they are forced to do so...but as

¹⁰ UNAIDS 2004

¹¹ Maforah et al, unpublished in Wood, K& Jewkes, R

soon as a suitable man is available to fill this role, they stand back graciously and allow him to take over" (1990)".¹²

The community research conducted for this study reported that women said the following"

"Women have more rights now but men are still the kings of the castle".

Many groups spoke of the lack of appropriate and adequate police responses. The following story was recorded in the Northern Cape

"A woman shared with the group that she will never trust the police based on the incidents where she had been calling them for help but this was all in vain. The woman is married to a school principal and a respected member of the church and the community. They have 7 children. She had been the victim of physical and emotional abuse for many years and had been reporting to the police. She did not receive the help she needed but instead was subjected to secondary victimization where the police officers would not believe her story and not attend to it her. At one point, the man locked her in the house and abused her if she was on contraceptives because she stopped having babies. She admitted that she was using contraceptives. The man stoned her and she got seriously injured. She reported the matter to the police but they did not respond although she had a protection order She eventually left the home.

Her comment was that she don't trust governments acts because when she applied for the maintenance for her 7 children she was offered a total of R1000 for all her seven children. The maintenance order was later cancelled when her husband reported to the court that she is buying herself clothes for herself instead of feeding the children.

Presently she is employed and getting maintenance of R1500pm".

Another woman said:

" I know my rights but my husband says that we were married before the new government came into being so we have to live under the laws of the old government. What he really means is he can torture and abuse me as he likes".

The community research indicated that domestic violence is pervasive in rural communities where women and girls appeared to be more vulnerable due to their poverty and economic dependence.

A rural woman told the story was of an old woman who never got protection from the police despite several reports and attempts to get help. Apparently she lost everything because she was forced to leave her house and belongings running away for her life. She reported Zimbabweans who destroyed her shop. The police were not of assistance.

She used all the available resources available to women to be safe:

- *reported the police responsible for her case to ICD*

¹²Masimanyane Overview on violence against women – Desiree Lewis 2005

- after reporting to ICD she was threatened by men in masks
- went to the media
- in 2004 SAPS commissioner came to her and promised help
- wrote to Zola7, Speak out
- reported to Thabo Mbeki's office in Pretoria but in vain (Mandla Dlamini in Pretoria)
- she also reported to Jacob Zuma's office BUT the same happened (Lindiwe Cobo) was told that there are 276 cases that needs to be attended to so she will have to wait

In one focus group discussion the women said that men are the heads of the household even if women produce the food and do all the work in that home. They said that they were subjected to extensive beatings for reasons outside of their control. Many women said that they stay in those relationships because their families paid a bride price for them and they could not return to their own families.

Women who were married to policemen reported that they experienced high levels of battery and sexual assault. In most cases the women reported their husbands to the police but nothing was done. One woman said...

"My husband is the Station Commissioner at one of the police stations. I have been abused by him for more than 21 years and I cannot tell you how many times I reported him to his superiors without them even doing anything about it. There is no way out for me. No one will help me".

Poor police response was a repeated concern for all communities. One focus group revealed the following:

"In terms of reporting cases to the police, the participants have different experiences. Others said it is easy and the majority has bad experience with the police and the magistrate courts. There is a lot of bribery and no response from police.

Women are not believed or taken seriously especially in the case of well known and respected people. Cases are not convicted because of bribes that are happening. It is also said that if you report a case needed a police vehicle to come to your place it doesn't take less than five hours to arrive if it does otherwise you would be told that there are no police vehicles available. In a case where you report that your husband or partner is abusing, it happens that the police officer "propose a relationship" with the woman. Some women would be taken to the bush and be beaten up by the police.

The Director of a prominent NGO working on violence against women said that she thought that the levels of domestic violence are intensifying and becoming more violent in nature. She mused about whether this was a backlash to the domestic violence act and other protective measures for women.

Women's Shelters for domestic Violence survivors

Over the last few years women's shelters have been receiving funding albeit just +/- 20% of their running costs, most shelters have to find the other 80% themselves.

Outsourced prison services receive more funding than women's shelters for the prisoners' wellbeing. Is this not a contradiction in terms and a breach of the SA constitution?

Not only is very little given to the shelters, but there is always a demand from Social Development's side that they pay so we need to jump.

Shelter managers work a 10 hour day, being called out at night or weekends earning a very low salary, but their passion and heart to make a difference to the women and children in their shelter is incredible.

Salaries for Shelter staff, including social workers are low and have to be supplemented by women's shelters, yet these women work extremely hard and are not properly compensated by Social Development.

Meetings are always called with very little notice given. Monthly reports, quarterly reports and funding have to be done with very little thought being given to the fact that most shelters are totally under-resourced.

Although women's shelters are called to a panel discussion, it is a one sided affair as the panel is not keen to listen to the concerns of the shelters or Ngo's.

Sixteen Days of Activism

During the hype of the 16 days of activism of No Violence Against Women and Children, some women's shelters had to find their own funding to be part of the 16 days. No finance was available to some of them.

Millennium Development Goals

According to the MDG of 2000, South Africa was going to have women's shelters up and running by 2005; this has not happened. With 1 in 4 women in South Africa in an abusive relationship and just 67 women's shelters countrywide;

National Shelter Movement (NSM)

The NSM has been formed to address these issues. The desire is to work together to look at a funding model for shelters and to look at not only setting up more shelters in all provinces, but to also assist struggling shelters so they are able to run with minimum standards as set out by Social Development.

But where are the other government departments; health, education, justice, housing etc, in assisting women and children in shelters?

How do we bridge this gap? This applies especially to housing; how do women find affordable, accessible housing after the shelter?
 Government departments. themselves are not consistent in attending management meetings and dedicated staff are not sent to these management meetings.

Recommendations

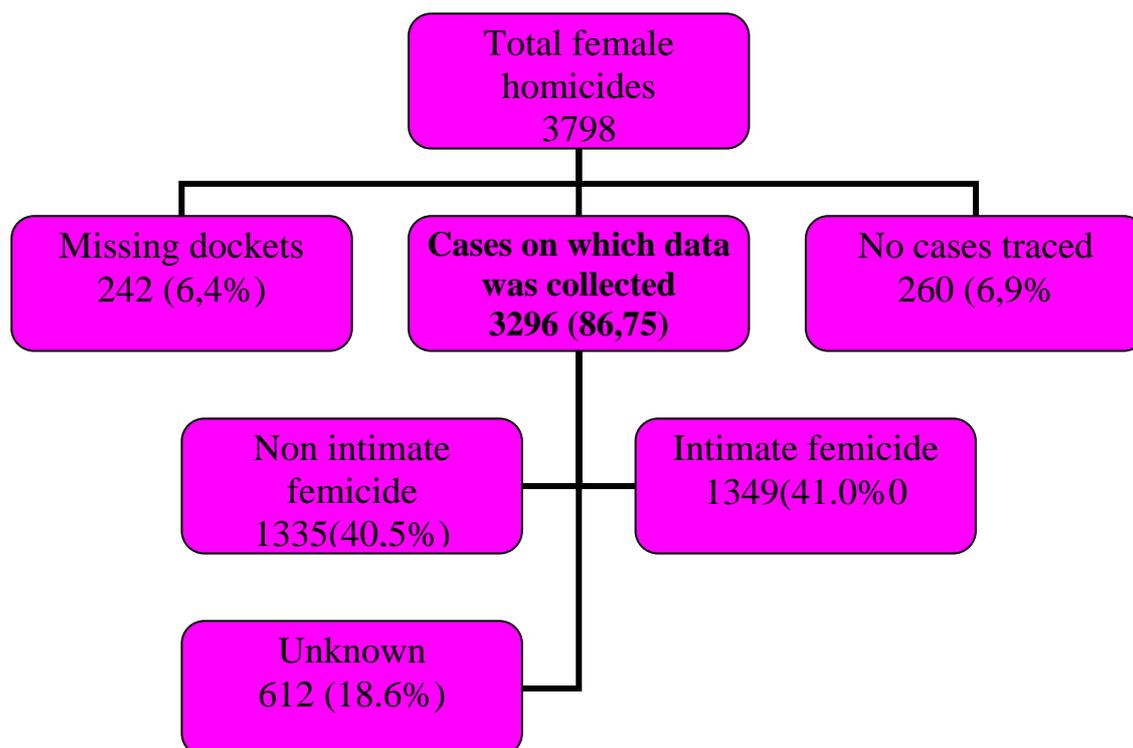
Consult with national government and discuss the concerns of the NSM
 Assist government to setting up more shelters and assist those that are struggling

Develop a sustainability strategy for all shelters

Implement minimum standards for the administrations of shelter.

(ii) Femicide

In 1996, researcher Lisa Vetton found that a woman is killed every six days in South Africa. A retrospective research) study conducted by Shenaaz Matthews of the Medical Research Council found that in South Africa 8.8 per 100 000 women 14 years and older were killed by an intimate partner in 1999. This amounts to 4 women being killed each day in the country. The Following diagram sums up her key findings.



Significant findings of this research include the fact that only 37.3% of female homicides resulted in convictions. Lack of evidence was cited as the reason why 69,9% of alleged perpetrators were acquitted. Furthermore, Mathews found that

Convictions were less likely if the woman was killed by an intimate partners, or if she died from a gunshot wound or if she was a domestic worker.

