

**Get on the Bus and Stop Violence against Women and Children
Campaign
8 March – 10 April 2006**

**Report to Parliament: Key Issues Identified by Communities Visited by
the Bus**



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Introduction

South Africa reports high levels of violence against women which, at the very least, deny women their constitutional rights to life, safety and security, equality and freedom of movement and association. Along with the enactment of new, and satisfactory implementation of existing, legislation that promotes and upholds such rights, women, as well as their families and friends, need to be made aware of such protective measures and be informed about the content of these laws and how they can access their rights.

The Sexual Offences Bill has been under discussion since 1998 and some eight years later has yet to be passed, making it important to mobilise communities to demand the enactment of this proposed bill. Furthermore, many women's familiarity with their healthcare rights after rape is limited, particularly in relation to their access to post-exposure prophylaxis (PEP) to prevent HIV infection. Research by the Centre for the Study of Violence and Reconciliation (CSV) has also highlighted men's use of guns in many gang rapes, as well as to threaten, intimidate and even kill their intimate female partners. It is thus important for communities to be made aware of the provisions within the Domestic Violence Act and Firearms Control Act that allow for the removal of weapons, as well as the declaration of someone as unfit to possess a firearm.

The "Get on the Bus and Stop Violence against Women and Children Campaign" (bus campaign) intended generally to make women aware of their rights and educate communities around issues of gender-based violence, including HIV/AIDS. The bus campaign had three broad aims:

- To promote communities' awareness of women's rights as set out in the Domestic Violence Act, the Recognition of Customary Marriages Act, the Maintenance Act and the Firearms Control Act, and the associated policies and protocols of these Acts;
- To collect petitions calling on both Parliament and the Department of Justice and Constitutional Development to consult with civil society around the finalisation and enactment of the Sexual Offences Bill; and
- To take women and children's voices to parliament by recording their concerns and experiences of violence.

This report acts as a conduit for the various voices and stories of the people that the bus campaign interacted with to reach the ears and minds of the members of Parliament. As such, it is a reflection of the thoughts, opinions, attitudes and expressions that the bus campaign came across in its journey across South Africa.

The Bus Campaign

On 8 March 2006, International Women's Day, the "Get on the Bus and Stop Violence against Women and Children" campaign was launched at Constitution Hill in Johannesburg. The bus travelled through all nine provinces (see route below), stopping to run community information sessions and workshops around gender-based violence, and to distribute pamphlets, posters and leaflets around laws and policies addressing violence against women. After a month on the road, the bus campaign ended outside Parliament in

Cape Town on 10 April 2006. The organisations involved in the campaign submitted a memorandum² to the Department of Justice and Constitutional Development as well as the Joint Monitoring Committee on the Improvement of Quality of Life and Status of Women. The memorandum calls on government departments to adequately budget for laws and policies addressing violence against women and children, strengthen and expand existing government and non-government services to those who have experienced gender-based violence, and hold under-performing individuals to account for failing to uphold women's rights and implement the law. A petition of over 2,000 signatures was gathered from around the country calling for the public release of the Sexual Offences Bill, as well as public consultation and finalisation of the Bill. The petition has been sent to Parliament with this report.

On behalf of all the organisations involved in the campaign, Nombulelo Mkhuma from Lifeline, Samantha Harris from Rape Crisis (Cape Town) and Bulelwa Lutuli from the Gender Advocacy Programme travelled on the bus for a month conducting the pamphlet drops and information sessions and taking part in the workshops. Their general observation was that domestic and sexual violence is rife in the communities they visited, with women still struggling to access the information that would empower them to stand up to, and speak out against, their victimisation. The three volunteers noted that most of the communities they visited lack basic information and education about HIV/AIDS, domestic violence and rape. These communities had not heard of the Sexual Offences Bill or the Firearms Control Act at all, and although most women knew of the Domestic Violence Act, they did not seem to have the necessary information to access their rights in terms of the Act, let alone ensure that the Act works for them and their safety.

The campaign directly involved over 2,700 people in nine provinces, and hopefully many more people were reached through the dissemination of pamphlets and posters, as well as by word of mouth.

