UMANYATHELO OMTHETHO KUNYE NODLWENGULO:

AMATYALA E-LANDMARK EMINYAKENI EYI-10EDLULILEYO

- Ityala lika-S no Jackson ngo1998 (SCA) laphelisa “umthetho wobulumko”, umthetho ochaza izikhalazo zabantu abangabafazi kuzo zonke iziganeko zokuhlaselwa ngokwesondo njengobuxoki okanye amangqina “ayaqhatha/ayaxoka ukuze baqinisekise ubungqina njengenyani”.
- Ityala lika Van Eeden kunye nomphathiswa wezokhuseleko ngo2002 (SCA) lamisa ukuba isteyithi (state) sibe noxanduva ngokubambezela ukubanjwa kwabarhanelwa abathi bathande ukudlwengula abafazi.
- Ityala lika-K kunye nomphathiswa wezokhuseleko ngo2005 (CC) lenza ukuba umphathiswa wezokhuseleko kufuneke ebhatale umonakalo owenziwa ngamapolisa amathathu “ayesemsebenzini” athi adlwengula umfazi.
- Ityala lika K no Sikipha ngo2005 (SCA) lakhalimisa ijaji ngenxa yabantu abathatha ngolunye uhlobo abantu besinye isini ngokucebisa ukuba amadoda bangaxolelwa xa bedlwengule, ukuba umfazi ebenxibe ngendlela engafanelekanga ethi ilukuhle amadoda.
- Ityala lika Masiya kunye noDirector of Public Prosecutions and Others ngo2007 (CC), apho indoda ithe yalala ngemva (anal) umntwana oyintombazana ominyaka eyi-9, imise ukuba oko akwenzi ukuba udlwengulo olunjalo lube lulwaphulo-mthetho omaluthathwe kancinci kuhlaselo olungafanelekanga. Kodwa ke, inkundla ifumanise ukuba ukulalwa ezimpundu akubalwa njengodlwengulo. Kwisigqibo sabo, inkundla ibhale:

Ngenxa yomsebenzi ongekho mncinci kumalungelo wabafazi, kukho ulwamkelo olukhulu lokuba ukudlwengula kukwaphula umthetho kuba luthi luchaphazele isidima nenkangeleko yomfazi. Iingcamango zethu malunga nokudlwengula luthi ludunge ukuthathwa kwelungelo lobuntu kunye namalungelo alinganayo ekukhuselweni. De kube ngoku,abafazi eMzantsi Afrika kunye nelizwe jikelele bathe bahlangana ekuchasaneni neengcamango ezithile mayela nodlwengulo. Bagqalise injongo zabo kubundlobongela obubodwa obenziwa ebafazini. Okunye koku kugqalise ekudaleni ukuncedisana nabafazi,njengendawo zabantu abadlwengulweyo; kwakunye nenkqubo apho udlwengulo luphengululwa luze lugwetywe. Ngoku kwamkelwe ukuba ubundlobongela ngokwesondo kunye nokudlwengulwa aluchaphazeli kuphela isidima somfazi, kukwabonisa namandla angalinganiyo phakathi kwendoda nomfazi ekuhlaleni.(umhlathi 29)

Ezi zigqibo zeenkundla eziphakamileyo eMzantsi Afrika ziluloyiso kodwa kufuneka zenziwe nyhani. Singakha phezu kwazo ekufundiseni iziqu zethu kunye nasezindaweni esihlala kuzo, kunye nokuqinisekisa ukuba urhulumente uyahlonipha, uyakhusela, uyaphuhlisa ilungelo lenkululeko kuzo zonke iintlobo zolwaphulo-mthetho ezenziwa ngabantu okanye ngabantu bucala. Amalungu eTAC kunye nabantu baseMzantsi Afrika mabafundiswe ngodlwengulo, nangendlela yokuucinga engqonge ulwamkelo lwayo, kunye nokhuseleko olusemthethweni mayela nokuhlaselwa ngesondo.