With regard to race, convictions were least likely for black women and most likely for white women.

Jail terms also varied for perpetrators with average jail terms for perpetrators of intimate femicide being 10.7 years and for perpetrators of non intimate femicide being 12.4 years. Longer jail terms were given to perpetrators who killed white women whether known or unknown to them than those who killed black women

During the community research information on female homicides was provided in most communities with many cases reported where no arrests were made.

An NGO worker in a women's rights organisation reported the following:

"We know of many women who were killed in our local community. In five cases no arrests were made and no follow up by the police was done. It seems that our women's lives have no value. Some families become so despondent that they stop following up on the cases and resign themselves to no justice being done. They lose faith in upholding human rights.."

. (iii) Rape prevalence in South Africa

The Medical Research Council of South Africa estimates that more than 500 000 rapes occur in South Africa each year and for every 25 men who rape, only one is convicted.

A study jointly conducted by the Medical Research Council, Tshwaranang Advocacy centre and the Centre for Violence and Reconciliation on the attrition of rape cases through the criminal justice system in Gauteng, found that 60,2% of rape victims were adult women while 25,2 % were teenagers (12-17 years of age.) Girl Children aged 0-11 years of age made up 14,6% of all victims. The rape of young girls and children is increasing. In total victims 3 years old and younger accounted for 2.8% of all victims. The study also revealed that 28,5% of rapes on young girls occurred in their own homes pointing to incest. One in ten rapes reported to the police resulted in a conviction.

A study conducted by Rachel Jewkes, Yandiswa Sikweyiya, Robert Morrel and Kristin Dunki found that 27,6% of men interviewed in their study had perpetrated rape and 4,6 % had raped in the previous year. Rape of a current or ex girlfriend was disclosed by 14,3 % of men. 8,9% reported having raped with one or more perpetrators when a woman did not consent to sex, was forced or when she was too drunk to stop them.

Nearly one in two of the men who raped (46,3%) said they had raped more than one woman or girl.. 23,3% of men said they had raped 2-3 women, 8,4% had raped 4-5 women , 7,1% said they had raped 6-10 women and 7,7% said they had raped more than 10 women or girls.

When questioned about the age at which they raped, 9.8% of the men who rape said they were under 10 years of age when they first raped. 16,4% said they were 10-14 years old and 46,5 % were 15-19 years old. 18,6% were 20-24 years old, 6,9 % were 25-29years and 1,9 % were 30 or older.¹³

The men who disclosed that they had raped had a HIV prevalence rate of 19,6%. This research indicates the extremely high risks of HIV infection with rapes that are perpetrated against women and girls in South Africa

Another important finding of the study was that 42,4% of men interviewed had been physically violent to an intimate partner.

The media plays a significant role in its representations of rape. While the media can play a necessary role in raising public awareness, it can also bolster stereotypes. It is the currency of these stereotypes which demonise women, fixate on their duplicity, or perpetuate beliefs about their inevitable victimhood - that marginalises the seriousness of the problem.¹⁴

Such stereotypes can only undermine official responses to reports of rape: even when cases are reported, those employed within the police services fail, because of assumptions circulated in the media, to address urgent issues properly. In fact, Rape Crisis statistics on the trajectories of rape cases indicate the huge difficulties that women often face in courts and with police services. Invariably, the onus is on women to "prove" rape. And those who lay charges are often browbeaten and pressurised by the police and in court. Responses to rape cases within police stations and sexual offences courts speaks volumes about widespread myths of rape. These perpetuate the idea that women are ultimately to blame for sexual violence.

There is considerable pressure from family members for women to drop rape charges to avoid embarrassment.

Community research participants mentioned marital rape but said that it was considered the duty of a woman to submit to her husband and most women felt that it was not possible to define forced sex in marriage as marital rape.

(iv) Discrimination against transgendered women

Transgendered woman refers to individuals assigned male gender at birth but have transitioned or are in the process of transitioning to their "chosen" gender of female. This transition process is inclusive of medical and/or surgical means aimed at aligning psychological [foundation of gender] with biological / sexual characteristics.

Transwomen battle severe forms of discrimination at all stages of transitioning and different spheres of society.

At the primary family level, transwomen often encounter prejudice and judgment due to lack of understanding.

¹³ MRC Policy brief June 2009 – Jewkes et al - Gender and Health Research Unit Medical Research Council. South Africa.

¹⁴ Masimanyane Overview on Violence against women – Desiree Lewis 2005.

This prejudice can also be ascribed to the lack of education around trans issues. This is even more so in the case of transwomen in the rural areas where rejecting traditional masculinity and male privilege has resulted in discrimination, abuse, violence and in some cases, death. Transgender women are often excluded from family decisions, events and existence in general. In wealthy families, transwomen are denied financial support a loss of identity and sense of belonging.

In a society where transgenderism is seen as an extreme form of transvestism, transgendered people find it is difficult to construct a sense of identity. This form of labelling results in transwomen being seen as gay men. This is challenging to individuals who want to affirm their identity as that of women. This labelling results in transwomen not being by the communities they live in. This rejection by family and community often leads to high suicide rates and engagement in risky sexual behaviour. Transwomen often enter abusive relationships because of financial dependence. This often impacts on self-worth and confidence.

These impediments hinder the wellbeing and compromise the human rights of this marginalised group of women. Religious communities blatantly discriminate against and exclude transwomen because of religious fundamentalism and the enforcement of traditional male and female identities. Women's organisations in communities often do not facilitate the inclusion of transwomen. This includes social, charity and sports clubs. There have been many incidents where transwomen are not allowed to join various sporting clubs and codes. Violence towards this group of women is often severe and can lead to their being killed.

(v) Lesbian women

From the community research undertaken for this report, it is clear that homophobia is on the increase. Lesbian women are suffering discrimination in all walks of life. The rape and murder of lesbian women is on the rise at institutions of higher learning, in many community settings and in the community generally. Black Lesbian women are targeted the most with the violations of their rights being considered in the words of one of the focus group participants as "a favour to society".

This attack on the sexuality of lesbian women demonstrates the conservative, traditional and fundamentalist attitudes of men towards women generally. Women are expected to fall into the traditional paradigm of what a woman should look like and be like and women who do not conforming to those patriarchal paradigms are attacked in order to control. Subdue or simply eliminate them. The State contradicts itself in respect of Lesbians. On one hand it has the most progressive legislation on LGBTQI issues but the State has recently at the UN voted to have the language of LGBTQI changed which in effect takes away the rights and protection of LGBTQI's.

The following extract taken from an article on the Avert website makes reference to this issue.

“The United States is incensed at the removal, at the behest of Arab and African nations, of sexual orientation from the discriminatory grounds (which include race, religion and ethnicity) listed in the United Nations' routine condemnation of the unjustified execution of vulnerable people.

The biennial UN resolution, to be voted on 21st December 2010, urges member states to protect the right to life of all people and demands that killings on discriminatory grounds be investigated. Sexual orientation makes gay people frequent targets of violence and the International Gay and Lesbian Human Rights Commission, based in New York, called the removal of recognition that lesbian, gay, bisexual and transgender people face particular vulnerability "dangerous and disturbing."

South Africa voted in favour of the removal of the clause calling for the recognition of lesbian, gay bisexual and transgender people as being particularly vulnerable”¹⁵.

(vi) Disabled women and violence

The field research revealed that disabled women suffer incredible violence with virtually no recourse to justice. Reports of women who are bed bound are that family members can rape such women at will and no support is provided for them. These women often fall pregnant and are then blamed for being promiscuous. They are sterilised against their will.

The study by the MRC, CSVN and Tshwaranang found that approximately 1,9% of victims in their study had some form of disability. 1.1% of women, 1,3% of girl children and 3,4 % of teenagers had at least one form of a disability. The study noted that there was a likely underreporting of rape of disabled women and girls.

In the community research it was discovered that men and boys rape rural disabled women with impunity. If such rapes are discovered, the preferred means of addressing such rapes are through mediation. Perpetrators are required to pay the family of the rape victim compensation which could be as little as 10 USD (R 50-R70). The victim is given no consideration and certainly no support.

There are limited to no specialised services for disabled women who fall victim to gender based violence reducing their ability to seek justice and receive compensation or redress.

(vii) Violence against migrant women

There is a growing population of migrant women in South Africa who flee violence in their home countries or who come to South Africa to seek work. These women face multiple forms of discrimination from the state and from civil society.

¹⁵ Averting HIV/AIDS - <http://www.avert.org/aidsnews.htm>

The exploitation of migrant women through the labour force is growing because employers can pay minimum wages to the most skilled workers when they are desperate to secure a survival income.

Low wages are the first level of discrimination but sexual exploitation follows. Girl Children crossing the borders into South Africa have been reported to take up employment in farms on the borders where they are then held as sexual slaves by farmers who rape them consistently. When the farmers are done with these children, they drop them at the border leaving them destitute and vulnerable to further exploitation by others offering help.

Many young women are reported by NGO's to be trafficked into South Africa for purposes of sexual exploitation.

