

problem of violence against women and intends to develop programmes, there is no institutionalised training at present in the medical or nursing curriculum or in-service training to prepare health workers to deal with violence against women. This is borne out by the fact that only 10% of health workers routinely ask clients about domestic violence: the reasons for not inquiring about abuse were feeling professionally and personally ill-equipped to deal with such problems (40%), perceptions that it is unnecessary (47%) and being too busy (13%).

- In the Department of Health's 1998 progress report to the Committee, the Department stated that it had joined other countries to discuss a resolution on the prevention of violence as a public health priority, that it participates in the National Network on Violence Against Women and that it assisted in developing guidelines for survivors of sexual offences.
- The following issues⁸⁰ remain to be addressed by the Department of Health:
 - the necessity of shifting the focus of health care services for women from childbearing to reproductive health, including counselling and education on and treatment for reproductive health, including infertility, sexually transmitted diseases and especially violence against women; and
 - training and education of health care workers in domestic violence as a mainstream health issue.

HIV / AIDS and violence against women

- Women and children who have been the victims of sexual abuse and violence face special risks of contracting sexually transmitted diseases (STDs), and in particular HIV/AIDS.
- The violence and coercion involved in the sexual relationships of so many men and women in South Africa limit especially young women's capacities to protect themselves against HIV/AIDS.⁸¹ In research conducted among women in three South African provinces⁸², CERSA reported that many women indicated that their partner openly brought girlfriends home or boasted about them, and that even more women indicated that they did not perceive that they were able to refuse sex with their husbands. Given the pattern

⁸⁰ These issues were raised by the Committee with the Parliamentary Health Committee in August 1997

⁸¹ CERSA in Submission N

⁸² Submission O

of gender relations described in this research, it is likely that women would not be in a position to insist on condom use, even if they wanted to, and in relationship characterised by physical violence they faced further abuse.

- Various perverse myths have arisen during the last decade connecting sex with certain types of women with a cure for AIDS, thereby adding a new dimension to sexual violence against women. In 1990, a document appeared calling on African men in the Durban area to acquire “the AIDS antibody” by raping Indian women. Even though the flyer was believed to be the work of a “third force” intent on aggravating conflict in and between black communities, it still succeeded in increasing the fear surrounding the disease. There is also a well-circulated myth that sex with a child virgin will cure oneself of the virus.⁸³
- Lisa Vetten writes⁸⁴ that, although it is extremely hard to show a correlation between the incidence of rape and suspected or confirmed HIV positivity, the desire to spread the disease to ensure one does not die alone, coupled with anecdotes like those above, does suggest that HIV/AIDS needs to be seriously considered in trying to understand factors giving rise to rape in South Africa. Certainly, it would seem that rapists may be targeting younger girls and children in the belief that, being less sexually active, they are also less likely to be HIV positive.
- Government funding of the controversial anti-retroviral drug AZT - widely used in the treatment of AIDS - for rape survivors has received much attention in the media and from the public during the last months.
- In an address to the National Assembly on 16 November 1999, the National Minister of Health, Dr M E Tshabalala-Msimang, indicated that it is conservatively estimated that up to four million South Africans, approximately 10% of our population, have been infected with the HIV virus. The Department of Health reported in 1999 that young women in their 20s have the highest infection rates. 26,1% and 26,9% of pregnant women aged 10-14 and 25-29 respectively are HIV positive.⁸⁵
- The Minister further stated in her address that the government does not supply AZT (which is generally used in conjunction with other drugs) to people infected with HIV/AIDS (including pregnant

⁸³ As recorded by Lisa Vetten in Submission 1G

⁸⁴ Submission 1G

⁸⁵ As reported by CERSA in Submission O, page 21.

mothers) and people who may have been infected through needle-pricks or through rape, on two grounds:-

- Affordability. In her address to Parliament, the Minister stated “We simply cannot afford AZT. At current market prices the cost of the triple therapy drugs alone, for the treatment of four million South Africans, would be ten times the total South African health care budget, and 140 times what we spend on pharmaceuticals in the public sector.”
 - The absence of proper research on the possible harmful side-effects of AZT, in particular its toxic profile.
- With regard to the treatment of rape survivors, the Minister said the following:

“I must draw your attention to the fact that AZT is not registered for this particular use in South Africa, or to the best of my knowledge, anywhere else in the world.⁸⁶

“It is extremely unusual to expose healthy adults or children to a drug like AZT, that was developed for use in chemotherapy, and that is known to have caused cancer in animal studies. Few drugs on our market are known carcinogens in animal models, and those that are, are mainly used to treat patients with established serious conditions such as cancer, where their effects have been carefully studied in clinical trials, and where their use is strictly controlled.

“We have absolutely no idea of what the effects are, either short-term or long-term, of using AZT, a known carcinogen, on healthy people. The use of AZT is, at the present time, illegal, aside from it being dangerous.”

▪ **INCARCERATION OF OFFENDERS**

- The Department furnished the Committee with the following relevant statistics⁸⁷ about prisoners presently in the care of the Department:-
- There are 12 034 prisoners convicted of sexual offences – 11% of the total sentenced prisoner population.

⁸⁶ The Minister also stated that South Africa is the only country in the world in which the use of AZT to treat health care workers, following needle-prick injuries, is registered.

⁸⁷ Submission 1H

- There are 4 111 sentenced and unsentenced female prisoners: 871 (21,1%) have been convicted of murder, 516 (12,6%) of assault, 347 (8,4%) of narcotics-related crimes, and 326 (7,9%) of fraud.
 - The average age of female prisoners was 30,77 years, and the average sentence of those already sentenced was 36,38 months. There are 315 infants in prison in the care of female prisoners.
 - As at 30 April 1999, the number of HIV-positive prisoners was 1 789, a 25,46% increase from the number of 1 426 in May 1998.
- The Department of Correctional Services presented a submission⁸⁸ to the Committee describing their extensive education and rehabilitative counselling programmes for inmates⁸⁹, and in particular perpetrators of sexual violence. Convicted rapists receive counselling and treatment from psychologists as they have been identified as a priority target group. The Department conceded that their rehabilitative efforts were difficult to measure due to a lack of statistical support.
 - The Department reported on their education programmes for women inmates (such as programmes on adult basic education and training, reproductive health, including HIV/AIDS, parenting skills, and stress and anger management, alcohol and drug abuse). The Department also makes use of NGO's, such as People Opposed to Women Abuse who hold workshops on violence for female offenders who have committed violent crimes.
 - Departmental policy stipulates that mothers with infants and young children⁹⁰ must be kept in a separate Mother and Child Unit, where surrounding and facilities are complementary to sound physical, social and mental care and development of the child.
 - It was also reported that the Department now had a programme in place by which all reasonable efforts were made to notify victims of the parole hearings, release or escape of prisoners. Victims may make oral representations at parole hearings without the prisoner being present, or written representations. The victim may also

⁸⁸ Submission 1C

⁸⁹ In its 1998 report, the Department of Justice reported back on a Canadian study tour on dealing with violence against women, and in the lessons drawn from the tour listed the need for rehabilitation for offenders. This issue was also raised by UWC's Community Law Centre.

⁹⁰ A female prisoner may, subject to prescribed conditions, be permitted to have her child with her until the child is five years of age.

request to have certain conditions included in the prisoner's parole conditions, especially in rape and child abuse cases, such as that the offender is restricted from certain public or residential areas.

- The Department's submission points out that a victim or relative is responsible to inform the Commissioner of Correctional Services in writing of her contact details, changes of address, and costs incurred to attend the parole board hearing.
- The Department also attempts to assist prisoners about to be release by way of counselling, accommodation and transport arrangements and community integration programmes to assist prisoners to obtain employment on release.