TAC TREATMENT ACTION CAMPAIGN

OLUCHASENE UPHULO NODLWENGULO

TAC TREATMENT ACTION CAMPAIGN

Soweto Rapes & Murders: Ngomhla we8 kuJulayi 2007, uSizakele Sigasa ominyaka eyi-34, ikhodineyitha yePositive Women's Network okwanguye nomlweli wamalungelo wabantu abazi-lesibhiyeni kunye nee-geyi, kunye nomhlobo wakhe uSalome Masooa ominyaka eyi-23, bafunyanwa benzokaliswe baza babulawa ngolunya eMeadowlands, eSoweto. USizakele wafunyanwa ebotshwe izandla zakhe ngasemva kunye nempahla yakhe yangaphantsi, izihlahla zemilenze zibotshiwe, zadityaniswa ngemitya yakhe yezihlangu. Wadutyulwa ngendlela ethile, kwafunyanwa imingxuma yeembumbulu

INANI ELIPHEZULU LODLWENGULO ELIZWENI

Ngaphezulu kwe 52,000 zamatyala kunye ne9,000 yamatyala ohlaselo olungafanelekanga (equka naliphi na ilingu okanye ukulalwa ngaphandle kwemvume athi angaweli phantsi kwetyala lodlwengulo, umz. ukufakwa umnwe, ukuhlohlwa into ngaphantsi, nokubanjwa-banjwa ngaphantsi okanye emabeleni) zibikiwe kwiSouth African Police Services phakathi kukaApril 2006 kunye noMarch 2007. Malunga ne50% yodlwengulo oluthe lwenziwa kubantwana abangamantombazana abangaphantsi kweminyaka eyi-18. Kuqikelelwa ukuba umfazi omnye kwisithathu uyakudlwengulwa ebomini bakhe. Olu balo lolona lubaxekileyo kwilizwe elingenayo imfazwe. Uqikelelo lukarhulumente lubonakalisa ukuba, isinye kwithoba labafazi abadlwenguliweyo, lubika emapoliseni ngesi siganeko. Udlwengulo sesona siganeko sibikwa kancinci, phantsi kwezizathu zokoyika ukuziphindezela, ukungabi nalwazi malunga nokhuseleko lomthetho, nokuxhomekeka kumhlaseli, kunye nokuba neentloni ngesiqu sakhe kuba edlwengulwe. Ukongeza, abantwana abathe bahlukunyezwa ngezesondo baye bangachazi mayela nesiganeko kuba umhlaseli wakhe usoloko engoyena unamandla kunaye kwaye engamvumeli ukuba amchaze. Yi11% kuphela yamatyala odlwengulo aye afumane isigwebo, oko kwenza kuphele ukuthembela emthethweni, okwenza ukuba ukungabikwa kwezi ziganeko. Inani eliphantsi lezigwebo lungayamaniswa kwizizathu ezininzi , ukuquka ukungazimiseli kwamapolisa/ukungabonakalisi mdla, ukungazinikezeli kwengqina ukuba linike ubungqina, kunye nokungabikho kobungqina obupheleleyo kummangali. (physical evidence).

I-Treatment Action Campaign ikhwaza ikhwelo lokuba imibutho idibane ekulweni kokuphelisa bonke ubundlobongela ngokwesini, ukuquka nokudlwengula. Ukuhlaselwa ngesondo kuyahlaza, bubundlobongela, kunye nokungabi nabuntu. Bonke abantu eMzantsi Afrika mabamanyane bachasane noku!

The people in the photographs are not necessarily surivors of rape. Rape affects us all.

UDLWENGULO LWANDISA UMNGCIPHEKO WOKOSULELEKA NGE-HIV

Akukho buninzi nabungakanani bemfundiso ngeHIV/AIDS okanye imfundiso ngokuzikhusela enokuthi inqande ukosuleleka kweHIV xa ubani edlwengulwe, suka koko inokuthi yosulele. Abantwana ngabona bonzakalayo kukosuleleka ngeHIV nakwangenxa yobungakanani babo. Yi-post exposure prophylaxis (PEP), unyango oluthile ngeepilisi i-anti-retrovirals(ARVs) olunokukhusela ukusasazeka kweHIV. Ukususela ngo2002, urhulumente uqinisekise ngokufumaneka kwePEP kubantu bonke abathe badlwengulwa, kodwa isininzi sabadlwengulweyo abakakwazi ukuthi bafumane ezipilisi/olunyango, ingakumbi ezilalini okanye kwiindawo ezihluphekileyo.

Sibanga kurhulumente ukuba enze indlela yokufumaneka kwePEP kumaxhoba odlwengulo nakuzo ZONKE iindawo zasekuhlaleni!