The Organisations Involved in the Campaign

The campaign was co-ordinated by CSVR in collaboration with a range of organisations including the National Working Group on the Sexual Offences Bill, the Western Cape, Northern Cape and KwaZulu-Natal Networks on Violence Against Women, Black Sash, Cape Town Rape Crisis Trust, the Gender Advocacy Project, Masisikumene, NICRO, Nisaa, Sex Worker Education and Advocacy Task Force, Thohoyandou Victim Empowerment Programme, Thusanang Advice Centre, the Treatment Action Campaign and Women's Net. The following organisations were also involved at various stages of the campaign: Aids Consortium, GRIP, Bongani Child and Youth Care Development, Mokopane Victim Support Centre, FAMSA, Widow's Forum, Goldfields Family Advice Organisation, Masimanyane, Child and Family Welfare, United Sanctuary against Abuse, West Coast Women's Network, and RAPCAN.

The Route

² Attached as Appendix A.

	Workshop	Information Session	Pamphlet Drop
Gauteng	Johannesburg	Orange Farm	Daveyton Benoni Soshanguve
Mpumalanga	Tonga	Kanyanazani	
Limpopo	Giyani Mokopane		Malamulele Thohoyandou Dzanani/Siloam Makhado Polokwane
North West	Klerksdorp		Rustenburg Potchefstroom
Northern Cape	Kimberley		Kimberley
Free State	Welkom QwaQwa		Bethlehem
KwaZulu Natal		Phoenix Kwa-Mashu Wentworth	Pietermaritzburg Durban
Eastern Cape	East London Scenery Park		Umtata Port Elizabeth
Western Cape	Saldanha	Khayelitsha	George Atlantis Khayelitsha

The bus campaign culminated in Cape Town, with the handing over of a memorandum at Parliament.

Methodology

Information sessions and pamphlet drops, held at malls, hospitals, clinics and taxi ranks, were organised and undertaken by the three bus campaign volunteers. Permission was sought from centre managers who then allocated a space for the volunteers to set up a table with the bus campaign banner and materials on, amongst others, HIV/AIDS, domestic violence, rape and the Sexual Offences Bill. The public then approached the table, out of curiosity or with the purpose of acquiring information, spoke to the volunteers, received materials and signed a message book that the volunteers kept with them throughout the campaign. The volunteers kept notes of the public's comments, queries, attitudes and interests.

Workshops were set up in advance with participating NGOs. At the workshops, the volunteers disseminated information, held discussions, and sought to understand where the communities were in terms of gender-based violence and their awareness of existing and forthcoming legislation. The participants of the workshops were also encouraged to sign the message book. Notes were kept on the discussions held in all the workshops.

Any quotes included in this report are copied verbatim from the message book: names have not been included in order to protect the privacy of the person who wrote in the message book.

Although the bus campaign had given itself a target of 10,000 signatures for its petition to Parliament, 2,000 signatures were eventually gathered. The number reflects the campaign's experience that many people were reluctant to sign the petition because they were fearful that their signature may hold political significance in the light of the Jacob Zuma rape trial (which was underway at the time of the bus campaign) or they were afraid of the repercussions that may follow by publicly submitting their name in writing to such a cause.

Issues Raised by Communities during the Bus Campaign

Education and Awareness

Most communities visited by the bus campaign lacked basic awareness, information and education about HIV/AIDS, domestic violence and rape. The majority of people in these communities had not heard of the Sexual Offences Bill or the Firearms Control Act, and although most women knew about the Domestic Violence Act, they did not seem to have the necessary information to access their rights in terms of the Act, let alone ensure that the Act works for them and their safety. Many women were ignorant about the basics of a protection order: from the role it would play in protecting them, to the application and enforcement process. Women were also ignorant of their rights as victims of sexual violence. They did not know how they should be treated or what procedures they should insist on being followed by hospital and police personnel when they present at a hospital after being raped. This lack of awareness, information and education was underlined time and again over the month on the road: many people seemed to be hearing about the issues raised by our volunteers for the first time.

Disturbingly, there was some hostility towards the campaign and the volunteers at a mall in Mpumalanga due to the perception that the campaign held a specific anti-Zuma mandate.³ The misinformation that could lead to the conflation of a campaign to eradicate gender violence with an anti-Zuma stance is worrying, and the reaction of people at this mall gave an indication of the set-backs in women's rights and HIV/AIDS education that this highly publicised and politicised trial has brought about.