The State and the International Organisation on Migration are unable to substantiate the reports on how many young women are being trafficked and this hampers the ability of the state and civil society to properly offer support to victims of trafficking from other countries.

3.3.3 Harmful Cultural and Traditional and Religious Practises.

While some Cultural, Traditional and Religious practises are beneficial to communities and assist in establishing good value systems or assist in developing a strong moral base, many practises are harmful to women and girls and deny them their human rights and freedoms. South African society is strongly rooted in cultural, traditional and religious practises across all race groups and ethnicities.

Virginity testing

There is a growing trend of virginity testing in South Africa. Girls as young as 3 years old to much older young women (over 20 years) are being subjected to virginity testing. The guise is that it prevents against teenage pregnancy and HIV/AIDS. Older women are the custodians of this practise but it is widely supported by politicians and civil society leaders. Many men support this practise with women playing a leading role. The practise clearly violates article 1 which calls for the eradication of all forms of discrimination and virginity testing constitutes degrading treatment, a violation of bodily integrity, the right to privacy, the right to equality in the family (boys and men are not subjected to similar practises). Girls who undergo virginity testing also have the right to the highest standard of physical and mental health denied. Girls who undergo the practise report how demeaning it is but that they have to do it or face ridicule and isolation and even violence from their families and community.

Enormous status is accorded to girls and young women who succumb to this practise. In one community, a young woman who had given birth to a child went around asking how she could have herself "closed" up again so that she could undergo the ritual. She said that young women who underwent virginity testing were respected. Women activists in Kwa Zulu Natal report the following: " Virginity testing provides no protection to the girls who undergo this practise. It is just a way for men to know who to rape.

Many young girls are raped after this ritual. It is also used by women to demean not just the girl concerned but sometimes the family whom they may have a grudge against”.

The most worrisome concern about virginity testing is that it is widely supported. There is legislation through the Child Rights Act that prohibits virginity testing of children “unless it is a part of their culture” and if the girl consents to it. The legislation as it is currently framed does not offer protection to girls in rural communities.

The killing of women as witches

The killing of women as witches is a heinous cultural practise which takes place in some provinces in the country.

The Eastern Cape and Mpumalanga are the most affected provinces as identified in the community research and desktop studies. Many women are killed every month for supposedly being witches. They are always killed by men and they are mainly older women. Some men are killed for the same reason but the majority of alleged witches killed are women.

This harmful Cultural practise denies women their right to life and creates fear amongst women affected or threatened by such practises.

Forced and Child Marriages

In some rural areas of the country young women are sold and or forced into marriages. This is a seriously discriminatory practise and violates the human rights of young women. This practise is now prohibited through the Children’s Act but still practised. Recent reports in newspapers indicate that families who agree to these arrangements are being sought out and prosecuted/ However, many other families see it as a means to mitigate poverty. Much work has to be done by the State to ensure the full protection of rural girls as required by Article 14.

Harmful Sexual practises

There were a number of cultural practises reported during the community research. These included dry sex where women use herbs to dry out their vaginas as this increased men’s pleasure. The impact on women is that they develop lacerations which are painful and which promote sexually transmitted diseases including HIV/Aids.

We encountered female genital mutilation in the Free State and other provinces. In one interview a woman reported that her husband was to be promoted in the church they belong to and as a result she had to undergo female genital mutilation. There are some indications that the practise is growing especially with people from other countries where it is widely practised moving into local communities.

Another harmful sexual practises was labia stretching.

Trafficking of women and girls

The trafficking of women and girls is a hotly debated issue in South Africa. Some organisations are arguing that it is not a serious phenomenon in the country. However, there have been at least two cases where women were found. In Durban a couple were arrested for bringing 24 Thai women into the country and prostituting them. A few other arrests have been made where women from China and from Eastern Europe have been found having been trafficked. Women's groups working on violence against women report an increase in the number of women seeking their services whose cases reflect the elements of them having been trafficked. This includes the recruitment, usefully with the ruse of a work opportunity, then the transportation of the women and the holding of that women while she is being coerced into selling sex to pay back the man who offered her the job and transported her.

Women's organisations has reported incidence to the police who claim that they cannot respond to this problem. In some cases the traffickers are known to the police.

The following case study illustrates the problem being faced by trafficked girls.

“ An Auntie I know called me one day and told me she was going to help me. She knew that my mother was away. I heard her calling someone on the phone and in a short time a man came to the house in a beautiful BMW. She told me that the man was going to help me but I had to go with him. He took me to a flat in town and told me to undress when I got inside the flat. I did not want to and I tried to run away. He raped me. I begged him to stop but he just laughed. Later he took me somewhere else and more men came and they all raped me. I stayed like that for 5 days when I heard them say that they were going to take me away again. I was able to escape. I found my way back home then I went to find help. I heard of this women's group who helped girls too. I went to them. They listened to me and took down all the details of what had happened to me. I gave them the name of the women and the name of the man who took me away. The woman who helped me called the police. I told them my story in her presence. They promised to do something but they never did. I went to the police. The aunty who helped me called other people but no one seemed to know what to do with me. I was taken away a second time by people known to the Auntie near my house and again I was raped and beaten and again I escaped. I was taken to a children's home but sent away because the social worker did not get a court order for me. The police and the social workers they did not help me. I feel really lost and alone now”.

South Africa has not yet adopted comprehensive legislation to address this problem so they use bits and pieces of other legislation such as the Sexual Offences Act, the Kidnapping and Abduction legislation act etc.

The State has focused a great deal on intra country trafficking related to a cultural practise which takes the form of the abduction of young girls from one village to another mainly for purposes of a customary marriage.

With the recent Soccer World Cup, the Sate put an extensive awareness campaign in place and this contributed to extensive community awareness on the problem. Much more work is required in order to protect young women from being trafficked.

Some cases of traffickers have been successfully prosecuted. However, the extent of the problem is unknown. Anecdotal information from NGO's seems to indicate that the problem is significant. Women who have been trafficked have escaped and sought help from NGO's Police contact to assist the women ha been unable to assist in many cases due mainly to a lack of knowledge and capacity but in some case it has been a lack of will or corruption. (Police being paid by traffickers).

Denial of foods

In some rural communities, girls are denied certain foods such as eggs. The reason for this is that the community believes that eggs increases the growth of breasts in young girls and contributes to them becoming sexually active. Girl can also be denied milk essential for the growth of bones and the prevention of various forms of arthritis in later life.

3.3.4 Consequences of violence against women

Violence against women and girls denies a large range of rights including the right to live free of violence, torture, degrading and inhuman treatment. VAW causes fear in women and restricts their freedom and liberty. It limits their mobility and hampers their full participation in the family and community. Violence against Women restricts the participation of women in the economy. It limits their job opportunities and their career advancements are curtailed, The following case currently under investigation is a classical example of the consequences of violence on young women starting out in their careers.

A group of young women and some young men were recruited by the South African government's transport arm, Transnet, into a marine programme. The aim was to advance the participation of young women in the marine services. Akhona Geveza was just 19 years old and two weeks away from graduating from her training when she reported having been raped to the Ships Captain aboard whose ship was being trained.

She alleged that a senior officer had raped her. The Captain asked her to return at a given time when he would have her make the report in the presence of the man she accused of the rape. At the appointed time, the officer arrived at the Captains quarters but Akhona did not. A search of the ship did not find Akhona. The captain ordered the return of the ship to the place where they were when Akhona reported the rape. Her body was found in the waters. The autopsy report completed in Croatia where she was found, suggests that she had committed suicide."

This case shows the vulnerability of women in male dominated areas of work and the violence that can be perpetrated against them. There is no justice for Akhona as yet because the ship she was on was registered in the United Kingdom but owned by a Belgium company. South Africa has an arrangement with this company for the training of their personnel. The ship had a Polish captain. The allegedly rapist is Ukrainian and Akhona was found dead in Croatian seas.

A second autopsy report completed by a South African pathologist is yet to be released to the family.

An important feature of this case is the responsibility of the state. The programme was a state sponsored programme and state institutions of Transnet and the South African Marine Safety Association have denied responsibility in part. The state has been working at a number of levels to try and resolve the issue of jurisdiction and they are working to see justice. There are however serious concerns about the case which has to be resolved. It is important to note that violence against women too often leads to the death of victims.

3.3.5 Criminal Justice (State) responses to violence against women

The National Gender Machinery is charged with providing part of the State's response to violence against women. The Department of Justice is the custodian of the portfolio and it is supported by the department of social development. The police and courts are responsible for dispensing justice in respect of violence against women and girls.

A study conducted by the Medical Research Council, Tshwaranang Advocacy Centre and the Centre for Violence and Reconciliation in 2008, on the attrition of rape cases through the criminal justice system in Gauteng, provides good insights into state responses to rape.

The rape of adult women received far less attention and thus justice from the criminal justice system. Only 46,8% of adult rapes resulted in arrests with only 14,7% going to trial. Only 4,7% of these cases resulted in convictions.

In the case of young girls and teenagers, 21,2% of cases went to trial convictions were secured in 7.6% of those cases.