Ulorna Mlofana: NgoDisemba 2003, uLorna Mlofana wadlwengulelwa kwindlu yangasese kwishibini yaseKhayelitsha. Umdlwenguli wakhe uNcedile Ntambukane wathi esakufumanisa ukuba uLorna uneHIV, wamhlasela ngokumasikizi, waze wambulala. UMlofana omnye wamalungu eTreatment Action campaign, wabethwa yaze intloko yakhe yatyunyuzwa ngumhlaseli wakhe, emveni kokuba emdlwengulile wamonzakalisa umphantsi wakhe wawusika. UVuyelwa Dlova kunye nesinqanda-mathe sakhe babesendleleni eya kule shibhini ekuboneni kwabo ukuhlaselwa kukaMlofana. Bathi ekuveni isizathu sokuhlaselwa kukaMlofana, uDlova wancedisa naye kuba ekholelwa ukuba uMlofane usasaza I-AIDS emadodeni. Ijaji yenkundla ephakamileyo eKapa, uDumisani Zondi wagweba uNcedile Ntumbukane ubomi bakhe bonke ephila ejele ngokubulala umphefumlo kunye neminyaka elishumi ngokudlwengula. Udlova(21) wafunyanwa enetyala ngukuzama ukubulala nokuncedisa ukuhlasela waze wagwetywa iminyaka elishumi esejele, emithathu kuyo yaxhonywa. Oku kw:enzeka emveni kokuba kwasekwa iqumrhu leTAC ekuhlaleni kwiminyaka emibini edlulileyo.

Student Doctor raped at Chris Hani Baragwanath: Umfundi ofundela ukuba ngugqirha udlwengulelwe eChris Hani Baragwanath. Nge-1 Agasti 2007, umfundi oselula wesifazane ofundela ukuba ngugqirha udlwengulelwe kwindawo ejongeke ngekhusekileyo esibhedlele eRhawutini, ngelixesha esenza umsebenzi wakhe wokusindisa ubomi babantu.

"Wonke umntu unelungelo kwinkululeko nasekukhuselekeni komntu okuquka ilungelo lenkululeko kubo bonke ubundlobongela obenziwa ngabantu njee okanye obenzeka bucala."
- The Constitution of the Republic of South Africa (Section 12)

II-ACTS KUNYE NEE-BILLS:

EZIBHEKISELENE NOBUNDLOBONGELA NGOKWESINI KUNYE NOKUHLASELWA NGOKWESONDO

Domestic Violence Act of 1998: Le-Act ibophelela urhulumente ekupheliseni ubundlobongela obenzeka emakhaya, Uqaphele ukuba ubundlobongela basekhaya "bobona buxhaphakileyo kubantu basekuhlaleni." Le-act iquka ukunika imithetho yokhuseleko kubantu abathe bahlaselwa ngabenzi bobubi abasemakhaya, iqinisekisa nemfihlo emalunga nesiganeko eso kumaxhoba, nokuba kube lityala ukudlwengulwa emtshatweni.

Sexual Offences Bill: Lo mthetho, owayilwa kwiminyaka esibhozo eyadlulayo, wapasiswa kwiNational Assembly ngoMay 2007. Ngoku ukwiNational Council of Provinces. I-Sexual Offences Bill yeyona ekufuneka yenziwe ngcono kwimithetho yaseMzantsi Afrika emayela nodlwengulo.Ithintela kakhulu iziphumo zamaxhoba odlwengulo, ezinokuthi zisetyenziswe njengobungqina kwimbali, ibaze igama lokudlwengula ngaphambili "ukuquka zonke iintlobo zepenetrayishini (penetration) ezinokuthi zenziwe ebafazini okanye emadodeni, ze bakwazi ukunikezelwa ngeyeza lokuzikhusela kwizifo. Nangona ke iqinisekisa ukufumaneka kwePEP kuphela, ukuba isiganeko sibikwe emapoliseni; iTAC kufuneka isebenze kunye namasebe ayo ukuqinisekisa ukuba ifumana iPEP, inike amaxhoba odlwengulo, kunye nabo bonke abo bathi boyike ukuzokumangalela abahlaseli babo.

Ukhuseleko lohlaselo ngokwesondo makube yinto ephambili emthethweni! I-Sexual Offences Bill kufuneka ibe ngumthetho ngo2007, kwaye kufuneka iquke nokufumaneka kwePEP kubo BONKE abathe bangamaxhoba, kwaye ingabi ngabo bathe bamangala emapoliseni.

Kukho isiphako esingqonge udlwengulo, esifana neHIV+. Esi siphako siye sithintele amaxhoba ekulweni, nokufumana kwabo amalungelo njengabahlali. Masisiphelise esi siphako esingqonge ukuhlaselwa ngokwesondo, ukuze onke amaxhoba akwazi ukuza ngaphambili ngaphandle kweentloni. Ke ngoko amaxhoba ayakuthi akwazi ukukhuselwa ngumthetho. Ukufundiswa kwabantu ngodlwengulo, kungenza ukuba abantu baseMzantsi Afrika bakwazi ukuzimela kwaye bakwazi nokuthetha ngodlwengulo.

CAMPAIGN AGAINST RAPE