The intersection between gender and culture was prominent in the issue of education and awareness. It was felt in some areas that culture prevents parents from teaching children about sex and that there needs to be more openness between parents and children: one man commented that "our culture as a black community prevents us from teaching our children about sex; we expect teachers, TV, peer groups etc to educate our children". And while there *is* a pressing need for parents to speak to and educate their children about sex and HIV/AIDS, it was felt that the reality is that many of the parents themselves do not fully understand the issues around HIV/AIDS, domestic and sexual violence. Related to this was a very palpable culture of silence surrounding issues of gender-based violence: there were many reports of women not wanting to give a voice to the violence perpetrated against them, and of communities living in cocoons by not asking questions about these sensitive issues and not addressing their problems. The volunteers were told about a case in the Northern Cape where a child was sodomised by another boy. When the family reported what had happened, the community's response was to ostracise the family for speaking out. In an eerie confirmation of this sanctioned community silence, when the volunteers held a radio interview in Kimberley not one person phoned in when the lines were opened up for people to call. In a corollary to this, members of some of the

³ In November 2005, Jacob Zuma, South Africa's former Deputy President, was charged with raping a 31 year old HIV/AIDS activist at his Forest Town home on 2 November 2005. After a lengthy, controversial and very well publicised rape trial in the Johannesburg High Court, during which the bus campaign was taking place, Zuma was acquitted on 8 May 2006.

communities visited did not seem to know where to go when they do have problems that they want or need resolved. In another example of the ubiquity of culture, the reaction of people to the bus campaign at the Lakeside Mall in Benoni was at best uninterested, at worst hostile: the feeling was that issues of domestic and sexual violence only affect specific groups of the population and that these issues are not pertinent in a predominantly white area. It was disturbing to note this attitude among some groups of South Africa's population – gender-based violence is an issue that affects people across all racial, ethnic, social and economic spheres. That some people may be turning a blind eye to what could be happening in their community is both short-sighted and dangerous. This stop highlighted the need to educate people of all ages, races and backgrounds in order to tackle a problem that does not discriminate and that ultimately affects everyone in our society.

The South African Police Service (SAPS) were repeatedly and specifically mentioned as being uninformed, untrained and insensitive to victims of gender-based violence, with most communities flagging the police's lack of commitment to such cases. In some places, women described police personnel laughing at them when they reported domestic violence: they were told to sort out the problem within the home. Moreover, women are frustrated about police attitudes and perceptions of rape, including the lack of understanding demonstrated by police towards women who want to, or do, withdraw their cases. A number of women proposed that SAPS members need to be trained to know more about, and be able to deal with, victims of trauma.

It was found that even those working for NGOs in these communities lacked updated information and a thorough knowledge around these issues: this obviously impacts on the usefulness of the information available for both those trying to help communities and the communities themselves.

These were some of the specific messages from people in the communities visited by the bus campaign:

- People need more education, especially about their rights, rape, abuse, domestic violence, HIV/AIDS, and the importance of reporting sexual offences;
- The rural areas need more information, especially advanced education about HIV/AIDS;
- Communities need more clinics, more social workers in schools so that learners can learn about abuse and have a trusted someone to report abuse to, and more safe houses to protect victims;
- The youth need to be educated in order to understand issues around gender-based violence and thus learn how to deal with these issues, and there need to be awareness campaigns for young children at schools;
- People working with HIV/AIDS need to be fully trained and informed – their lack of information results in misunderstandings and the perpetuation of myths;
- Communities need to be educated about the intersections between gender-based violence, drug and alcohol abuse, poverty and HIV/AIDS;
- Guardians need to be educated on how to parent orphans (there were reports of guardians mistreating orphans and putting their own children first);

- Moral regeneration needs to be intensified in communities;
- Education and awareness campaigns need to reach out in the communities' own language. English is a poor medium, particularly in the rural areas, as messages are not conveyed due to a lack of understanding.