Furthermore the findings of the study included the following:

- 50,5% of cases resulted in arrests but only 42,8% of perpetrators were actually charged in court
- 17,3% of cases actually went to trial
- Only 4,1% of cases reported as rape resulted in a conviction *for rape*. Other cases were downgraded to lesser charges.
- The mandated 10 year sentence for rape was handed down in only 15,6% of convictions

- The mandated life imprisonment for rape of minors was rarely handed down and of the 41% of men who should have received this sentence, only 3 did.
- 55% of rape cases were disposed of by the courts and not by the police
- 52,3% of perpetrators could not be identified or located by the police
- Instructions to arrest the perpetrator were issued more than once in 52,7% of the case before the responsible officer complied.
- 16,1% of case were disposed of by *nolle prosequi* decisions based on too little evidence to warrant a prosecution
- 20,1 % were withdrawn due to the victim being "untraceable".
- 2,2% were struck off the roll

Sexual Assault evidence collection kits were completed in 515 of cases sent to the police forensic laboratories. Reports from the laboratories were found in 2% of dockets. In only 16,4% of cases where the perpetrator was arrested was his blood taken. The DNA of the victim could thus not be tested against the DNA of perpetrators.

37% of rape victims opted out of the criminal justice system processes with 67% doing so during the police investigation.

3.3.6 Causes of violence against women and girls in South Africa

There are a number of reasons as to why South Africa has such high levels of rape and violence. In a research paper commissioned by Masimanyane Women's Support Centre and compiled by Desiree Lewis, the following provides some reasons for male violence.

"Amina Mama writes that the "abuse and violation of 'native' women has always had a special place in the lexicon of imperial tyranny" (Mama, 2000: 1). The gendered dimensions of imperial tyranny are key to understanding gender-based violence in postcolonial contexts. Such violence ranges from the use of rape as a weapon of war in contexts like Rwanda and Liberia to the routine abuse of women and girls in "post-conflict" or "peaceful" contexts such as South Africa or Botswana.

In fact, as Sheila Meintjies, Anu Pillay and Meredith Turshen point out, the notion of "post-conflict" for women is fallacious when we consider the enduring effects and forms of gender-based violence.

The colonial heritage is important in explaining the escalation of gender-based violence for two main reasons. One reason is that it explains the development of specific kinds of gender identities and their associated behaviour.

Like gender relations, colonial relations shape social identities in such a way that some persons acquire a sense of themselves as dominant in relation to totally dehumanized and objectified "others". This accounts for why certain social relationships are rooted in actions and attitudes that are particularly aggressive and ruthless. Ideologies that assume that certain people are entirely inferior or inhuman rationalise excessive forms of abuse.

In contexts where gender identities overlap with colonial ones, patterns of dehumanisation become even more complex. If colonialism and racism assume that certain persons are culturally and morally inferior, and gender hierarchies assume that women are wholly inferior, then the status of colonized or black women is especially diminished. This status is deeply embedded in different cultural images and texts. In turn, these cultural texts provide models for subjects to define themselves and their place in the world. As systems of representation and self-identification, therefore, both colonial and gender discourses actively perpetuate domination and corresponding acts of violation and abuse.

The formal end of colonialism or apartheid does not necessarily lead to the eradication of these models. In postcolonial societies, their impact endures in, for example, media reports, certain kwaito lyrics, or advertising images that perpetuate stereotypes of black women's bodies. Any inquiry into violent identities in postcolonial contexts must therefore squarely address ways in which hegemonic stereotypes are embedded in culture, ideology and consciousness. The impact of images and representation on consciousness and ideology often remains unaffected by the formal measures that seek to prevent violence.

A second reason for the significance of the colonial legacy is that it instituted violence as a constant and inescapable aspect of social, political and domestic life. The institutionalizing of brutal and coercive rule means that all forms of social organisation hinge on the use or threat of force. The naturalizing of authoritarianism in society impacts strongly on women, since if a society is violent, it will be violent towards women as the most socially subordinate members of society (see Mama, 2000). This authoritarianism is exemplified in militarism, a social system in which governance revolves wholly around the use of force and the demand for total obedience from subjects¹⁶.

Lewis suggests that ... "Militarism in South Africa profoundly affected gendered identities and behaviour. In her study of gender and apartheid, Jacklyn Cock (1991) showed how pervasively apartheid, as a system based on brutal tactics of exclusion and domination, elevated militarised masculinities.

She showed that apartheid not only set in place rigid racial hierarchies; it simultaneously established inflexible and aggressive codes of masculinity. Under Nationalist Party rule, the struggle against apartheid¹⁷ drowned out scope for addressing the gendered violence that it spawned. Yet a key challenge for gender-based violence research and activism today is the challenge of confronting how gendered violence became integral to governance, social organisation, domestic life and everyday behaviour".

When addressing violence against women, the state has to take into account this historical perspective and work to address the high rates of crime in the general population but more especially, the impact on women and girls.

¹⁶ Masimanyane overview on violence against women – Desiree Lewis 2005

¹⁷ Masimanyane - overview of gender based violence in South Africa –Desiree Lewis.

Violence against women is exacerbated by poverty, lack of access to basic services and resources. Limited or no economic activity and the subsequent lack of resources that flow from this is a further obstacle to women and girls being free of violence against women. A lack of food security and access to land all contribute to violence against women.

However, the increasing levels of violence against women are more the result of an entrenched process of gender identity development through which men of all races and ethnic divisions have learned to believe in their unquestionable authority and their total right to have power and control over women. These notions of masculinity are supported and promoted in all spheres of society especially through a growing cultural, traditional and religious fundamentalism.

3.3.7 The CEDAW convention's response to violence against women

General Recommendation 19 clearly states .."that gender based violence is a form of discrimination which seriously inhibits the ability of women and girls to enjoy their rights and freedoms on a basis of equality with men".

Articles 1 and 3 speak to the full realisation of women's human rights. Both in opportunity and access to those rights.

The position of women and girls in South Africa indicates that while some opportunity to access rights has been provided, the provision is not broad and deep enough and access to the following rights are being denied to women and girls who fall victim to all forms of sexual violence.

Article 1 refers to

- The right to life,
- The right not to be subjected to torture or to cruel and inhuman or degrading treatment or punishment
- The right to equal protection according to the humanitarian norms in time of international or internal armed conflict
- The right to liberty and security of person the right to equal protection under the law
- The right to equality in the family
- The right to the highest standard attainable of physical and mental health

Violence against women in South Africa denies women and girls who fall victim to any form of sexual violence the denial of a range of their rights under the Universal declaration of human rights, CEDAW and various other national regional and international instruments.

Article 2(f) calls on states to... "to take all appropriate measures including legislation, to modify or abolish existing laws, regulations customs and practises which constitute discrimination against women.

The State has put some strong legislation in place to address violence against women and it has established some support mechanisms that assist women victims. However, the evidence put forward in this report show that the state is derelict in address the issues of customs and practises that constitute violence against women.

For example, the state has not run any effective programmes addressing the killing of women an witches. Most state responses are to “visit communities” where women have been killed and to then run some programmes that address that community. The right to life is denied all women killed whether as suppose witched or simply as the partners of men.

The reports on femicide show low convictions rates for men who kill women and a distinction between the conviction of men who kill white as opposed to those who kill black women. This is a perpetuation of apartheid which black women have lower standing in society than white women.

Article 5 puts the onus on states to “take all appropriate measures
(a) 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 practise which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women.

Article 10 (c) requires states to eliminate any stereotyped concept of the roles of men and women at all elves and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods”

The state has gone along way in addressing this and the school curriculum now contains information on violence against women, human rights and gender equality.. However, the impact of this is still limited and it is not having the desired effect of changing attitudes and behaviours towards women and girls and improving their status within the family and community.

Article 11 speaks to the right of women to decent work, to a fair and equitable wage and to be free of any form of abuse in the work environment. The Trade Union Movement has developed very comprehensive workplace policies for the protection of women. These policies and programmes are also adopted by government in various pieces of legislations. Reports in the field are that women are hardly able to apply any of those protective measures because businesses are not committed to addressing women’s issues.

Women in focus group discussions have reported that companies will find ways to “get rid” of women who report abuse ad sexual harassment.

The States itself has not support a number of women who have fallen victim in the workplace. Where the state has been complicit in the violation of worker rights in respect of women in particular has been in respect of casualization of labour.

The State has allowed companies to hire people as casual labour denying them the right to social security such as retirement, unemployment, sickness, invalidity and old age benefits. Women bear the brunt of this unfair labour practise.

There is a degree of discrimination on the grounds of pregnancy although this is carefully hidden by companies.

Most victims of violence against women have one or more of these rights violated. The State has not therefore extended the full ambit of protection to women and girl victims in the country.

3.3.8 Recommendations in respect of violence against women

NGO leadership have put forward the following recommendations to government

Political responses to violence against women have to transcend the rhetoric espoused over the past decade. This has not had an impact on eradicating violence against women at all.

What is required is a stronger commitment at the highest levels of government. One idea is for the state to establish an inter-ministerial committee on violence against women. The role of each minister would be to develop a shared vision for her or his department that comprehensively tackles violence against women. If this is left to the Ministry of Women, Children and People with Disabilities, it will not change the current situation. A concerted effort is require by every single ministry.

