Published on *Treatment Action Campaign* (http://www.tac.org.za/community)

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

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Created *2008/05/23 - 7:00am*
23 May, 2008 - 07:00 ? moderator

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

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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

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 Mpumuza 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.

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

- **Give more human and financial resources to the police (including victim empowerment centres)**
- **Ensure long sentences for rape and murder offenders**
- **Community action and mobilization to rid our communities of gangsterism and crime**
- **Increased resources for criminal rehabilitation services**
- **Faster identification and arrests of criminals**
- **End the criminalization of sex work and demand that the police stop harassment of sex workers.**
- **Programmes to ensure the safety of schools.**

We call on all stakeholders, including government, to work together to achieve these objectives.

We want to work in partnership with the SAPS and other elements of the law enforcement and criminal justice systems to achieve these objectives.

Regrettably, today the Treatment Action Campaign gives notice to the Government of the Republic of South Africa of legal action should government fail to respond to our demands. The government is enjoined by our Constitution to ensure that every person is free from all forms of violence, from public or private sources.

The TAC national congress resolved that unless the implementation of a comprehensive plan against gender-based violence with the above elements is undertaken by government, an application to the Courts will be launched for its enforcement. We ask the Ministers of Safety and Security, Justice, Health and Social Development to address these issues with TAC and our allies by 17 June 2008.

If this is not done, there will be no option left but to commence legal action.

We pledge as citizens and civil society to do everything in our communities to address this issue and to assist government where it fulfils its constitutional duties to ensure the freedom and security every person.

Undersigned Organizations:

Treatment Action Campaign
SWEAT
Western Cape Provincial Council of Churches
COSATU Western Cape
Sarah Baartman Center
Aids Legal Network
SA Red Cross Society

AIDS Law Project
Philani Nutrition Center
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
Hopolang Primary School
Chuma Primary School
Kwamfundo High School
Kuyasa 1 Primary School
Kuyasa 2 Primary School
Luleka High School
IQayiya High School
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.

- Violence Against Women

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Source URL (retrieved on *2016/08/28 - 7:17am*): http://www.tac.org.za/community/node/2308