▪ RECENT RESEARCH ON VIOLENCE AGAINST WOMEN

- Several research reports were presented to the Committee at the hearings. The findings, which appear important to the Committee, are summarised below. The Committee requests that these summaries should not be used without reference to the entire research reports, copies of which are available from the Committee clerk. It is always necessary to take into account the limitations of such research, which were all conducted in specific geographic areas, and to recognise the danger of generalisation. These difficulties only highlight the dire need for a proper statistical database on issues relating to violence against women and children and gender attitudes.
- UNISA's Institute for Social and Health Sciences presented a research report on rape surveillance through district surgeon offices in Johannesburg from January 1996 to December 1998. Some of their findings on an analysis of 1401 rape cases reported at the Hillbrow, Lenasia South and Chris Hani Baragwanath medico-legal clinics during this period were the following:
 - 51% of survivors were between ages 15 and 25;
 - 80% of survivors were African, 10,2% Coloured, 8,1% White and 1,8% Asian;
 - 88,3% of rapes were perpetrated by a person of the same race group as the survivor;

- 58,2% of rapes occurred over the weekend, and 43,7% took place between 18h01 and 0h00, i.e. most rapes took place after working hours and after dark;
 - 44,7% of survivors were acquainted with their attacker in some way: 21,9% of victims knew their attacker by sight, 5,7% were “friends”, 4,2% were relatives, 3,4% were ex-boyfriends, 3,1% neighbours, 1,5% family acquaintances, 1,2% boyfriends and 0,8% co-workers⁹¹;
 - Younger victims were more likely to know their attackers: offenders were known to 57,4% of victims between ages 1 to 12, 53,8% of victims between 13 to 19 years (the perpetrator was unknown to 61,6% of victims between 20 to 30, 64% of 31 to 40, and 83,3% of those older than 50);
 - 31% of rapes were committed in open fields, 29,1% in the rapist’s home, and 14,2% in the victim’s home. 32 cases occurred in Hillbrow, 70 in the Johannesburg CBD, 60 in Lenasia, 50 each in Berea, Orange Farm, Soweto, and 46 in Joubert Park;
 - A single perpetrator committed 73% of rapes, while 27% involved multiple attackers (two attackers – 13,6%, three attackers – 6,4% and four attackers – 7%);
 - Where a single perpetrator was involved, 51,5% of perpetrators were known to their victims, and 48,2% of rapes occurred in homes (32,3% in the rapist’s home and 15,9% in the victim’s home);
 - Where multiple attackers were involved, 75,1% of the perpetrators were strangers to the victims, and 50,8% of the attacks occurred in public areas;
 - Weapons were used in 54,9% of attacks: mostly knives (50,9%) and firearms (35,3%). In 85,5% of cases the weapon was used to threaten only.
- UCT’s Institute of Criminology’s Gender, Law and Development Project presented a submission on research undertaken in rural areas in the Southern Cape⁹², which found that the statistics and dynamics

⁹¹ The research report points out that, when interpreting these statistics, one should bear in mind that the sample only represents reported rapes.

⁹² “Violence Against Women in the Southern Cape: Exploring Access to Justice Within a Feminist Jurisprudence Framework”

of rape are similar in rural areas to those in urban centres, but significant differences are identified in access to justice & support after the attack. Participating women estimated that 80% of women, on average, are victims of ongoing domestic violence.

- Rural women experienced and witnessed injuries ranging from burns from boiling water to severe head injuries, resulting in loss of hearing and sight. Steel pipes, sticks, knives, furniture, boiling water, fists, pieces of timber and kitchen utensils were all used on women in their communities. Participants stated that, in their community, men were “professionals” in domestic violence, hitting a woman on her body and not on her face, so that the injuries are not too identifiable, but when she has been accused of infidelity, women sustain head and facial injuries “to make her ugly to other men”.
- One participant described the domestic sexual abuse of a family member as follows:

“What can she do if he comes home, drunk, kicking the door, the children and everything has gone mad? When she is sleeping, he turns up the music loud and come to her and makes her sleep with him. And she only wants to please her husband but she does not like it. He is very aggressive in their bed with . She does not believe it’s really rape when it is her husband. Neither does he. He says ‘you’re my wife, I can do what I want to do’.

“Even if she says no, her husband gets cross and hits her and keeps doing what he wants to do. It is very painful, but she cannot scream because her children are there. That is why he turns on the music. But, she says her children know what is happening. She can hear them crying.

“She reports him to his family. His family says ‘what’s wrong with you that you don’t want to please your husband’ or ‘what are we supposed to do... you must have sex with your husband’.

“Sometimes husbands listen but they mostly say it is nonsense and if the women do not like it, they must leave the house. What must we do? Go to the police? Even if you are raped by a stranger they don’t believe you and now you must tell them your husband is raping you? They are just as bad as the husbands. They ridicule you too and tell you that you are full of shit and you are wasting their time. You can have scars on your face... bleeding... and the

police will send you home to 'sort it out with him'. Rape by your husband is only real in the law."

- Participants listed domestic violence, alcoholism, under- and unemployment, the rape of women and property crime as major problems in their communities. Participants reported a link quantified at 75% to 100% between alcohol and violence in their communities: Women reported that the highest levels of crime against women and children, particularly sexual assault and rape, occurred in close proximity to shebeens. It also appeared that age restrictions for buying alcohol were almost non-existent.
- Rape and the sexual molestation of children were seen as the biggest threats to women and girl children in the communities, not only due to the violation of women's physical and sexual integrity, but also due to other consequences of rape, such as death, injury, impregnation and STD's.
- Economic abuse was a notable feature of the research, and included withholding money, stealing money earned by her, throwing the victim and her children out of the home (or threatening to do so) or the practice of giving money to the eldest son (no matter how old he is). But most commonly, men gave money irregularly to the women to provide for their families, and women were subsequently beaten if the husband found meals or the home unsatisfactory.
- Women listed the following causes of domestic violence: Lack of respect for women, problems with children (misbehaviour or neglect), unemployment and alcohol abuse, suspicion or jealousy, and culture (with special reference to lobola).
- The report lists the following reasons for the limited access to justice for rural women:
 - Economic disempowerment (as a result of lack of education and unemployment) was mentioned as being the single factor, which prevent women from removing themselves from the domestic violence. Most women who participated in the research had no credit rating or no cash to draw on in an emergency. These financial restrictions resulted in isolation and domestic "confinement", and dictated their physical mobility, access to education, recreation, where they could shop, what they could buy and also access to each other.

- Women in rural areas lack nearby services and the cost of transport decreases a woman's ability to leave violent situations or even seek information or assistance to deal with the problem. Distances to basic public services are great and child care is a problem if travel is necessary. There are no or limited taxi and bus services and if they do exist they are expensive.
 - Limited access to state and private health, welfare and justice services results in systemic discrimination by the state in almost every area of rural women's lives.
 - Women in rural areas have little option but to remain in the home with the offender because there are no accessible safe houses or shelters. Rural women remain in abusive relationships because they have little access to economic resources.
 - Women in small rural communities articulate fears of community gossip or alienation from their communities if they seek assistance.
 - Women remain powerless over alcoholism within their communities.
 - Very few development services exist in rural communities.
- The combined effects of poverty and violence for rural women in the Southern Cape create formidable barriers to women's equality, mental and physical health, and their full participation in civil society. Current law contains systemic inequalities, state legal structures are inherently discriminatory against women and, more specifically, do not meet the needs of rural women.⁹³
 - The Medical Research Council's Centre for Epidemiological Research in SA ("CERSA") presented three research reports at the hearings, which will be dealt with in turn below.
 - CERSA presented a research report on domestic violence based on the first major community-based prevalence study conducted among women in Eastern Cape, Mpumalanga & the Northern Province.⁹⁴ Its main findings were the following:-

⁹³ During the course of the hearings, the Committee's Chairperson suggested that future hearings of the Committee be held in rural areas such as Transkei.

⁹⁴ "He must give me money, he mustn't beat me" – Violence against women in three South African provinces

- emotional, financial and physical abuse are common features of relationships and that many women have been raped;
 - physical violence often continues during pregnancy and constitutes an important cause of reproductive morbidity;
 - many women are injured by their partners and considerable health sector resources are expended providing treatment for these injuries;
 - injuries result in costs being incurred in other sectors, notable to the family and the women's community and to employers in the national economy.
- The report's findings on the prevalence of violence against women is demonstrated in the following table:-

	Eastern-Cape	Mpumalanga	Northern Cape
Abuse by a current or ex-partner in the past	26,8%	28,4%	19,1%
Abuse by a current or ex-partner in the last year	10,9%	11,9%	4,5%
Rape	4,5%	7,2%	4,8%
Physical abuse during pregnancy	9,1%	6,7%	4,7%

- The study shows that considerable mental distress is associated with abuse. Of the women who reported being abused in the past year, 27,9% (Eastern Cape), 24% (Mpumalanga) and 14,3% (Northern Province) indicated that they have suicidal thoughts.
- When asked about women's perceptions of culturally accepted gender relations, there was considerable agreement with patriarchal gender relations (including subservience of women to her husband, punishment of her by him in some situations, male ownership of women and the interpretation of beating as a sign of love), but women also indicated that the prevailing gender attitudes in their culture was much more patriarchal than their personal

views, and a considerable number of women disagreed with notions they conceded to be “culturally accepted”, such as “if a man pays lobola for his wife she must have sex when he wants it”. Only 57% (Eastern Cape), 40,4% (Mpumalanga) and 40,9% (Northern Cape) of women believed that a woman can refuse to have sex with her husband. 80,1% (Eastern Cape), 91,4% (Mpumalanga) and 86,8% (Northern Cape) of women indicated that a man hitting his wife or girlfriend was never acceptable.