- Establish an inter-ministerial committee should be established to develop a joint government programme for addressing violence against women
- A joint monitoring and evaluation system should be established in the Presidency which tracks all aspects of violence against women on an ongoing basis
- Review legislation relating to violence against women and girls
- Improve service provision through the establishment of more shelters, counselling facilities and one stop rape centre
- Provide intensive and extensive education and training to all police, magistrates, prosecutors, judges, social workers, forensic investigators, health workers etc. All state actors need to have a comprehensive and gender sensitive understanding of violence against women and its impact.
- The state needs to run country wide public awareness programmes which deal with the root causes of violence against women and which work to improve the status of women and girls.
- The state must increase its fiscal commitment to all government departments so that dedicated funds are available to properly address violence against women.

- A strong monitoring and evaluation system is required that links all ministries together in the fight to end violence against women.
- While a National Plan of Action to address violence against women was developed, that plan is not being implemented. Consultations with civil society in the development of that plan were weak and so ownership has not been achieved hence the poor implementation.
- Government has adopted the 16 days of activism for no violence against women and its signature public awareness campaign. While this has created extensive community and national awareness, it has not resulted in the eradication of violence against women or even a marginal reduction in such violence.
- The 1998 shadow report called for appropriate and effective legislation to address violence against women. To a large extent this recommendation has been met. However, some policies and programmes require a review. Government has to conduct this review in collaboration with Civil Society organisations.

Recently there was a widely publicised case of a 15 year old girl who alleged that she was raped at school by two boys aged 14 and 16 years. Another group of boys recorded the sexual act on their cell phones and distributed this across the school and the city. The first response from teachers was to laugh when shown the recording. The girl then reported having been raped. The boys were questioned by the police and released. An outcry from the public prompted the police to arrest the boys. The girl was questioned and a short while later she too was arrested. She was accused of having consensual sex with underage boys which is outlawed by the new Sexual Offences Act. The lack of a gender perspective is clear in the way the girl's story changed under questioning. The gendered implications of this case are frightening. All the young people involved were released into the custody of their parents and put on a diversion programme. The boys returned to school and completed their school exams. The girl did not.

- The commitment to ending violence against women is not widely understood or subscribed to. State actors are both promoting impunity with their weak understanding of the relevant laws and policies and their random interpretations of them. There is no consistent or comprehensive and standardised response across the country to any form of violence. Police responses and many court responses are up to the whims and fancy of individuals within those institutions and systems. This has to stop. Impunity must end in every way and all state and private actors must take responsibility for doing that.
- Government has to increase its research outputs on violence against women to improve both state and civil society responses.
- The State must increase its support to civil society organisations.
- The 1998 shadow report recommended that the government improve service provision for victims of violence. There is still a huge area for

improving support services for victims. Too many rape victims are unable to access the police, the courts or psycho social services.

- Education and training of the police, social workers, court personnel and other related state officials has taken place over the past decade but it is not adequate. Interpretation of the law by all role players is individualistic and informed by cultural perceptions and stereotypical views of those in the system and providing the service to victims. Far more resources are required from the state to intensify the education and training of all stakeholders responsible for every part of the criminal justice system but also for civil society.
- The greatest need is in the area of prevention, The state has put a great deal of emphasis on the support to survivors and not half enough emphasis or resources has been put into redress and prevention of the violence. An extensive, consistent, well informed public awareness programme is needed on violence against women and girls. The national broadcasting association has recently developed a public awareness campaign which is adding value to the prevention strategies. It is non the less important now for the prevention strategies to be reviewed for relevance and impact and for the state to then roll them out country wide.
- As part of the prevention campaigns, programmes addressing unemployment for women and men must be increased to reduce the lack of activity, focus and hopelessness that pervades most communities. The large cohort of unemployed youth and school drop outs is a threat to ending violence against women and girls.

Communities suggested the following recommendations to address violence against women

- The maintenance act must consider the needs of children first and not the father's debts.
 - There is a need to speed up the process of administering maintenance orders and not to wait for a long time without the money for the kids.
 - Maintenance officers need to be trained and their capacity developed with respect to the maintenance act.
 - Maintenance need to be paid monthly.
 - Garnishee orders need to be used to get the money monthly
1. People must be reminded to re-apply for grants so that the process may run smoothly and women's live can be better if they notify them before they cancel their grants.
 2. Renewal of child support grants must add up to 18 years or until that person get a child.
 3. There must be restrictions on all governmental departments to do their jobs and seek measures to help people on the ground in terms of monitoring as even the officials say they do not like to work in rural areas whereas rural people are the ones who need assistance the most.

4. There needs to be significant improvement of health facilities and the government must make sure that medication, treatment and proper equipment is accessible to all who is in need of it.
5. In all the protest marches that have been done, there must be positive reply from the police not just welcome it but action must be taken.

4. Conclusion

The State must work to secure the gain it has made particularly in the realm of decision making which has been one of the most remarkable achievements in respect of substantive equality.

While the constitution and Bill of Rights are laudable efforts for achieving equality, the lack of a definition of discrimination needs to be addressed.

The CEDAW convention provides all states with a clear mandate for realising the full human rights of women and girls in their countries. South Africa has made some good progress in this regard but the State needs to do much more to ensure the practical realization of rights. Much has to be done before substantive equality is fully achieved and all forms of discrimination against women and girls is eradicated.

The South African government needs to undertake a full review of the gender related legislation , mechanisms and strategies in order to identify the obstacles to the full realisation of women's rights. Articles 1 and 3. The state has yet to fully effect Article 2 in achieving equality for women in law and practical terms.

Article 2 (b) requires the State to put measures, including sanctions in place prohibiting all forms of discrimination. The State must in particular reconsider the following:

- Review the proposed Traditional Courts Bill for its neutrality and possible direct and / or indirect discrimination against women
- Carefully consider the proposed legislation on the trafficking on persons and Immediately decriminalise women in prostitution and the state must
- Consider the criminalisation of men who buy sex and who promote the sexual exploitation of women and girls Articles 2 (d) 3, 4, 5, 6, 11,12,14 as well as General Recommendations 19,24 and 27.

A full analysis of the historical factors that have lead to women's oppression and discrimination and which continue to shape political, economic. Social, cultural and other responses to women and girls with the aim of ensuring access to their full human rights. This is outlined in Article 4.

The State needs to identify unintentional and direct discrimination in its laws, policies and programmes including the fact that some women and some men are benefiting from the State's special temporary measures for whom those provisions were not intended.

The State needs to develop stronger monitoring mechanisms to speedily identify discriminatory practises at community level to and correct that immediately.

The State must end impunity and punish perpetrators of violence against women and girls.

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CEDAW SHADOW REPORT CONTRIBUTING AND PARTICIPATING ORGANISATIONS

FREE STATE	
HIV & Aids Support Group	
Working on Fire	
Khululeka Victim Support Group	
Fish Eagles HIV & Aids Centre	
Itekeng Disabled Centre	
Human Development and Training Centre	
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Faith Based Organisation	
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Thoafalo Training Centre	
Kgetho Training and Consulting	
Retlegile Community Partnership Care	
Thusanang Community Care	
Omphile Community Care Centre	
Emmang Basadi	
Individual Team Organisation	
Sangoco North West	

North West University	
CBO Network	
Tsholofelo Home Based Care Group	
NORTHERN CAPE PROVINCE	
South African San Institute	
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South African Council of Churches Network	
VEP Forum	
LIMPOPO	
Opret Advice Office	
Mahweleneng Victim Support Centre	
Blood River Advice Office	
CA-Molekane	

ANNEXURES

Man arrested for killing 'witch'

2008-02-18 11:12

Related Links

- ['Muti killing' sparks violence](#)
- [Gran dies in witchcraft attack](#)
- ['Tongue murder' case postponed](#)

Johannesburg - A thirty-year-old man was arrested for killing an 85-year-old woman he believed was a witch, Mpumalanga police said on Sunday.

Police spokesperson Superintendent Abie Khoabane said the murder took place in Amsterdam on Thursday.

"The suspect accused the old lady of witchcraft and bewitching a family relative."

He apparently assaulted the woman with a steel pipe on the head and body.

The woman was rushed to a clinic but died on arrival.

The suspected was arrested and will appear in the magistrate's court on Monday.

- SAPA

Woman found naked on school field

December 13 2010 at 12:08am



Independent Newspapers

Police say the woman was severely beaten and left, naked, on a school field after the crime. Photo: Supplied

Johannesburg - A woman was found assaulted and raped at a school in Malmesbury on Saturday, Western Cape police said.

“The young lady was found lying naked on the sports field of the Schoonspruit Secondary School by a passerby... She had severe head and facial trauma as if she was beaten with a blunt object. It was also confirmed that she was raped,” said spokesperson Constable Henry Du Rand.

The attack happened in the early hours of Saturday morning and she was found a few hours later.

The woman, in her twenties, was taken to Tygerberg Hospital and was unable to speak.

“We think she may be brain-damaged from the attack,” added Du Rand.

Police are appealing to the public to help identify the woman.

Anyone with information should call Constable Letitia Sauer on 082 777 4147 or Crime Stop on 08600 10111. - Sapa

Taki denies killing 13 women

September 13 2010 at 12:58PM

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Serial killer accused Thozamile Taki on Monday denied 13 murder and robbery charges.