If there was one consistent message from communities visited by the bus campaign, it was this: people are longing for more education and information around the issue of gender-based violence. It became obvious that a vital and related component of any education programme would be the inclusion of imparting knowledge about existing protective legislation, the due process in law, bail mechanisms and so on, in order to develop an understanding of how the legal system works, what its merits are and the fact that it is intended to protect people. However, in order for information and awareness-raising campaigns to be effective and truly address problems of gender-based violence in these marginal communities, they need to be conducted regularly and to access the deep rural areas.

Sexual Violence

Sexual violence is endemic in South Africa, with most rural and urban communities reporting great concern about its high rates in their own areas.

Communities consistently stressed their need for more education and information regarding rape and other sexual offences – there was a distinct lack of awareness and education in communities around sexual abuse. It was felt that the government needs to inform communities about the realities of rape and that people needed to be educated about the importance of reporting sexual offences. Communities wanted to know more about the link between alcohol and sexual violence as well as the link between rape and HIV/AIDS. A particular concern in the Northern Cape was that a lack of education around rape and abuse (distilled into myths and misconceptions, such as sexual violence is the fault of the victim and sexual violence needs to be insulated to, and dealt with within, the family) results in mothers not pressing charges when children have been raped or abused and the perpetuation of child rape from within the family. Communities felt that frontline workers and stakeholders in the gender-based violence sector should be trained and/or sensitised about how to deal with rape survivors and the trauma they have suffered.

The general opinion of women in the communities visited was that the South African criminal justice system is failing victims of sexual violence – from the police, to the courts, to the treatment and care of these victims. The poor and sometimes callous police treatment of rape survivors was a common theme. Especially in Mpumalanga and the Northern Cape, communities felt that the police did not take rape seriously enough: they spoke of police neglecting, abusing and bullying rape victims. In Limpopo, it was reported that the police laugh at men who report rape. There was widespread concern about the disappearance of police rape dockets and the consequences of this for rape survivors' access to justice. Communities felt that SAPS members need to be fully trained in trauma and counselling in order to be to handle rape victims when they report

to the police. Communities wanted to see the establishment of a special police unit to aggressively pursue and punish perpetrators. Overall, it was felt that there needs to be more commitment from police officers to crimes reported, and that the police need to be more committed to the swift and full investigation of sexual offences.

Many people felt that the justice system was not making enough effort and, as a consequence, victims suffered through re-victimisation, a lack of respect and little or no privacy. There was widespread concern about the length of time it takes for a rape case to be finalised through the criminal justice system. In Mpumalanga, one participant asked for the law to stop taking care of perpetrators, for bail not to be granted for sexual offences and for perpetrators to be incarcerated for a long time. The overarching sentiment across the provinces was that perpetrators of sexual offences are not being punished harshly enough and that there is a need for them to face the full wrath of the law. Communities felt that the justice system needed to set standards of punishment for rape perpetrators and increase the prison term for perpetrators of sexual offences. Some people called for a policy of “no fines” for rapists, some called for rapists to be sentenced to life, and some even called for the death penalty to be re-invoked for perpetrators of sexual offences. This in itself is problematic, as it points to a wider culture of violence within our society, where violence is offered as the first solution to (in this case, violent) problems. Ironically, it is within this culture that the attitudes and actions that result in rape and sexual violence can more easily find expression. The granting of bail to perpetrators of sexual offences was a widespread and bitter complaint – the granting of bail for perpetrators is rightly seen as having a traumatic impact on the victim.

Personal experiences of the criminal justice system seemed to play an important role in the comments of individuals when it came to the subject of legislation and policy. A number of communities asked for clarification on the definition of rape, and there was a call for forced oral and anal sex to be regarded as rape. The new definition of rape in the Sexual Offences Bill states that, “Any person (“A”) who unlawfully and intentionally commits an act of sexual penetration with a complainant (“B”), without the consent of B, is guilty of the offence of rape” and “sexual penetration” includes “any act which causes penetration to any extent whatsoever by the genital organs of one person into or beyond the genital organs, anus, or mouth of another person; any other part of the body of one person or, any object, including any part of the body of an animal or any object resembling the genital organs of a person or an animal, into or beyond the genital organs or anus of another person; or the genital organs of an animal, into or beyond the mouth of another person.”⁴ That communities are expressing the need for this new definition without prior knowledge of the forthcoming legislation is telling and should be regarded as a call for the timeous enactment of the Bill.