- The report also mentions that there was considerable disagreement amongst the women about the meaning attached by their culture to customs like lobola, indicating the possibility of popular discussion and examination of these traditions.
- Research conducted amongst pregnant Xhosa-speaking adolescents in Khayelitsha⁹⁵, initially intended to focus on contraception, bodily knowledge and pregnancy, found that male violence dominated the sexual relationship of these women. Conditions and timing of sex were entirely defined by their male partners through the use of violence and through the circulation of certain constructions of love, intercourse and entitlement to which the women were expected to submit. The research report also states that violence against young women within their sexual relationship has been particularly neglected in the spheres of health and education. Some of the findings are the following:
 - First sexual encounters were mostly reported to have occurred at a young age, often 12 years, with a male partner about 5 years older.
 - Many participants indicated that sex was a strategy to avoid peer ostracism, and the mystifying of sex and its mechanics emerged repeatedly through a lack of input by sexually experienced female peers.
 - Women were therefore initiated into the sexual matters by men, who repeatedly refused to explain what was about to take place. Most participants reported that they had been deceived or coerced into sex, and that attempted resistance was met with violence or threats of violence.
 - 22 of the 24 participants reported having been beaten by their partners on multiple occasions, and the remaining two had been threatened with assault. The assault occurred primarily when women attempted to refuse sexual

⁹⁵ “Sex, violence and construction of love among Xhosa adolescents: putting violence on the sexuality education agenda”

intercourse, which the women stated signified, in men's eyes, that the women had other sexual partners. Assault was perceived to be male strategy for "getting you to love him".

- Women said that the forced intercourse they experienced with their partners could never be termed rape.
 - Many women continued intercourse and did not attempt to end the relationship because they feared more violence. Despite the violence, the men demonstrated material generosity in the form of clothes, food and money. One participant said "it is alright as long as he doesn't beat me every day."
 - Most participants stated that they felt unable to discuss sexual matters and contraception with their male partners, and for some contraception appeared to be completely non-negotiable in view of angry responses by their male partners when the issue was raised.
 - Out of 24 adolescent women, only two mentioned that they ever actively wanted to have sex now, but emphasises that women were not allowed to demonstrate desire or initiate sex. Many women stated a desire to be in a non-sexual relationship characterised by co-operation until they were older.
- CERSA also reported on research conducted among young people in Umtata⁹⁶. Some of their key findings were the following:-
- Many participants reported physical assault and rape or coercive sex. Out of the thirty 16-26 year olds who participated, 16 out of 22 girls reported assault by at least one male partner, and 6 out of 8 boys admitted to having beaten their girlfriends on more than one occasion.
 - Violence was used by boys as a way of imposing the rules of a relationship and was particularly associated with girls' rejections of "proposals of love", attempts to end relationships, refusals of sex and their actual or suspected infidelity. Relationships were characterised by extreme suspicion around partners' activities with others, and it appeared to be a common assumption that a refusal to have sex implied that the girl had another sexual partner.

⁹⁶ "Love is a dangerous thing': micro-dynamics of violence in sexual relationships of young people in Umtata" (Submission N)

- Physical violence was a way of life for not only the teenagers, but in all community relationships.
 - The gender identities of the participants were substantially constructed in terms of their success in sexual relationships, and pursuits of gaining and keeping boy- and girlfriends were overwhelming preoccupations for these young people.
 - Neither teachers nor parents made any effort to promote safe dating or to interfere in the violent activities. Sexual relationships between girls and male teachers were commonly reported, and often involved coercion and even violence on the part of the teachers.
- A research report amongst male municipal workers in Cape Town aimed at establishing the prevalence of abuse as reported by men, as well as risk factors associated with woman abuse. Some of the findings were the following:-
- 44% of men reported having physically or sexually abused a partner within the last 10 years – 8% reported physically abusing a partner in the last year.
 - One third of the 44% said they had raped (more often) or attempted to rape their partner.
 - Men who reported physical and sexual abuse was five times more likely to use psychological abuse, four times more likely to use verbal abuse and twice as likely to use economic abuse.
 - 75% of the abusers said it was “OK” to hit a woman, and another 25% of those who didn’t report abuse also agreed. The circumstances given by the men when it is “OK” to hit a woman were “when she neglects her responsibilities”, “when there are no clean clothes”, “when she come home late”, “when she don’t listen” and “when she is cheeky”.
 - The sample consisted of 64,7% Coloured men, 25,2% African, 8,6% white and 1,5% Asian men. From this sample, abusers were more likely to be young and Coloured men, likely to have been in jail, to have been arrested, to have belonged to a gang; non-abusers were likely to have had education beyond standard 8 and likely to be active in religion.
 - Abusers acknowledged that their use of alcohol and marijuana was a problem.

- Witnessing abuse of their mothers by their fathers as a child was associated with being an abuser. 34,2% of men who reported abuse reported witnessing their mothers' abuse by their father or a boyfriend, while only 15,9% of men who did not report abuse witnessed such behaviour. 38,5% of men who reported abuse also reported witnessing their sisters' abuse by her husband or a boyfriend, while 21,2% of men who did not report abuse witnessed such behaviour. An average of 86,1% of the entire sample reported receiving physical punishment as a child – men related stories of severe discipline and bizarre punishment in which their fathers had a central role.
 - The report mentions that, during their interviews, many of the men became emotional when talking about their childhood and the abuse of their mothers, and many said they had never had the opportunity to talk about it before.
 - It is apparent from the study that men's attitudes towards women and their perceived roles influenced the reasons for conflict with partners in abusive relationships. In relationships where there was less expectation that a woman should obey her partner, less of belief in male sexual entitlement, less fear of infidelity, much less conflict was experienced. Men reported "she sits on his head" or "she answered him back" or "talking to other men" as reasons for conflict.
 - Many men reported being frustrated at work where they have to "accept the shit of the bosses". One explained his frustration of not being able to provide adequately for his family as "it is one of the things to be a man".
 - Most of the men did not think shouting and swearing at or humiliating a woman was a form of violence.
- The Centre for Rural Legal Studies furnished the Committee with a research report on the plight of women farm workers in the Western Cape. The report recounts attitudes of violence and abuse among male farmworkers, reinforced by extreme financial dependence of women:
 - 67% of all employers stated that domestic violence occurs on their farms.
 - 50,9% of employers agreed that they tacitly include a male worker's female partner in his employment agreement, while

- 60% of employers insist that a male worker's partner must be available to work on the farm.
- 52,4% of women report that the house is linked to their male partner's contract. 48,6% of employers stated that, should a male worker leave or die, his female partner would have to leave the farm.
 - Only 21,1% of women stated that they had access to legal aid, and more than half of women said it was extremely difficult to access these services during working hours.
- The 1998 South Africa Demographic and Health Survey⁹⁷ reported statistics on violence against women that were significantly lower than those reported by other studies:-
 - 13% of women reported having been beaten by a partners, of which half reported abuse in the last year.
 - 43% of those who reported abuse in the last year reported needing medical attention as a result of such beatings.
 - Only 4% of women who had ever been pregnant reported physical abuse during pregnancy.
 - Only 4% of all women reported ever having been raped.
 - The Survey mentions that the under-reporting of gender violence is well-recognised and should be taken into account in interpreting its results, especially in view of other research by the MRC:

“The usual explanations for under-reporting are concern about recrimination, fear of identifying oneself as an abused woman due to a socialisation that encourages women to accept chastisement as a male prerogative, feelings of shame about the assault and having provoked it, perceptions that it is a private matter and loyalty to the abuser.”
 - The Survey also records that one in five currently married women reported economic maltreatment, indicated by the regular non-provision of money for food, rent or bills whilst having money for other things.

