

Memorandum on Gender Based Violence for march in Cape Town on 23 May 2008

23 May, 2008

This memorandum will be handed over today at a march in Cape Town.

Mr Charles Ngakula

Minister of Safety and Security

Mail: Private Bag X463, PRETORIA, 0001

Private Bag X9080, CAPE TOWN, 8000

Street: Wachthuis, 7th Floor, 231 Pretorius Street, PRETORIA

9th Floor, Room 915, 120 Plein Street, CAPE TOWN

Tel: (012) 393 2810 / 11

Fax: (012) 393 2812

Ms Brigitte Sylvia Mabandla

Minister of Justice and Constitutional Development

Mail: Private Bag X276, PRETORIA, 0001

Private Bag X256, CAPE TOWN, 8000

Street: Momentum Building, 329 cnr Prinsloo and Pretorius Streets, PRETORIA

5th Floor, Room 510, 120 Plein Street, CAPE TOWN

Tel: (012) 315 1332

Fax: (012) 315 1749

Minister Mantombazana Tshabalala-Msimang

Minister of Health

Mail: Private Bag X399, PRETORIA, 0001

Private Bag X9070, CAPE TOWN, 8000

Street: Old House of Trade Building, 226 Prinsloo Street, PRETORIA

4th Floor, Room 417, 120 Plein Street, CAPE TOWN

Tel: (012) 312 0546; (021) 466 7260 / 72

Fax: (012) 325 5526

Dr Zola Sidney Themba Skweyiya

Minister of Social Development

Mail: Private Bag X 901, PRETORIA, 0001

Private Bag X9153, CAPE TOWN, 8000

Street: HSRC Building, North wing, 134 Pretorius Street, PRETORIA

h
MM

10th Floor, Room 1039, 120 Plein Street, CAPE TOWN
Tel: (012) 312 7479
Fax: (012) 321 2502

Leaders of all political parties and Members of Parliament

MEMORANDUM ON GENDER BASED VIOLENCE

The Treatment Action Campaign (TAC) is a human rights organization that values women's right as human rights. TAC, through its Women's Health and Rights Campaign, highlights the scourge of violence against women and the special risk of HIV transmission through gender-based violence in the communities where we work. We address the failure of the criminal justice system for women, and how laws targeted at women's empowerment are not taken seriously. Every day women are raped, children are beaten and members of our communities are killed. These acts of violence include random criminal activities, the xenophobic attacks against refugees and immigrants, and hate crimes perpetrated against lesbians and gay men. Instead of places of learning, many of our schools in poor and working class communities are sites of danger especially for girls. The rights to dignity, life, health and bodily integrity are violated on a daily basis.

TAC: A Summary of Gender-Based Violence (GBV) work

Apart from sustained education against GBV in our organisation and at community level, TAC's women members have not been immune from rape and murder.

Western Cape

In December 2003, Lorna Mlofana, a TAC leader in Khayelitsha was raped and her assailants murdered her in a hate crime after they discovered that she had HIV. It took more than two years, the loss of numerous dockets, significant community mobilisation to protect activists, and many marches until the justice system demonstrated that it can work.

In December 2005, 18 year-old TAC member and leader Nandipha Makeke was raped and murdered. It again took countless meetings and demonstrations against gender based violence to ensure justice for the Makeke family. The gangsters associated with the rape and murder unleashed a campaign of terror and intimidation against TAC members who campaigned for justice. As a consequence TAC had to obtain a restraining order from the Cape High Court against one Yanga Janet and his associates.

From 2005 to 2008 TAC attended more than 35 court hearings in support of women who had been raped and, in some cases, murdered. We handed over more than eight memorandums to the different police stations to highlight our concerns around gender based violence. We have also addressed these memoranda to Minister Leonard Ramathlakane with no response from his office.

Eastern Cape

5
MM

In February 2007 in the Chris Hani District, a 9 year old girl was raped by a 20 year old man. TAC Queenstown office mobilized the community. The perpetrator was apprehended and this case has been postponed more than 12 times and TAC has been campaigning to ensure that bail is not awarded and that justice is brought to the survivor and her family. The case has been postponed until 26th May'08.

Kwazulu-Natal

On 10 July 2005 TAC member Bongiwe Ndlovu was raped in her home in Mpumaza by a long time family friend. The fact that Bongiwe was raped by someone so close to her is far from unusual; over 70% of rape cases in South Africa are perpetrated by a person known to the victim. But even with Bongiwe's swift reporting of her rape and speedy action by the police, it was not until 27th March 2007, over a year and a half after her terrifying ordeal, that Bongiwe's case came before the courts.

Gauteng

More recently, Eudy Simelane's rape and murder case is being supported by the TAC as well as 8 cases in Dayveton, 4 in Vosloorus and 3 in Thokoza (all in Ekurhuleni District). In Southern Johannesburg only 1 out of every 394 rapes perpetrated in any given year result in a conviction.

CONCLUSION AND DEMANDS

There are many similar cases, outcomes and consequences. TAC campaigned for a one-stop rape centre in Khayelitsha, and helped Medecins Sans Frontieres (MSF) and the Provincial Health Department in establishing the clinic and increasing public awareness. More than two rape cases per day are on average seen by the Simelela Clinic. The majority of the survivors are girls under 18 years old, and one in ten cases of sexual assaults is a boy.

The Treatment Action Campaign (TAC) and the undersigned organizations are extremely concerned about the high levels of violence in our communities. TAC and its allies issue the following call for action.

- 1. End victimization of rape survivors by police and court officials**
- 2. Establish more rape crisis centres along the Simelela (Khayelitsha) and Thuthuzela (Gugulethu) model**
- 3. Speed up the roll-out of Sexual Offences Courts**
- 4. Improved access to ARV post-exposure prophylaxis rape and comprehensive health care including counselling for survivors and where necessary their families**
- 5. Scale up programs that empower rape survivors and improve community awareness**
- 6. Sensitise police to barriers faced by women reporting cases**
- 7. Improve investigations (especially forensic evidence collection) of rape cases**
- 8. Give more resources to the court system so that prosecutions can be speeded up and carried out more efficiently.**

h
MM

Emphilweni Counselling
TB Care
Hope World Wide
Yabonga Children's Project
Khayelitsha Health Forum
Desmond Tutu TB Care Centre
Love Life
Forum for the Empowerment of Women
1 in 9 Campaign

POPCRU
Triangle Project

777 Campaign
AIDS Response

Workers World Media Productions
AIDC
Little Angel – Parow
Anna's Place – Salt River

New Women's Movement
DENOSA

Rape Crisis
Positive Muslims

Esangweni High School

Uxolo High School

Sinako High School

Chris Hani High School

Siphamandla High School

Hoplang Primary School

Chuma Primary School

Kwamfundo High School

Kuyasa 1 Primary School

Kuyasa 2 Primary School

Luleka High School

IQayiya High School

5
MM

Luhlaza High School

Sivile Primary School

Bulumko High School

Thembelihle High School

Harry Gwala High School

Masiphumelele Primary School

Imphendulo Primary School

Nkazimlo Primary School

Manyano High School

Ikhwezilesizwe Primary School

Jo Slovo High School

Equal Education

Please forward to all the Ministers above.

5
MM