"I know nothing about the killings. I also did not rob anyone," Taki told the Ramsgate High Court, where he took the stand on Monday.

Taki is accused of killing 13 women and dumping their bodies in sugarcane plantations in Umzinto, KwaZulu-Natal, and in tea plantations in Port St Johns, in the Eastern Cape.

He was arrested in 2007.

The State has since called more than 100 witnesses, who have testified against Taki.

He also faces 13 counts of robbery with aggravating circumstances.

His girlfriend Hlengiwe Nene is charged as an accessory to the 13 robberies.

The State alleges that Taki lured his victims with promises of jobs, then robbed them and killed them.

His appearance on Monday was attended by African National Congress Women's League members carrying placards.

The trial continues. – Sapa

Women face murder rap for allegedly killing rapist of 13-year-old – 25 May 2010

A 23-year-old man was killed when a group of women allegedly attacked him for raping a 13-year-old girl in Rennie village outside Libode, South African

police said on Monday. One woman allegedly was the girl's mother. She now faces a murder rap.

Child-rape is endemic in South Africa. Last year in Gauteng province alone, more than 11,000 children were raped. And [every 26 seconds](#), a female is raped in South Africa. [see](#)

Police superintendent Mzukisi Fatyela said the women 'severely assaulted' the man on Monday morning after the child had told her mother she had been raped by this man, who was a relative.

"She said he'd taken her to his house and raped her. The girl then walked back to her parent's home," the policeman was quoted as saying. "On hearing her daughter had been raped, the girl's mother and other women in the village went to the man's house and allegedly assaulted him until he died.

"However, when police arrived at the scene, the girl's mother initially said 'she was alone when she assaulted the man with a broom stick'... but our investigations revealed there are more women so we could make more arrests," he said.

The raped girl's mother was expected to appear in the Libode Magistrate's Court on Tuesday, facing charges of murder, Fatyela said. [see](#)

Read more: <http://www.digitaljournal.com/article/269714#ixzz17iAY2plf>

One-third of men admit to rape in Gauteng, S Africa – 27 November 2010



[Johannesburg](#) - A recent study has revealed that one third of men in Gauteng, South Africa admitted to having raped a woman at some point in their lives.

A study conducted by The South African Medical Research Council and Gender Links revealed that at least 37,4 percent of men in Gauteng, the most densely populated Province in South Africa, admitted to have conducted rape at some point in their lives.

The study also revealed that at least 25,6 percent of women living in the same Province said that they are victims and survivors of rape.

According to [Mail & Guardian](#), the study revealed that almost 80 percent of men in Gauteng have used some form of perpetration against women.

These outcomes were revealed at the start of what is dubbed 16 days of activism for no violence against women and children on Thursday. This initiative takes place every year around this time to create awareness against women and children abuse.

The campaign, which runs from 25 November to 10 December globally but only started in 1999 in South Africa is an important tool to raise awareness against the high levels of abuse and violence against women and children.

Each year since 1999, the South African government, the gender activists, musicians and the civilians come together to speak, sing and act against the negative impacts of the abuse of women and children in a country ravaged by the HIV/AIDS pandemic.

But more should be done by involving schools, churches, mosques and the civil society to create more awareness and report the perpetrators to the police as these perpetrators are living with them.

Read more: <http://www.digitaljournal.com/article/300756#ixzz17iAo10nl>

South Africa's Rape Crisis: 1 in 4 Men Say They've Done It

By [MEGAN LINDOW / CAPE TOWN](#) Saturday, Jun. 20, 2009

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A new survey reveals just how common rape is in South African townships like this one, near Johannesburg
Rodger Bosch / AFP / Getty

South Africans received a horrifying measure of just how bad their country's rape crisis is with the release this week of a study in which more than a quarter of men admitted to having raped, and 46% of those said that they had raped more than once.

The study, conducted by South Africa's Medical Research Council, reveals a deeply rooted culture of violence against women, in which men rape in order to feel powerful, and do so with impunity, believing that their superiority entitles them to vent their frustrations on women and children. The men most likely

to rape, the researchers found, were not the poorest, but those who had attained some level of education and income. **(See pictures of South Africa, Fifteen Years On.)**

Researchers interviewed 1,738 men of all race groups, in both urban and rural settings in the Eastern Cape and KwaZulu-Natal, provinces marked by high rates of AIDS and poverty, and the men answered questions about rape and HIV using small handheld computers in order to guarantee anonymity. Of those admitting rape, 73% said that they had committed their first assault before the age of 20. According to the researchers, many of the study's participants appeared to see no problem with what they had done. These findings, says Mbuyiselo Botha, a senior program advisor at Sonke Gender Justice, an advocacy group for abused women, "highlight the lack of remorse among men in our country, and also the attitude that women remain fair game for us." Men, says Botha, "continue to abuse even to the point of getting away with murder."

South Africa has one of the highest incidents of reported rape in the world. The most recent statistics show that 36,190 cases of rape were reported to the police between April and December 2007, though experts believe that number only accounts for one out of nine cases. But the number of rape cases that make it to court — let alone result in a conviction — are far fewer.

Researchers said that many of the perpetrators reported having bullied or been bullied. The study also underscores the huge divide between South Africa's liberal constitution, which enshrines the rights of women and children, and "the realities of a society where poverty, inequality and violence are rife."

Gender advocates say that the 2006 rape trial of prominent politician Jacob Zuma was incredibly damaging to their cause. Zuma, who was elected President this year, was tried and acquitted of raping an HIV-positive family friend. He told the court that the woman had dressed provocatively, in a traditional wrap-around kanga, and that it was against Zulu culture for a man to leave a sexually aroused woman unsatisfied. **(See a profile of South African president Jacob Zuma.)**

Zuma's plainspoken views as a polygamist and a traditionalist appeal to many men who feel adrift in a society that defines men by the material trappings they attain, says Aernout Zevenbergen, author of *Spots of a Leopard*, a book on masculinity in Africa that is soon to be released in English. "Rape is a signal of a society that is sick to the core," Zevenbergen says. He points to South Africa's long history of migrant labor, in which men left home to work in the mines, as having broken apart generations of families. This system set the stage, he says, "for an epidemic of young men who, in the absence of positive male role models, are now consumed by a sense of anger and entitlement."

"What we have are the wounds of men creating wounds in women, creating wounds in children

Read more: <http://www.time.com/time/world/article/0,8599,1906000,00.html#ixzz17iCX6sp8>

Child rape in South Africa

Pediatric Nursing, Sept-Oct, 2002 by Eileen Meier

Rape, including child rape, is increasing at shocking rates in South Africa. Sexual violence against children, including the raping of infants, has increased 300% over the past decade (Dempster, 2002). According to a report by BBC news, a female born in South Africa has a greater chance of being raped in her lifetime than learning how to read (Dempster, 2002). When South Africa became a democracy in 1994, there were already 18,801 cases of rape per year, but by 2001 there were 24,892 (Dempster, 2002). Numbers vary by different institutions, but are nevertheless extremely troubling. The Institute of Race Relations found that more than 52,000 rapes were reported in 2000, and 40% of the victims were under age 18 (du Venage, 2002). The University of South Africa reports that 1 million women and children are raped there each year (South Africa: Focus on the Virgin Myth, 2002).

High Profile Baby Rapes

A number of high profile baby rapes since 2001 (including the fact that they required extensive reconstructive surgery to rebuild urinary, genital, abdominal, or tracheal systems) increased the need to address the problem socially and legally. In 2001, a 9-month-old baby was raped by six men, aged between 24 and 66, after the infant had been left unattended by her teenage mother. A 4-year-old girl died after being raped by her father. A 14-month-old girl was raped by her two uncles. In February 2002, an 8-month-old infant was reportedly gang raped by four men. One has been charged (McGreal, 2001). The infant has required extensive reconstructive surgery. The 8-month-old infant's injuries were so extensive, increased attention on prosecution has occurred.

The Effect of Apartheid on the Current Violence

Townships Breed Violence and Social Breakdown

A social worker at Red Cross Children's Hospital in Capetown, a hospital that treats the largest number of child rapes, described the geographical outlay and problems in townships that may contribute to child rape (Carla Brown, Chief Social Worker for Child Rape Victims, Red Cross Children's Hospital, Capetown, personal communication, June 11, 2002). Many areas lack running water and electricity, and outhouses are used by a large number of individuals. Living spaces may be a 10 x 8 room where a large number of individuals live (10 or more)--parents, children, grandparents, uncles, or friends all live in one cramped space. People must undress, bathe, and sleep in extremely small areas without partitions. There are no private areas for parents to have sexual relations and members of the family may sleep next to children on the floor--grandfathers or uncles sleeping next to small children. Children going to outhouses late in the evening may be sent alone and exposed to possible rape or violence. Townships have areas of tall grasses, garbage, and discarded junk. Girls walking to school have been raped in these areas because of lack of visibility from the

outside world. Gang initiation is beginning to consist of child rape, including the rape of young boys. Individuals who are not lucky enough to have a job are left with other family members, sometimes other children or other male relatives who rape these children. There is an increasing number of children orphaned due to the death of their parents from AIDS. These children are left with other young caregivers, exposing them to rape and violence.