▪ PUBLIC AWARENESS AND EDUCATION

⁹⁷ Compiled by, *inter alia*, the Medical Research Council and the Department of Health

- It emerged strongly from the hearings that rape, sexual assault and domestic violence are more prevalent in South African society than ever recognised⁹⁸, and that fear and expectation of violence is a way of life for many South African women.

“It’s always present. You never know when it is coming. There are times when you do and you have to just wait until he gets home and just does it. Then it is over and you are relieved. The waiting is the worst part.”⁹⁹

“We know the cycle well. No one has to explain it to us. You see his mood rising ... he is anxious or angry or drunk or just showing his manliness to his friends ...it can be anything. You are never prepared for it and you are always prepared for it. You never believe it when it happens even if it happens everyday. He says he is sorry and will not do it again and you feel relief, but you know the calm before another storm.”¹⁰⁰

- The hearings also shattered the common myth that the rapist is a stranger who lurks in dark alleys. Research reports presented to the committee clearly showed that most violence against women is perpetrated by a person with whom the victim or survivor is acquainted in some or other way. Especially younger victims are much more likely to know their attackers, with 57,4% of offenders known to victims between ages 1 to 12, and 53,8% if victims between ages 13 to 19.¹⁰¹
- Submissions repeatedly mentioned our history of oppression and disregard for human rights as the context in which violence against women flourished, and emphasised the importance of addressing violence against women by placing it both within a historical and political perspective and to recognise the influence of apartheid in

⁹⁸ The MRC’s CERSA found in research conducted amongst women in the Eastern-Cape, Mpumalanga and the Northern Cape that between 19% and 28% of women had experienced abuse by a current or ex-partner.

⁹⁹ “Access to Justice for Rural Women” - Research Report by the Gender, Law and Development Project, Institute of Criminology, University of Cape Town, page 22.

¹⁰⁰ “Access to Justice for Rural Women” - Research Report by the Gender, Law and Development Project, Institute of Criminology, University of Cape Town, page 22.

¹⁰¹ Finding of a research report conducted by the University of South Africa’s Institute for Social and Health Sciences on rape surveillance at the Hillbrow, Lenasia South and Chris Hani Baragwanath medico-legal clinics. This report also found that, in cases of multiple attackers, the attack was more likely to be perpetrated by strangers to the victim, and in open spaces; single perpetrators were more likely to attack victims they knew and 48,2% of such attacks occurred in homes. These findings are echoed in the research findings among rural women in the Southern Cape by UCT’s Institute of Criminology’s Gender, Law and Development Project, which records that, in 55% of the rapes reported in their study, victims knew the offender by name or by sight.

the present mindset of individuals, communities and society as a whole. There is a need to acknowledge the pain of the past and the influence this has on the entire nation. The fragmentation existing within communities is indicative of the fragmentation of identity of individuals; violence against women is just one of the effects of such fragmentation.

“We believe that one of the reasons why we are not seeing a change in attitude of the judiciary or why rape and domestic violence is almost condoned at community level, is because we have not created adequate space in the transformation process for the acknowledgment of our past traumas and a lack of adequate and appropriate mechanisms for healing the pain which every single citizen in this country has been subjected to.”¹⁰²

It was also argued that the division of the people of this country according to race contributed to the prevalence of violence against women: notions of racial superiority and separation led to forced removals, states of emergency and the artificial creation of “homelands”, thereby breaking up traditional family structures.¹⁰³

- In her submission¹⁰⁴ to the Committee, Lisa Vetten explored the following factors contributing to violence against women in South Africa:-
 - Imbedded patriarchy:
 - Vetten describes this ideology of granting men power and privilege over women as the one factor unifying South Africa’s various cultural and ethnic groups. Culturally imbedded patriarchal gender identities of women as receptive, caring, emotional, passive and submissive and men as self-assertive, competitive, rational and aggressive have resulted in the treatment of women of all colours as second class citizens, and women’s confinement to the private sphere of the home while men are engaged in the public sphere of work, community affairs and politics.
 - These patriarchally determined gender identities manifests itself in contemporary understandings of lobola. Since cash payments can now be made to the

¹⁰² Submission by the Masimanyane Women’s Support Centre

¹⁰³ Lisa Vetten in submission 1G, page 7

¹⁰⁴ Submission 1G

family, some men regard marriage as a financial transaction of “buying” a wife.

- Patriarchy has severe economic consequences for women, who are much more likely to be unemployed and without access to any income of their own, while men control the allocation of household finances and even hamper women’s efforts to obtain and keep employment, leaving women totally financially dependent. Women’s financial dependence on men was repeatedly cited in submissions as the main reason for women’s inability to remove herself and her children from a violent domestic situation.
- Submissions also mentioned deepening levels of poverty and inequality in post-apartheid South Africa, which most closely affects women as the major component of the unemployed in South Africa. Masimanyane said in their submission to the Committee that economic deprivation and other political factors have destroyed people’s identities and eroded their self-esteem and self-worth.¹⁰⁵ Poverty also directly affects women’s access to health care, the police and the criminal justice system.
- CERSA also reported deep-rooted patriarchy and a concomitant lack of respect for women, who are often seen as the property of their husbands or fathers or communities, as a factor in the scourge of violence against women. Authors have also argued that violent practices are deployed by men against women in attempts to maintain particular self-images and social evaluation in the face of real or imagined threats, i.e. to prove that they are “real men” and their women are under their control. In particular situations, the use of certain forms of violence by men to control and punish women is perceived as socially acceptable to both men and women of all ages.¹⁰⁶
- Gendered constructions of male and female sexuality have created the idea that men should be sexually active and women passive and without sexual desire, which cultural prohibition implies to some men that women need to be forced to have sex in a context

¹⁰⁵ Submission Z

¹⁰⁶ This submission is contained, inter alia, in the introduction to CERSA’s submission O.

where it is not acceptable for women to indicate her consent. It is this cultural belief, which leads to the dangerous practice of dry sex, where women go to great lengths to avoid the natural vaginal lubrication of sexual arousal (believed to be a sign of promiscuity), a practice that pose serious risks for women's health by increasing her susceptibility to STD's and HIV/AIDS.

- Research has shown a vast discrepancy in attitudes to the fidelity required from men and women: where it is acceptable for a man to have many sexual partners, a woman is required to be faithful to one partner. This practice obviously as dire consequences for women's health.

- The intersection of race and gender oppression:
 - Examples of the double burden of oppression borne by black women are slavery and indentured servitude. Women slaves and their bodies were considered the property of their owners, and in 180 years of slavery in the Cape not one man was convicted of raping a woman slave.
 - The discriminatory construction of sexuality for men and women has been compounded on a racial level in South Africa, where black women's bodies have been violated throughout its history. Where perpetrator of violence against a black woman was a white man, his acts were often ignored, while black men who assaulted or raped white women were often given the death penalty.¹⁰⁷

- Militarisation:
 - The apartheid era militarisation of South Africa and the use of violent repression together with anti-apartheid movement decisions about education and armed reaction have resulted in entire generations of "lost" and violent young men and a general culture of violence – where violence is seen as a legitimate means of conflict resolution.
 - In addition, a culture was cultivated in which qualities regarded as "feminine" is treated with contempt as "weakness" and a tough, aggressive, brutal and competitive masculinity is promoted. This culture, combined with the general psychological consequences of violence and war, has had a destructive effect on the lives of many South African men.
 - Professor Jacklyn Cock¹⁰⁸ similarly blamed the legacy of militarisation, which involves "a proliferation of weaponry and ideas which link violence to masculinity. This militarised masculinity puts women and children at risk. This risk is amplified in situations of poverty, unemployment and inequality were the

¹⁰⁷ Rob Turrell, in submission V, gave the Committee an historical overview of the circumstances in which the death penalty was handed down for rape in South Africa.

