

An information guide

campaign
against

Rape

TAC
TREATMENT ACTION CAMPAIGN





Rape and Murder of Eudy Simelane

On 28 April 2008, a footballer for the South African women's team and lesbian & gay rights activist was gang raped, beaten and brutally murdered in her home town, KwaThema Springs (Gauteng). Simelane was stabbed 25 times in her face, chest and legs before her partially clothed body was dumped in a nearby creek. Four men were arrested for this crime. One of the accused was sentenced to 32 years in February 2009. Two of the men were acquitted and the other was sentenced to life imprisonment in September 2009.

Highest rate of Sexual Assault in the World

More than **36,190 cases** of rape were reported to the South African Police Services between April and December 2007. Many of the rape survivors were **under the age of 18**. Every **26 seconds** a woman in South Africa is raped. It is estimated that **one in three** South African women will be sexually assaulted in her lifetime. This rate is the **worst in the world** for any country not at war.

Furthermore, government estimates indicate that only one in nine women who are raped report the attack to the police. Rape is underreported for a variety of reasons, including fear of retaliation, feelings of shame about the assault, and economic dependence upon the rapist. Only 8.9% of rape cases result in conviction, destroying faith in the law which also contributes to underreporting. Evidence shows that sentences for rapists are often very low – approximately 15% of rape convictions receive less than the legal minimum of 10 years.

**TAC raises its voice in solidarity
with sexual assault survivors,
activists and organisations fighting
to end all gender-based violence.
TAC is committed to the struggle
to bring the perpetrators of these
crimes to justice and to ensure that
sexual assault survivors receive the
care that they need.**



www.tac.org.za

Landmark Acts and cases:

- **Domestic Violence Act of 1998** committed the government to the elimination of domestic violence. It included provisions for protection orders against perpetrators of domestic violence, guaranteed the privacy of survivors, and criminalised rape within marriage.
- **The 2002 case of Van Eeden v. Minister of Safety and Security (SCA)** established that the state had a duty to detain suspects likely to commit further sexual offences against women.
- **The 2005 case of K v. Minister of Safety and Security (CC)** held the Minister of Safety and Security liable for damages after 3 'on duty' policemen raped a woman.
- **The 2005 case of S v. Sikipha (SCA)** reprimanded a judge for patriarchal and sexist attitudes that suggested men may be forgiven for rape if women are dressed or act seductively.
- **The Department of Health's National Sexual Assault Policy (2005)** committed government to providing prompt and complete health care to victims after sexual assault and to ensuring that medical evidence about sexual attacks is collected in a reliable and thorough way. It includes a commitment to: 1) provide rape kits at all facilities that provide sexual assault services; 2) offer victims anti retroviral treatment and antibiotics for sexually transmitted diseases; 3) provide HIV testing and counselling post attack; 4) ensure adequate psychological assistance for victims; 5) maintain a complete procedure for the collection of evidence.
- **Sexual Offences Act of 2007** restricted the circumstances in which survivors' sexual histories can be admitted as evidence. It expanded the definition of rape beyond "sexual intercourse with a woman without her consent" to include different kinds of penetration against women and men. It provided access to Post Exposure Prophylaxis (PEP) for all sexual assault victims. It stated that when survivors report cases to a designated PEP site, there is no need for a case number.

These laws and decisions made by the government and the highest courts in South Africa are victories. But THEY MUST BE MADE REAL!

Previous campaigns by TAC and partner organisations around rape cases:

- In **December 2003**, **Lorna Mlofana**, a TAC leader in Khayelitsha (Western Cape) was raped in a shebeen toilet. She was then murdered by her rapist and a passer-by when they discovered that she was HIV positive. Significant community mobilisation by TAC activists and many protest marches followed. It took until February 2006 for the assailants to be sentenced.
- In **December 2005**, **Nandipha Makeke** was raped and murdered. It took over 20 court appearances and nearly two and a half years of activism by TAC members for two of the four accused to be found guilty and sentenced.
- In **October 2005**, **Buyisiwe** was allegedly gang raped in Tembisa, Gauteng, by 8 men. She immediately reported the matter to the police and seven men were arrested. After certain documents relating to the case suspiciously went 'missing', the matter was struck from the court roll in June 2006. Despite work by 1 in 9 Campaign activists, the case was not reinstated until November 2006. It was not until July 2007 that the case first came to court. After almost 4 years the seven men were found guilty and given sentences between 17 and 20 years.
- In **June 2007**, 18 year old TAC member **Nomthandazo Radebe** was raped by Sonwabo Mangongoza in Lusikisiki. It took until March 2009 for the accused to be found guilty and sentenced.
- On **24 October 2008**, **Sesethu Mcimeli**, an 8 year old on her way home from school, was raped by a 24 year old. TAC activists marched on Mfuleni Police Station to voice their anger, shouting, "Rapists must be removed from our society". A man was arrested and a case was brought before the courts. However, on 30 April 2009, the case was dropped by the courts.

We must fight the stigma surrounding sexual assault, so more survivors can come forward without shame. We must fight to ensure justice for the survivors of gender based violence and to prevent delays in these cases being heard.

TAC and its allies have issued 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) models.
3. Speed up the roll-out of Sexual Offences Courts.
4. Improve access to ARV post-exposure prophylaxis rape and comprehensive health care including counselling for survivors and, where necessary, their families.
5. Scale up programmes 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 sped 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. Mobilize to rid our communities of gangsterism and crime.
12. Increase resources for criminal rehabilitation services.
13. Ensure faster identification and arrest of criminals.
14. End the criminalization of sex work and demand that the police stop harassment of sex workers.
15. Implement programmes to ensure the safety of schools.