AIDS Role

Seventy percent of adults and 80% of children have AIDS in Africa (Avert, 2002). South Africa has the largest population of individuals in Africa infected with HIV. More than 4.8 million people there have AIDS; 250,000 died from AIDS in 1999; and by the year 2015, the population loss of AIDS-related deaths in South Africa will be 4.4 million (Centers for Disease Control [CDC], 2002). By the year 2010, HIV prevalence could reach 25%, and by 2008, 1.6 million children will be orphaned by AIDS, increasing the number of children who are at risk for no caregivers, rape, sex work, or life on the street (CDC, 2002). At least 5.7 million children in South Africa could lose one or both parents from HIV/AIDS by 2015 unless there are major interventions (IRIN Daily News Alert, 2002). In African countries where at least 15% of adults are infected, AIDS will claim approximately one third of today's 15-year-olds (HIV & AIDS in Africa, 2002). Teachers are increasingly dying in Africa from AIDS. Economically, AIDS will continue to impact upon the very root of why violence and sexual violence could increase due to unemployment and the break down of the social fabric. AIDS will reduce economic impact by 0.3-0.4% annually in South Africa, and by the year 2010, AIDS will reduce South Africa's gross domestic product by 17% and eliminate \$20 billion of the country's economy (Avert, 2002).

Program for Women and Girls

In 1999, the government established approximately two dozen courts specifically to handle sexual offenses. The Bureau's current project, the Thuthuzela Care Centre, in cooperation with the Vera Institute in New York City helps the justice system treat rape survivors (girls 14 and older) with respect and handle criminal cases more effectively. The project's goal is to improve police investigations, collection of evidence, and prosecution. The project is a result of a small study in Cape Flats that showed women and girl's treatment after rape led to poor investigations and unsuccessful prosecutions. Before the center, women or girls waited an average of 3-4 hours in police stations repeating their stories. Medical exams were delayed hours or days, and evidence was routinely lost. Girls and women were rarely tested for HIV, and many women walked home alone from the hospital. Girls or women did not know of court hearing schedules, and many stopped case prosecution.

The Centre is located in Jooste Hospital in Manenberg near Cape Flats and Mitchell's Plain (Capetown townships). A second care center opened in July 2001 in Mdantsane in the Eastern Cape. The Centre sees women and girls as young as 14. The matron of the center reports the Centre sees approximately 30 rapes per month in children age 14-17 (in addition to women). Many of these rapes occur in schools (Carla Brown, Chief Social Worker for Child Rape Victims, Red Cross Children's Hospital,

Capetown, personal communication, June 11, 2002). They are perpetrated by boys (some as young as 10), and approximately 40% of the rapes are perpetrated by teachers. Recently, Parliament Education Committee Chair Shepard Mayatula has advocated for publicly "naming and shaming" teachers who rape students (Terreblanche, 2002).

After a rape occurs, the police bring the woman or girl to the Centre. A doctor collects evidence using DNA analysis kits. Only visual detection of evidence is used, as a colposcopy machine is unavailable due to cost (and would require additional training). If a woman or girl appears at the center within 72 hours after the rape, she is offered AZT and tested for HIV and sexually-transmitted diseases. A doctor may be called away during the exam and return a number of times. The woman or girl can change into clean clothes and eat something after the examination. A special prosecutor handles all rape cases at the Thuthuzela Care Centre. This prosecutor is experienced in rape cases as well as child rape. Despite this, girls, women, and families of infants or children who have been raped are many times reluctant to go through with criminal prosecution due to threats of violence, murder, and prior incidents of family homes being burned in retaliation for reporting rapes to the police and judicial system (Pauline Berzi, Matron Nurse, Thuthuzela Care Centre, Mitchell's Plain, South Africa, personal communication, June 7, 2002).

If a child is seen within 72 hours after the rape at Red Cross Hospital, the child is started on AZT. Parent(s) are counseled on safety and psychological effects. The child is placed initially in the intensive care unit (ICU) because heightened security for the child and family can be provided in the ICU if retaliation by the perpetrator takes place. Many parents are reluctant to continue the prosecution due to long delays and fears of "reliving" the attack. Dolls are used in Red Cross Hospital and court to demonstrate abuse, although many children have never seen a doll and have been initially afraid of dolls (Carla Brown, Chief Social Worker for Child Rape Victims, Red Cross Children's Hospital, Capetown, personal communication, June 11, 2002). Social workers work with caregivers to increase the safety of these children so further abuse does not take place.

Prosecution of Child and Infant Rapes

If a parent continues with the prosecution, the government has developed the Sexual Offenses and Community Affairs Unit. In Capetown, both women from the Thuthuzela Centre and child rape cases are held in a special section for security. Child-friendly rooms in the Capetown courts were developed with the assistance of Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN), a South African child abuse non-profit group that has done community education and media campaigns on child abuse. Children are taken to a special room where an "intermediary" assists the child and a closed circuit video monitor is placed for viewing in the courtroom (Special Rape Prosecutor, Capetown, personal communication, June 7, 2002). There is also security for the child in this room. The child can be seen in the courtroom but cannot see the alleged perpetrator. This differs from the American system where a child may be forced to "face" the accused (Althea Handy, Division Chief Sex Offense Division of State's Attorney's Office for

Baltimore City, personal communication, June 5, 2002.). The intermediary sits next to the child and assists him or her in translation of languages and informs the court if the child needs a break for the toilet, food, or rest. Because there are so many cases waiting to be heard, the government recently put out a call to hire more prosecutors for child rape cases.

Eileen Meier "[Child rape in South Africa](#)". Pediatric Nursing. FindArticles.com. 10 Dec, 2010. http://findarticles.com/p/articles/mi_m0FSZ/is_5_28/ai_n18614355/

Raped and killed for being a lesbian: South Africa ignores 'corrective' attacks - Thursday 12 March 2009

The partially clothed body of Eudy Simelane, former star of [South Africa](#)'s acclaimed Banyana Banyana national female football squad, was found in a creek in a park in Kwa Thema, on the outskirts of Johannesburg. Simelane had been gang-raped and brutally beaten before being stabbed 25 times in the face, chest and legs. As well as being one of South Africa's best-known female footballers, Simelane was a voracious equality rights campaigner and one of the first women to live openly as a lesbian in Kwa Thema.

Her brutal murder took place last April, and since then a tide of violence against lesbians in South Africa has continued to rise. [Human rights](#) campaigners say it is characterised by what they call "corrective rape" committed by men behind the guise of trying to "cure" lesbians of their sexual orientation.

Now, a report by the international NGO ActionAid, backed by the South African Human Rights Commission, condemns the culture of impunity around these crimes, which it says are going unrecognised by the state and unpunished by the legal system.

The report calls for South Africa's criminal justice system to recognise hate crimes, including corrective rape, as a separate crime category. It argues this will force police to take action over the rising violence and ensure the resources and support is provided to those trying to bring perpetrators to justice.

The ferocity and brutality of Simelane's murder sent shockwaves through Kwa Thema, where she was much known and loved for bringing sports fame to the sprawling township.

Her mother, Mally Simelane, said she always feared for her daughter's safety but never imagined her life would be taken in such a way.

"I'm scared of these people that they are going to come and kill me too because I don't know what happened," she said. "Why did they do this horrible thing? Because of who she was? She was a sweet lady, she never fought with anyone, but why would

they kill her like this? She was stabbed, 25 holes in her. The whole body, even under the feet."

The Guardian talked to lesbians in townships in Johannesburg and Cape Town who said they were being deliberately targeted for rape and that the threat of violence had become an everyday ordeal.

"Every day I am told that they are going to kill me, that they are going to rape me and after they rape me I'll become a girl," said Zakhe Sowello from Soweto, Johannesburg. "When you are raped you have a lot of evidence on your body. But when we try and report these crimes nothing happens, and then you see the boys who raped you walking free on the street."

Research released last year by Triangle, a leading South African gay rights organisation, revealed that a staggering 86% of black lesbians from the Western Cape said they lived in fear of sexual assault. The group says it is dealing with up to 10 new cases of "corrective rape" every week.

"What we're seeing is a spike in the numbers of women coming to us having been raped and who have been told throughout the attack that being a lesbian was to blame for what was happening to them," said Vanessa Ludwig, the chief executive at Triangle.

Support groups claim an increasingly aggressive and macho political environment is contributing to the inaction of the police over attacks on lesbians and is part of a growing cultural lethargy towards the high levels of [gender](#)-based violence in South Africa.

"When asking why lesbian women are being targeted you have to look at why all women are being raped and murdered in such high numbers in South Africa," said Carrie Shelver, of women's rights group Powa, a South African NGO. "So you have to look at the increasingly macho culture, which seeks to oppress women and sees them as merely sexual beings. So when there is a lesbian woman she is an absolute affront to this kind of masculinity."

A statement released by South Africa's national prosecuting authority said: "While hate crimes – especially of a sexual nature – are rife, it is not something that the South African government has prioritised as a specific project."

The failure of police to follow up eyewitness statements and continue their investigation into another brutal double rape and murder of lesbian couple Sizakele Sigasa and Salome Massooa in July 2007 has led to the formation of the 07-07-07 campaign, a coalition of human rights and equality groups calling for justice for women targeted in these attacks.