¹⁰⁸ Submission 11

human needs for identity and security are not met. These two factors combine to make women and children the shock absorbers of violence and frustration.”¹⁰⁹

- Changes in the social order
 - Research has shown that an increase in violence against women, and especially sexual violence, often occurs in response to changes in the social order. Very obvious examples hereof can be found in the Ma Rashea gangs formed by Basotho men after the Second World War to “control” and punish women who were becoming increasingly independent, as a result of, inter alia, migration by men to South Africa in search of work, and in “jackrolling”, a practice prevalent in the late 1980s whereby young men too old to return to school and unable to find jobs abducted and raped schoolgirls in the hope of impregnating them and ending their education.
 - Violence against women is often also intended to communicate messages of victory over other men, which manifests itself in the phenomenon of raping women in the presence of men perceived to be the rapists’ enemies.
 - Rape is also used as a means of punishing sexually active women, and girls suspected of or known to have other partners are sometimes gang-raped by their male partner’s acquaintances as a form of punishment.¹¹⁰
- Legitimising violence against women: Vetten points out the difficulties created by African traditional and customary law, and mentions, by way of example, the following customs oppressive to women:
 - the levirate: the continuation of the deceased husband’s marriage through a brother or other male relative;

¹⁰⁹ Submission by Professor Jacklyn Cock, Department of Sociology, University of the Witwatersrand, page 1.

¹¹⁰ This phenomenon was raised at the hearings in various submissions.

- the sororate: requiring the younger sister of an apparently barren wife to take her place and produce children on her behalf;
 - polygamy: taking more than one wife;
 - child betrothal and forced marriages;
 - inheritance laws, by which the family's property and wealth is passed down from father to son, which may leave women destitute on the death of their husbands;
 - women's minor status;
 - lobola (or bohali or bogadi): the practice of consolidating marriage through the exchange of women and cattle (or cash) by the father of the bride and the prospective husband.
- Nisaa made the submission that government inaction is a factor, which contributes to the high level of gender violence in societies. Despite the legal system's role as an institution for censure of socially unacceptable acts, it often appears to tolerate acts of violence against women, particularly so when the violence occurs in the home. The failure of the legal system to prosecute alleged rapists and batterers and to secure convictions with hefty sentences sends a powerful message to men that their violence is acceptable, and women internalise the message that their lives and safety are not worthy of protection. The law also does not name violence against women, and it has been left to the women's movement to coin terms such as "domestic violence", "sexual harassment", "date rape", "femicide", "forced prostitution", "sex-selective abortions" and "genital mutilation". Many abuses women suffer have remained invisible in mainstream legal culture.
- Submissions also complained that, despite its wide-ranging powers to educate the public, the media was irresponsible in its reporting of violence against women, perpetuating stereotypes and relying on sensationalism. The Commission on Gender Equality (CGE) made the following submissions in this regard to the Committee:
- Reporting on rape is characterised by sensationalism in reporting on extreme and sadistic violence; stereotypes about the myth of rape by a deranged stranger (while in reality the rapist is much more likely to be the man next

door)¹¹¹, and the “blameworthiness” of sexually experienced victims; media reports differ substantially when the accused exhibits other criminal behaviour (like being a gang member) than when the accused is businessman or a sport celebrity (such as in the case of Makhaya Ntini); CGE is concerned that the recent voluntary disclosure of the identities of rape victims may lead to the violation of the survivor’s right to privacy where she does not choose to do so.

- The reporting of femicide is often done in a manner, which obscures the nature of the crime, such as “Woman dies after row” or “Policeman among 3 killed as lovers’ tiff ends in tragedy.”
- Domestic violence has received very little attention from the media, and tends only to do so in the cases of celebrities. The nuclear family is often depicted as the norm in South Africa's media, despite the reality that more South Africans belong to extended family units, blended households or female-only households.
- The attitudes of radio presenters can serve to reinforce prejudices, especially in a country where illiteracy levels are so high and more people have access to radio than to television.
- The importance of regulatory bodies such as the IBA, ASA and Press Ombudsman was emphasised, as well as the need for clear guidelines and disciplinary procedures.
- The destructive potential of inaccurate media reporting was illustrated in the reporting of the Committee’s attempts to engage members of the judiciary in constructive discussions about issues relating to violence against women. Such attempts were irresponsibly and inaccurately portrayed as a “summons” by the Committee to Judge John Foxcroft, thereby creating imaginary conflict between the Committee and the judiciary.¹¹²
- The Commission for Gender Equality also mentioned that the media has played an important role in putting issues such as rape on the national agenda.
- Both government submissions and those of NGO’s reported an enormous lack of understanding of violence against women by the

¹¹¹ Also reported by Nisaa

¹¹² This statement was supported in a submission by Judith Smith of Women’s Media Watch (B), Beauty Ntuli, WACA Advice Centre (D)

public. Both men and women are ignorant of women's rights to be free of violence, especially domestic violence. For example, many men and women still do not recognise marital rape as a crime.

- It was also apparent from the submissions that both men and women are uninformed about sex and sexual health, and women are therefore unable to act to protect themselves, and to provide information and support to other young women.¹¹³
- Various submissions stressed the importance of involving men in programmes on eradicating violence against women. It was suggested that all people involved in men's programmes should attend a national forum to discuss violence against women. Men must develop a partnership with women's groups in addressing the problems which men and women face; it is necessary to acknowledge that men too suffer from the traumas of the past.¹¹⁴
- Although they did not participate in the hearings, the Committee Chair has addressed shopstewards in the COSATU campaign against violence against women in conjunction with their campaign against HIV/AIDS. COSATU has produced a guide for shopstewards on these issues, and is also in the process of holding training workshops for its shop stewards. The campaign encourages the shopstewards to do the following:
 - Educate their members about violence against women;
 - Take up sexual harassment cases on behalf of their members;
 - Ensure that there are sexual harassment grievance procedures in the terms and conditions of employment at their workplace;
 - Develop a code of conduct on sexual harassment together with the employer;
 - Talk to known abusers among their members about their abuse;

¹¹³ In its submission, UCT's Institute of Criminology's Gender Law and Development Project reported that women who were victims of violence received little or no support from family or the community; women were often too scared of retaliation to help other women, and the survivor feared public humiliation and ostracism by family and friends should she speak out.

¹¹⁴ Submission by the Masimanyane Women's Support Centre

- Assist any woman member who is being abused and ensure that she is given time off to go to court or to move her children and belongings to a safe place;
 - Help abused women to negotiate a transfer to a different town to escape the violence;
 - Ensure that women are able to reach their transport safely after work;
 - Invite women leaders to speak at the workplace so that workers will understand and stop violence against women;
 - Ensure that the Employment Equity Act is implemented;
 - Negotiate with their employer to provide childcare.
- The South African education system, which ought to be the main channel of promoting awareness of gendered violence among the youth, has been and remains in a state of transition. Not only is the Department of Education burdened with the task of reconstructing an education system ravaged by apartheid, but also our schools are staffed by teachers who are products of an apartheid education system themselves.
 - CEDAW requires government to “adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.”¹¹⁵
 - In its Gender Equity Task Team report (the GETT report), the Department of Education identified the following issues to be considered and addressed relating to gender-sensitive education and violence against women:-
 - identifying means of correcting gender imbalances in enrolment, dropout rates, subject choice, career paths and performance;
 - the advantages and disadvantages single sex schools;
 - sexism in curricula, textbooks, teaching and guidance;

¹¹⁵ Article 4(j) of Annex F to CEDAW

- the poor representation of women in management positions; and
 - sexism, sexual harassment and violence throughout the education system.
- The GETT report also lists the following recommendations ¹¹⁶:-
- That new legislation should be developed to make explicit the legal responsibilities of education authorities to uphold the rights of students to be free from discrimination and harassment. Such legislation should also define gendered and sex based harassment and should be made unlawful in all contexts in educational settings.
 - That the National Department of Education should develop an interim policy on sex and gender based harassment and violence.
 - That the National Department of Education should develop a training package for educational managers on their responsibility to prevent discrimination, violence and harassment, as well as curriculum packages which incorporate learning about gender and violence at all levels of education.
- The Department of Education participated in the hearings and the Minister of Education delivered an oral submission to the Committee regarding the Minister and the Department's efforts to address violence against women.
- The Department of Education's 1997 report on Gender Equity in Education dealt with sex based violence in schools, and states *inter alia* that "the sheer dimension of sex or gender based violence and harassment in education in SA subverts the right of women and girls, and many boys, to participate in education on the same basis as most men and boys."
- The Director-General of Education reported to the Committee that, in their attempts to include sex and gender education in the curriculum, they had initially experienced some resistance from sections of the communities who did not want to expose small children to issues of sexuality. This problem had abated somewhat, and it was hoped that the issue could be more appropriately addressed under the auspices of Curriculum 2005.

