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Delivered by hand:

His Excellency Chief Maviyo Ngcobo,

kwa-Mafunze Tribal Authority

Commissioner S.S. Mkhize

SAPS Area Commissioner

MEMORANDUM ON GENDER BASED VIOLENCE IN ELANDSKOP, uMGUNGUNDLOVU

The Treatment Action Campaign (TAC) is a human rights organization that values women's and children's rights as human rights. TAC, through its Women's Health and Rights Campaign, highlights the scourge of violence against women and children 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 young girls. The rights to dignity, life, health and bodily integrity are violated on a daily basis.

Notwithstanding their sustained education against GBV in our organisation and at community level, TAC's uMGungundlovu members and their families have themselves fallen victim to the heinous crimes of rape and murder:

- 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.

- Recently here in Elandskop the six year old daughter of a TAC member was raped by a 32 year old man. Although the incident was immediately reported to Taylor's Halt Police station the man was released on bail; we cannot accept this leniency, we therefore ask:
 - a. For a life sentence for the accused
 - b. That the prosecutor ensures that the complainant and her family are fully supported and informed throughout the criminal process.
 - c. That the Court takes into account the circumstances of the complainant.
 - d. That the Police and the Court consider the safety of children in the community and respect the attitudes of the community when deciding whether to grant bail.

We are alarmed by the manner in which the criminal justice system has failed women and children in Elandskop; of the 8 rape cases that have been reported in this area this year only one has ended in a conviction. The slow pace of justice for survivors of rape and sexual assault in Elandskop and uMgungundlovu is unacceptable. We demand justice for rape survivors and an end to violence against women and children in our community!

TAC DEMANDS:

The Treatment Action Campaign (TAC) is extremely concerned about the high levels of violence in our communities. In response to this crisis we issue the following call for action:

1. **End victimization of rape survivors by police and court officials**
2. **Establish more one stop rape crisis centres**
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.**
9. **Give more human and financial resources to the police (including victim empowerment centres)**
10. **Ensure long sentences for rape and murder offenders**
11. **Community action and mobilization to rid our communities of gangsterism and crime**
12. **Increased resources for criminal rehabilitation services**
13. **Faster identification and arrests of criminals**
14. **Programmes to ensure the safety of schools.**