Sigasa and Massooa were tortured, gang raped and shot near their homes in Meadowland, Soweto in July 2007, shortly after being verbally abused outside a bar.

Human rights and equality campaigners are hoping that the public outrage and disgust at Simelane's death and the July trial of the three men accused of her rape and murder will help put an end to the spiralling violence increasingly faced by lesbians across South Africa.

Despite more than 30 reported murders of lesbians in the last decade, Simelane's trial has produced the first conviction, when one man who pleaded guilty to her rape and murder was jailed last month.

On sentencing, the judge said that Simelane's sexual orientation had "no significance" in her killing. The trial of a further three men pleading not guilty to rape, burglary and murder will start in July.

In Soweto and Kwa Thema, women seem unconvinced that Simelane's case will change anything for the better.

Phumla talks of her experience of being taught a "classic lesson" by a group of men who abducted and raped her when she was returning from football training in 2003. She says that "practically every" lesbian in her community has suffered some form of violence in the past year and that it will take more than one trial to stop this happening.

"Every day you feel like its a time bomb waiting to go off," she said. "You don't have freedom of movement, you don't have space to do as you please. You are always scared and your life always feels restricted. As women and as lesbians we need to be very aware that it is a fact of life that we are always in danger."

'Back-door abortions still killing women'

July 19 2005 at 09:40pm

By Sherlissa Peters

Years after having the Choice of Termination of Pregnancy Act enshrined in our country's constitution, women are still dying as a result of back-door abortion complications.

The family of 17-year-old Nonthobeka Maphumulo are mourning her death after she allegedly went to a traditional doctor for advice on how to abort her baby.

The Maphumulos, who live in an informal settlement near Copesville, said that they were shocked when their daughter came home and collapsed outside the door on Sunday night.

"She was bleeding and she was holding her stomach," said Maphumulo's mother Kettiwe.

She said that Maphumulo told them she was pregnant and did not want the baby.

"She was in a lot of pain and she told us she went to a traditional doctor to get rid of the baby," Kettiwe said.

Two hours later, Maphumulo was dead.

"We do not know who she went to or what they did to her. We are in mourning now, for my daughter and her child," the mother said.

Local social worker Gideon Reddy said he was horrified to hear of the fate that had befallen Maphumulo.

"People living in these sorts of environments need to be educated about their rights. If this girl had been better informed of where she could go or what she could do to get help, her death may have been prevented," Reddy said.

According to Dr Pat Sweenen, Maphumulo is just one of a dozen women who die every month as a result of back-door abortions.

"Abortions are very high in the rural areas where women use traditional herbs and malaria drugs to force early labour. They also insert sharp objects into the uterus," she said.

"We fought long and hard for women in this country to be able to exercise their constitutionally protected right to safe, legal abortions. Now we need to embark on strategic and effective ways of reducing illegal abortion-related deaths."

"Abortion is an extremely traumatic decision to come to terms with and requires professional attention, both with the procedure itself and check-ups afterwards."

"Society needs to come together. We need to harness our resources, get out into the rural communities and educate our young women on this issue. Their lives depend on it."

Traditional healer on rape charge

A BUTTERWORTH traditional healer was arrested for allegedly rendering a patient unconscious, then raping her. "The victim was told to take off her clothes and was covered with brown linen. Some medicine was then burnt ... When she regained consciousness she found the doctor on top of her having sex with her," said police spokesperson Captain Jackson Manatha.

The doctor was expected to appear in the Butterworth Magistrate's Court today on a rape charge. — Sapa

23/7/10

Schoolboy rape² accused released

By CHARL DU PLESSIS

THE two Johannesburg schoolboys accused of drugging and raping a 15-year-old girl at Jeppestown High School were released yesterday.

Mthunzi Mhaga, spokesperson for the National Prosecuting Authority (NPA), said that "due to insufficient evidence we have requested the police to conduct further investigations".

The two boys, aged 14 and 16, are from Jules High School and New Nation High School in Johannesburg respectively. They were arrested after they were alleged to have drugged two girls and raped one last Thursday.

Other students witnessed the incident and several made videos with

their cellphones. "(The boys) did not appear in court today," said Mhaga. "Unfortunately, we are only as good as the evidence we get."

Gauteng police spokesperson Lungelo Dlamini said: "The investigating officer was at court today with the docket. It was taken before the Director of Public Prosecutions today."

Mhaga said the NPA would wait for the police to gather further witness statements and for results of blood tests done on the victim.

● Yesterday, The Times reported that the rape victim's mother paid R5 500 per month in school fees at Jules High School. This should have read R500 a month. We regret the error. — The Times

'Child sex abuse on the increase'

By CHARL DU PLESSIS

THE alleged rape of a 15-year-old schoolgirl filmed by classmates is becoming increasingly common in South Africa.

Lizette Schoombie, director of the Teddy Bear Clinic, yesterday said the spread of information technology was allowing children to bully and sexually abuse each other to a far greater extent than before.

She said children from both private and public schools were treating sex "like a game of squash". "There is an upside to information technology but I think this is starting to be outweighed by the downside," she said.

She was referring to a report compiled by researchers at the Teddy Bear Clinic and the Gauteng Department of Education in May.

The study surveyed around 130 students at urban and township schools on Johannesburg's East Rand and included examples of teenagers in sexually provocative poses.

It showed that cellphones, Internet and social media sites were creating new trends among school-age pupils that included taking photos of their private parts, and filming themselves masturbating and having sex.

Some of the results of the survey were:

- 92 percent of children surveyed learnt about sex from television;
- 43 percent reported they learnt about sex from pictures on a cellphone, 26 percent from "friends showing me" and 15 percent from "others having sex";
- Nine of 10 pupils reported they had access to a cellphone;
- Seven of 10 had access to the Internet;
- The majority reported their parents did not check what they were doing with the devices. — The Times

IN BRIEF

Tsolo woman, 52, robbed and gang-raped by three men

A 52-YEAR-OLD woman was gang-raped by three men on her way home from work in Mazinzi, 35km from Mthatha, on Monday night.

"The woman had finished work and was going home when three men took her money, cellphone, and then all raped her," Eastern Cape police spokesperson Colonel Mzukisi Fatyela said.

The woman, who lives in Tsolo, was taken to the Sinawe Centre at the Nelson Mandela Academic Hospital in Mthatha for medical treatment and counselling.

Fatyela said a case of rape had been opened and that an investigation began last night. — Sapa

NEWS 3

Boys sought in child rape case

By **BONGANI FUZILE**
Crime Reporter

POLICE are looking for six primary school boys who this week allegedly assaulted and raped a six-year-old girl on her way home from school.

Butterworth police spokesperson, Captain Jackson Manatha said the incident allegedly happened in Mente village near Butterworth on Monday as the victim was walking with friends from school.

"Police are still looking for the suspects in this case. The six-year-old victim reported this to her parents and police were alerted," said Manatha.

"At this stage the suspects are still at large. Any person in the community who can assist must contact the police. The victim has been taken to a doctor for observation," said Manatha.

● In a separate incident, a 12-year-old girl from Mamata administrative area

near King William's Town was allegedly raped by two teenage suspects.

According to King William's Town police spokesperson Captain Thozama Solani, the victim had been sent by her teacher to collect wood for fire as they were preparing for a school tour.

"It is alleged that the two suspects accosted her and raped her. After the incident the two suspects disappeared and the victim never reported what happened to her teachers," said Solani.

The victim told her mother later in the day what had happened to her.

"Police were informed and the two suspects, aged 13 and 15, were arrested by Dimbaza police. They were later released to the care of their parents because of their age," said Solani.

"Teachers and parents must make sure that children are supervised all the time. Recently we are experiencing a hike in rape cases in our area," said Solani. — *bonganif@dispatch.co.za*



Spat of assaults on young EL girls

RELATION: Three men get bail after shocking acts on kids in their care

Three men who were accused of sexually abusing and assaulting young girls in their care at a well-known East London child welfare centre have been granted bail after appearing in court.

The men, who were charged with various offences including rape and sexual assault, were granted bail by the court. The court also ordered that the men be supervised by the police during their bail period.

The case has caused a significant amount of concern in the community, particularly among parents and educators. The court's decision to grant bail has been widely criticized, with many people arguing that the men should be held in custody until they can be properly dealt with by the justice system.

Rape survivor brutally killed

By **BONGANI FUZILE**
Crime Reporter

A RAPE survivor whose rape was said to be brutal in the East London Magistrate's Court was brutally murdered, her body dumped in a gutter.

Theresa Lwiza, 25, was found severely assaulted near her home in the village of Mente on Monday. She was found with many unexplained gunshot wounds, especially on her chest and neck.

"This has never happened in this village," said Lwiza.

In September 2005, Lwiza was

raped, allegedly by someone from the village, who was later released on bail.

The case was part of a number of cases that were heard in the court. However, the defence attorney was not able to attend court.

"Lwiza died at the hands of someone who raped her and then killed her," said Lwiza's lawyer.

"We don't know who she was just a person who was loved by the community and she has been killed," said Lwiza's lawyer.

Lwiza showed her friend with her mother, before she was killed.

"We were very close and she had been raped," Lwiza's mother said.

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