¹¹⁶ As reported in the Committee's November 1998 report on Government's implementation of CEDAW and the BPA.

- The Minister of Education reported to the Committee that a Gender Equity Directorate had been established in April 1999, which liaises with Gender Focal Persons in Provincial Departments through the National Gender Coordination Committee. An Interim Gender Coordinating Committee from the four branches of the Department had also been established.
- The Department of Education was also preparing gender-training programmes for all officials, both national and provincial, as well as a Mainstreaming Handbook for use by gender officers.
- A school-based project on sex-based & gender-based violence & harassment (McGill University in Canada) was being developed, and a successful and well-attended seminar on sexual harassment in schools was held in May 1999.
- The Committee would like to receive a formal response from the Department of Education on the following issues¹¹⁷:-
 - the Department's efforts to ensure that gender issues are not isolated to the Gender Equity Unit;
 - what programmes the Department is planning to raise awareness in both educational institutions and the general public to raise awareness of sexism and violence against women, and in particular the pre-service and in-service training of teachers regarding these issues;
 - the provision of extended day care facilities for younger children and the infants born to school girls;
 - the Department's investigation into the desirability of single sex government schools and the possibility of teaching certain subjects separately to boys and girls;
 - the development of gender sensitive textbooks and curricula,¹¹⁸ as well as the development of comprehensive age-sensitive sex and sexual health education;
 - the Department's efforts to improve the education and Matric pass rates and to decrease the dropout rate of girls, especially rural African and coloured girls.

▪ THE BUDGET AND ALLOCATION OF RESOURCES

¹¹⁷ These issues were raised by the Committee with the Parliamentary Education Committee during August 1997

¹¹⁸ In accordance with government's obligations in terms of Article 10(c) of CEDAW

- CEDAW stipulates that government should include in its budgets adequate resources for its activities relating to the elimination of violence against women.¹¹⁹
- At a cabinet meeting in 1996, the Department of Finance committed itself to considering the reallocation of military expenditure to support women's economic advancement. In 1992/1993, the Department reduced expenditure on Defence from 9,1 % of total government spending to 5,7% in 1997/1998. Spending on social services increased from 43,8% in 1992/1993 to 46,9% in 1997/1998.¹²⁰
- In its Second Annual Report (January 1998 - March 1999), the Committee recorded its formal questions to the Minister of Finance on, *inter alia*, progress on the Ministry's 1996 Cabinet commitment to reduce military expenditure and to utilise the savings towards women's empowerment. The report further records that, in a briefing on 16 March 1998, the Minister indicated that military spending had decreased from 4,5% of GDP in 1993-1994 to 1,5% in 1999-2000, and that the main beneficiaries of this decrease had been the Departments of Health, Education and Welfare.¹²¹
- Yet in the 1999 Medium Term Budget Policy Statement, the average annual growth in present and projected proportional expenditure for Defence and Intelligence was 14,9%, more than double the figure for any of the other services, including Education, Health and Welfare. "Strong growth in protection services over the medium term largely reflects additional defence spending of R2,8 billion in 2000/01 and R3,8 billion in 2001/02 on the strategic procurement package."
- The Department of Finance was invited by the Committee to present a submission at the hearings. Although Deputy Minister attended the hearings, he advised the Committee that the Department had not been able to prepare a submission to the Committee. To date, the Committee also has not received a response to questions posed to Deputy Minister at the hearings.
- The Committee requires an urgent response from the Department of Finance on, amongst others:-
 - the Department's efforts to redress the unemployment of women formerly employed in the clothing and textile

¹¹⁹ Article 4(h) of Annex F to CEDAW

¹²⁰ The Committee's November 1998 report on Government's Implementation of CEDAW and the Beijing Platform for Action, page 13

¹²¹ At pages 44 and 45.

industries caused by the liberalisation of trade policy as a means of increasing international competitiveness in the manufacturing sector

- Various projects in the NCPS Victim Empowerment Programme (VEP) were intended to focus on issues relating to violence against women and children. As will appear below, very few of these projects have sustainable funding, and many of the projects were only intended to operate for one year:-
 - "Multi-disciplinary Management of Child Abuse and Neglect": Donor funding of R2 million paid for the 1998/1999 year of operation; for the 1999-2001 years, "alternate sources of funding" would be sought during 1998.¹²²
 - "Primary Health Care Model to Reduce the Risk of Interpersonal Violence": This was only intended to be a one-year project, to be implemented during 1998/1999, with funding of R400 000 sourced from the VEP.¹²³
 - "Violence Referral Centres" - a pilot programme to establish "Violence Referral Management centres in four provinces, receiving referrals from frontline staff": This project was similarly only intended to be a one-year project, to be implemented during 1998/1999 at a cost of R510 000, funded by the VEP.¹²⁴
 - "Outreach Centres to Counter-act Domestic Violence" - a programme designed to give support for the establishment of outreach centres in provinces to expand services to victims of domestic violence: Donor funding of R1,2 million paid for the implementation of this project in Mpumalanga and the Eastern Cape, whilst the VEP paid R1,2 million for its implementation in North-West Province and the Free State. The VEP would pay R3 million for its implementation in the remaining five provinces in 2000/2001. "Alternate funding" would be sought during 1998 for the continued operation of these programmes.¹²⁵

¹²² Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Three, number 3.1, page 16.

¹²³ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Three, number 3.2, page 17.

¹²⁴ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Three, number 3.3, page 17.

¹²⁵ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Three, number 3.4, page 18

- R65 000 was budgeted from the VEP for "Access to Legal Provisions to Counter-act Domestic Violence in Rural Communities", a project only intended to be operational during 1998/1999.¹²⁶
 - "Violence Prevention in Schools", a project implemented by the Department of Health (in conjunction with the US Centre for Disease Control) for the 1998/1999 year at a cost of R65 000, funded by the VEP.¹²⁷
 - "National Policy Guidelines on Victims of Sexual Offences" - a project encompassing nine provincial workshops to train service providers on the basis of the national policy guidelines on sexual offences: this project was funded by the VEP at a cost of R150 000 during 1998/1999.¹²⁸
 - "Victim Empowerment in Schools - Life Skills Curriculum": this project was funded by the VEP at a cost of R150 000, and intended to be a one-year project during 1998/1999.¹²⁹
 - The VEP paid for a training course for the SAPS entitled "Victims of Violence: Domestic Violence and Sexual Offences Case Handling Training" at a cost of R100 000 for 1998/1999; funding for 1999/2000 and 2000/2001 "to be secured in order to extend to these two years".¹³⁰
 - An information and public awareness project hosted by the Department of Welfare, funded until 2001 by the VEP.¹³¹
- In its Second Annual Report (January 1998 - March 1999), the Committee reported that no specific budgetary allocations had been made for violence against women, unlike other crimes declared priority crimes in terms of the NCPS, such as hijacking. Similarly, departments such as Safety and Security did not have specific, separate budgetary allocations for violence against women.

¹²⁶ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Three, number 3.5, page 18

¹²⁷ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Three, number 3.6, page 19

¹²⁸ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Four, number 4.1, page 22

¹²⁹ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Four, number 4.9, page 26

¹³⁰ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Four, number 4.12, page 27

¹³¹ Department of Welfare's NCPS VEP paper dated May 1998, Annexure A, Cluster Four, number 5.2, page 29

- The exclusion of victims of domestic violence from the Fund for Victims of Violent Crime Bill¹³².
- The Commission for Gender Equality also raised the issue of involving the private sector in programmes addressing violence against women. An example of such involvement, which is accessible and effective, the private sector could assist in establishing shelters and safe houses for victims of violence.
- Various submissions¹³³ to the Committee mentioned that the cost of violence against women in South Africa, and especially domestic violence, has never been calculated due to ineffective documentation of these incidents by the health and criminal justice sectors. Yet even with loose indicators of the frequency and extent of violence against women, it is apparent that it has a staggering economic impact on our health, welfare, policing and justice resources. A 1994 study undertaken by the Health Maintenance Organisation found that women who have been raped or beaten had medical costs two and a half times higher than those who were not victimised.
- By way of example, CERSA reported that the number of treatment episodes in one year as a result of abuse by partner or ex-partner was 121 000 in the Eastern Cape, 74 294 in Mpumalanga and 93 868 in the Northern Province.¹³⁴
- These costs are both public and private, paid for by women and their families (medical care, accommodation, travel, direct income, child care, serious injury, loss of property and non-monetary costs). Health costs carried by the state include doctors, nurses, emergency wards, clinics, mental health services, justice costs include police, courts and correctional services; in the social services sector, welfare, housing and child care. Employers also pay for violence against women in the form of high absenteeism and lower productivity.
- Calculating the real economic costs may be hampered by the fact that violence against women is under-reported, prenatal damage caused by the abuse of pregnant women is difficult to quantify, long-term consequences such as intergenerational transfers of violence

¹³² This issue was raised by the Committee at the Justice Committee Hearings

¹³³ Including Nisaa and ADAPT

¹³⁴ Submission O

behaviour cannot be accurately estimated and private costs to women cannot be captured.¹³⁵

▪ **INTER-MINISTERIAL CO-OPERATION AND CO-OPERATIVE GOVERNANCE**

- The National Crime Prevention Strategy (NCPS), adopted by the Cabinet in May 1996, is the government's flagship inter-departmental programme in its efforts to combat crime. One of the NCPS programme which affects issues of violence against women is the Victim Empowerment Programme, hosted by the core NCPS departments, namely Justice, Welfare, the SAPS, Safety & Security and Correctional Services, but also involves the departments of Health and Education, and provincial departments.¹³⁶
- R1,5 million of the OSW's funding of R2,5 million for 1998/1999 was donor funding, which terminated in August 1999. The budget for 1999/2000 only covers salaries and administration.¹³⁷
- During 1999, the OSW advised the Committee that it was developing a green paper on a national gender policy to be passed by Cabinet in 1998. This policy document was not finalised by the OSW during 1998. On 15 March 1999, Deputy Minister Essop Pahad and the director of the OSW, Dr Ellen Kornegay, advised the Committee that a draft national gender document had been completed and was undergoing internal review, to be realised as a green paper.
- On 15 March 1999, the OSW also advised the Committee that it was conducting a gender audit on internal transformation and external service delivery of all government departments and all the provinces, with a view to developing a national action plan.
- The Committee requires a response from the Department of Health regarding the procedures in place to ensure that under-resourced provinces and local governments receive more money for the implementation of both primary health care, as well as free health

¹³⁵ Statements from a 1999 research report by UCT's Institute for Criminology's Gender, Law & Development Project, "Violence Against Women in the Southern Cape: Exploring Access to Justice Within a Feminist Jurisprudence Framework"

¹³⁶ Statements from the Department of Welfare's NCPS Victim Empowerment Programme paper dated May 1998

¹³⁷ Reported in the Committee's Second Annual Report (January 1998 - March 1999), page 53.

care for pregnant women and children under the age of six, than stronger resourced provinces and local governments.¹³⁸

- Although the Department of Foreign Affairs were not requested by the Committee to participate in the November 1999 hearings, the Committee would like to know whether and when a gender desk will be established in the Department. The Committee also requires information regarding the Department's efforts to set up international links relating to international trafficking in women and prostitution.
- In view of various submissions relating to women's difficulties in escaping situations of especially domestic violence due to no access to alternative housing, the Committee also requires a response from the Departments of Housing and Agriculture and Land Affairs (both of whom were also not requested to participate in the hearings) on their efforts to ensure that women are not discriminated against in the granting of housing subsidies, access to rural housing and rural land allocation. The Committee is particularly interested in the progress and achievements of the Women for Housing Group in the Department of Housing with reference to their April 1998 draft document entitled "Guiding Principles and Practices Relating to Women's Housing Issues".¹³⁹

▪ **CO-OPERATION BETWEEN GOVERNMENT AND CIVIL SOCIETY**

- CEDAW requires government to recognise the importance of NGO's, to facilitate and enhance their work and to co-operate with them on all levels.¹⁴⁰
- Numerous submissions mentioned the importance of an inter-sectoral approach, involving both government and civil society, in addressing violence against women.
- It appears that the National Network on Violence Against Women has been most successful in bringing together government and civil society on issues relating to violence against women. The Department of Welfare has formed a partnership with the National Network on Violence Against Women since inception of the Network, and the Network has received financial and administrative

¹³⁸ This issue was raised by the Committee with the Parliamentary Health Committee in August 1997.

¹³⁹ As reported in the Committee's November 1998 report on Government's implementation of CEDAW and the BPA, page 44

¹⁴⁰ Articles 4(e), 4(o) and 4(p) of Annex F to CEDAW

support from the Department.¹⁴¹ The Department of Health also participates in the National Network on Violence Against Women.¹⁴²

- The Committee was also told of the involvement of organisations like People Opposed to Women Abuse in programmes of the Department of Correctional Services.
- At the same time, many of the NGO's mentioned their prime difficulty of lack of funding, and that most of their time was spent on fund-raising instead of addressing their substantive goals.

▪ THE NEED FOR A STATISTICAL DATABASE

- CEDAW stipulates that the state should "*promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public*"¹⁴³
- In South Africa, there has been a notable lack of community-based data and reliable statistics on violence against women and children, its prevalence and epidemiological studies of risk factors. Most of the research undertaken on violence against women in South Africa has been relatively small scale, localised or has focused on particular sub-groups, e.g. health service users.¹⁴⁴
- By way of example, Masimanyane reported that their research on the prosecution of sexual offences cases were made extremely difficult through the absence of any recordal system whatsoever by court officials, and police dockets and court files which were incomplete. Nisaa also reported that there is no official methodology which records how many women phone police stations when they are in a crisis or when their lives are endangered. When women report abuse, domestic violence is recorded as common assault or assault with the intent to do grievous bodily harm. This difficulty creates a further obstacle in cases of femicide, where a long history of abuse is commonly found.

¹⁴¹ Statement from a letter addressed to the Committee chairperson by the Minister for Welfare and Population Development in June 1998.

¹⁴² Statement in the Department of Health's 1998 progress report to the Committee

¹⁴³ Article 4(k) of Annex F to CEDAW

¹⁴⁴ Submission by the MRC's CERSA in its report on research on violence against women in three South African provinces

- Nisaa further reported that the disaggregation of data and the devising of protocols around domestic violence may yield better data collection, and that the Department of Safety and Security is best positioned to do this.
- In its 1998 White Paper, the Department of Safety and Security stated that it aims to improve the reliability of crime statistics in general¹⁴⁵. The Committee will request the Department to furnish it with a progress report in this regard.

▪ **RECOMMENDATIONS AND QUERIES TO GOVERNMENT DEPARTMENTS**

○ **Criminal justice**

The Committee recommends:

- that the availability of and access to legal aid to women who are victims of violence be given urgent consideration by the Legal Aid Board and the Department of Justice;¹⁴⁶
- that urgent attention be given to the appointment of more prosecutors, intermediaries, interpreters and magistrates¹⁴⁷, and that the Department of Justice allocate resources for this purpose;
- that the training of magistrates and prosecutors in gender-sensitivity, issues relating to gender violence and dealing with traumatised witnesses, especially children, be given priority;¹⁴⁸
- that clerks of the court, who will be the point of entry for complainants in terms of the new Domestic Violence Act, be given mandatory training in gender sensitivity and the effects and nature of domestic violence;¹⁴⁹
- that consideration be given to a more accessible court system for women in rural areas;¹⁵⁰

¹⁴⁵ White Paper on Safety and Security of 1998

¹⁴⁶ Recommendations of the Commission on Gender Equality and the Centre for Rural Legal Studies

¹⁴⁷ Recommendation by the President of the Regional Court for the Western Cape

¹⁴⁸ GAP also recommended that Magistrates be provided with clear guidelines on what constitutes “undue harm” for the purpose of the Domestic Violence Act.

¹⁴⁹ Recommendation by GAP

¹⁵⁰ Recommendation by GAP

- that the establishment of more Sexual Offence and Family Courts receive priority;
- that rape and sexual offence cases and cases of crimes against children be dealt with on a separate and continuous roll by both the High Court and Magistrate's Courts;¹⁵¹
- that attention be given by the Judicial Service Commission to sensitivity to gender issues in the appointment of High Court judges¹⁵², and that judges receive training in the international law requirements of CEDAW and other international human rights instruments¹⁵³, the nature and effect of violence against women, dealing with traumatised victims and gender sensitivity in general¹⁵⁴; and
- that gun control laws be enforced more strictly.¹⁵⁵

○ Law enforcement

The Committee recommends:

- that the Department of Safety and Security allocate resources to engage the services of experienced trainers from reputable NGO's to train members of the police in:
 - the devastating effect of violence against women, including domestic violence, which is often treated by police officers as "unimportant";
 - sensitive treatment of traumatised survivors of rape, sexual assault and violence against women in general;¹⁵⁶
 - the various legal remedies available to survivors of violence. It appeared from various submissions that

¹⁵¹ Recommendation by the President of the Regional Court for the Western Cape

¹⁵² The Commission on Gender Equality reported to the Committee that it was investigating the possibility of incorporating the CGE into the JSC to ensure the appointment of a more gender-sensitive judiciary.

¹⁵³ The Committee was addressed in this regard by Constitutional Court Judge Kate O'Regan, who had attended a judicial colloquium on the application of international human rights law at the domestic level.

¹⁵⁴ Recommendations by the Commission on Gender Equality, ADAPT, the Minister of Justice and the Chair of the Parliamentary Justice Committee

¹⁵⁵ UNISA's Institute for Social and Health Sciences reported that, in their research conducted on rape surveillance at the Hillbrow, Lenasia South and Chris Hani Baragwanath medico-legal clinics from 1996 to 1998. Weapons were used in 54,9% of attacks. In 35,3% of cases, such weapons were firearms.

¹⁵⁶ Recommendation by the MRC's CERSA

complainants often relied on the police for advice on her choice of remedy. In some cases, it was reported that police try to dissuade women from laying charges against perpetrators by stressing negative consequences for women if they insist on the arrest of the offender.¹⁵⁷

- accurate and adequate forensic investigations for the purpose of criminal prosecution.¹⁵⁸
 - that more female police officers be made available to assist survivors of violence¹⁵⁹;
 - that the Department of Safety and Security allocate resources to establish a proper surveillance and data collection system which would make it possible, *inter alia*, to identify specific locations where attacks on women regularly occur and to identify reasons for the non-prosecution of violence against women;¹⁶⁰
 - that more police stations be established and equipped, including satellite police stations, especially in the rural and poorer areas;¹⁶¹
 - that urgent attention be given to more visible street policing¹⁶² and street lighting.¹⁶³

○ **Welfare services and shelters**

The Committee recommends:

- that the Department of Welfare embarks on extensive training of its officials to equip them to deal with survivors of violence against women¹⁶⁴;
- that both government and civil society give urgent attention to the establishment of shelters for abused women. This is

¹⁵⁷ Reported by the National Network on Violence Against Women

¹⁵⁸ A need identified by both the Director of Public Prosecutions and the President of the Regional Court for the Western Cape

¹⁵⁹ The National Network on Violence Against Women reported repeated requests by women for counselling by female officers.

¹⁶⁰ Recommendation by UNISA's Institute for Social and Health Sciences

¹⁶¹ Recommendation by Gender Advocacy Programme

¹⁶² Recommendation by the MRC's CERSA. This issue was also raised in the White Paper on Safety and Security "In Service of Safety" 1999 – 2004 – September 1998

¹⁶³ Issue raised by the Department of Welfare

¹⁶⁴ Recommendation by ADAPT

also a project in which the private sector can make a specific and greatly needed contribution towards assisting women to remove themselves and their children from situations of violence.¹⁶⁵

○ **Health care**

The Committee recommends:

- the incorporation of treatment of the survivors of sexual violence and other violence against women in the curriculum for the training of doctors, nurses and other health workers. Such treatment must also incorporate an understanding of the trauma experienced by the survivor;¹⁶⁶
- that urgent attention be given to the availability of treatment of rape survivors of STD's and other health risks, and that the Department of Health prioritises establishing the effectiveness of anti-retroviral drugs like AZT for rape survivors;
- that urgent attention be given to women's access to health care, especially rural women;
- that priority be given to the expansion of the existing project for the training of forensic nurses; and
- that the removal of question 11(e) from Form J88 be considered.

○ **Incarceration of offenders**

The Committee recommends that:-

- the Department investigates the implementation of weekend incarceration, especially of perpetrators of domestic violence;¹⁶⁷
- a fund be created to which victims or relatives can apply to fund expenses related to attending parole hearings;¹⁶⁸

¹⁶⁵ Recommendations by the Centre for Rural Legal Studies, the Commission on Gender Equality and the National Network on Violence Against Women

¹⁶⁶ Issue raised by the Director of Public Prosecutions. Women's Health Project also reported that general practitioners were wary and ill-equipped to deal with the non-physical aspects of domestic violence, such as offering counselling and referring the survivor to social structures for assistance.

¹⁶⁷ Recommendation by Masimanyane

- a fund be created to assist prisoners who become victims of violence.¹⁶⁹

○ **Public awareness and education**

The Committee recommends:

- an extensive public awareness campaign in all languages through the use of electronic and print media about the right of women to be free of violence. Such campaign must address both women and men, and must also target rural areas in an accessible way. It is also imperative that community organisations, especially religious organisations, are involved in the campaign on an on-going basis and that influential people in the community (including politicians, religious leaders, business leaders and youth organisations) on national, provincial and local level, make public statements in support of the campaign¹⁷⁰;
- that the Department of Justice drives a public education campaign focussing on legal remedies available to women who are victims of violence, and in particular the provisions of the Domestic Violence Act;¹⁷¹
- proper education on sex, sexual health, the crime of violence against women and alternative conflict resolution mechanisms (other than violence) -
 - as part of the school curriculum, taught at an age-appropriate level from an early age. Such programmes must also focus on the development of self-reliance and self-esteem for both girls and boys.¹⁷² Attention also need to be given to teacher-training to ensure that teachers feel qualified to deliver such education¹⁷³;

¹⁶⁸ The Department of Correctional Services recommends that this fund be created by the Department of Justice.

¹⁶⁹ The Department of Correctional Services recommends that this fund be provided for by this Department.

¹⁷⁰ Recommendation by the Masimanyane Women's Support Centre, the MRC's CERSA and the National Network on Violence Against Women

¹⁷¹ Recommendation by the Gender Advocacy Programme

¹⁷² Recommendation of the MRC's CERSA

¹⁷³ Recommendation of the MRC's CERSA

- for parents by way of national workshops and seminars on parenting skills¹⁷⁴; and
 - for men through employee's organisations and unions.¹⁷⁵ Changing men's perceptions should receive high priority as a mainstream issue, and provision should be made for both primary prevention as well as secondary prevention, such as counselling programmes for abusers;¹⁷⁶ and
 - in communities by representatives of the police, welfare and legal services¹⁷⁷, utilising the network of as many community organisations as possible, including women's organisations, specifically to reach women who have already left school and unemployed men.
- Such education should address, *inter alia*, the following questions¹⁷⁸:
- What is love? In what ways can it be demonstrated?
 - What do young people do sexually? Why do people have sex?
 - Do men and women have equal sexual rights?
 - What kinds of relationship can young people have?
 - What alternative sexual practices are there?
 - How can men and women communicate about sexual matters?
 - Who can say no to sex, and how? Who can ask for it?
 - Who has or is allowed to have multiple sexual partners? And why?

¹⁷⁴ Recommendation by MRC's CERSA

¹⁷⁵ Recommendation by the MRC's CERSA. COSATU has already initiated a campaign on violence against women and produced a guide for shopstewards on this issue.

¹⁷⁶ Recommendation by the MRC's CERSA

¹⁷⁷ Recommendation by the MRC's CERSA

¹⁷⁸ Recommended by the MRC's CERSA in their research report on "Sex, violence and constructions of love among Xhosa adolescents: putting violence on the sexuality agenda"

- What is sexual abuse and violence?
 - When and why does violence occur within relationships?
 - Is violence acceptable within relationships?
 - How can potentially violent situations be dealt with?
- It appeared from numerous submissions that the lack of employment and realisable aspirations among especially young men contributed towards abuse of women through displacement of frustrations onto vulnerable partners, as well as through increased drug and alcohol use. The Committee therefore recommends that government prioritises job creation in areas where abuse is most prevalent.¹⁷⁹

¹⁷⁹ Recommendation by CERSA in submission N