Some of the other issues raised were as follows:

- A need to revise the law that allows the interrogation of complainants in court – such interrogation results in victims feeling that they asked to be raped, and testifying in court continues to traumatise survivors;
- Courts should be looking at user-friendly ways of leading evidence;

⁴ Criminal Law (Sexual Offences and Related Matters) Amendment Bill, May 2006.

- There is a need for DNA evidence in courts. However, due to a lack of resources, DNA evidence sometimes takes over a year to be processed;
- There should be a much wider use of interpreters at court so as to allow victims, talking about very intimate, difficult and personal details, to do so in their first language;
- As a result of poor police investigations, case dismissals or withdrawals, the perpetrators of rape usually spend less than a day in court despite the severity of their crime;
- Lay assessors⁵ should always be used in court;
- Magistrates continue to treat rape survivors badly;
- The law also needs to consider men as victims of rape;
- Rapists themselves are not treated equally, because political and financial status plays a part in case outcomes;
- People with disabilities face numerous difficulties when it comes to testifying in court.

In relation to the treatment and care of sexual violence survivors, communities were very vocal about the gap between what they expected in terms of services and what was happening in reality. There was widespread concern that rape victims should be given more protection and care, and that victims of abuse need access to proper medication. There needs to be much more information available to women in rural communities about the steps to be taken after rape and the use of PEP. With dire implication for victims of rape, it was reported that, in Pietermaritzburg, the government has decreased the number of district surgeons at the hospital: in reality this means that if a woman reports a rape on a Friday, she is told to come back on the Monday. Apart from the traumatising psychological and emotional effects of such a delay, this is of huge concern when it comes to timely access to PEP, which needs to be taken within 72 hours of the rape to be effective. Furthermore, such a delay would mean that crucial medical and forensic evidence would be lost. There was also a concern that doctors are failing to fill out the J88 form⁶ adequately, resulting in a lack of physical evidence in court. It was also widely felt that more support and trauma centres for victims of sexual violence are needed, especially in the rural areas, and that victims need proper help from clinics and counselling resources, which are scarce at the moment.

From another perspective, men in a number of the communities visited were concerned about those among them who are falsely accused of rape and child abuse, and wanted to know what can be done to punish those who make false allegations.

Domestic Violence

⁵ Lay assessors are ordinary people used to evaluate the quality of service provided by government agencies or the judiciary to the public. They are sometimes defined as secular judges.

⁶ The J88 form documents the results of the doctor's examination on a woman who has presented after rape. After the examination, the form is given back to the police. The details on the J88 form can provide evidence, if the case goes to court, to show that sexual assault has occurred.

There were a number of facets to the discussions of domestic violence in the communities visited by the bus campaign.

Many communities spoke about the increase of domestic violence in their areas. In Pretoria, a woman wanted to know what the law is doing about domestic violence because, in her experience, “women are continuing to suffer domestic violence daily”. Communities in Pretoria, Giyani, Klerksdorp, Kimberley, QwaQwa, Bethlehem, Pietermaritzburg, Durban, KwaMashu, Wentworth, East London, Saldanha Bay and Khayelitsha focused specifically on the increased rate of domestic violence in their communities.

Culture, in its broader sense as a set of accepted values, norms and rules by different groups of the population, as well as in its specifically traditional sense, seemed to play an important role in the issue of domestic violence. In Mpumalanga, it was reported by one woman that, “the cultural laws abuse many children and women especially in our community”. In the North West, women explained that they were being oppressed by customary marriage, abusive in-laws and racism: one woman asked for help in “stopping in-laws who take away furniture and properties belonging to widows and their orphans”, while another spoke of racism being “very rife in our community”. It was reported that men have power over women in intimate relationships, especially when it comes to the practice of polygamy. Women also reported that men do not support their children properly. In Limpopo, it was perceived that in these communities, men are allowed to abuse women because it is seen as masculine and it is a man’s right to do this: women felt that men needed to come to workshops around gender-based violence in order to reduce the abuse of women and children. It was reported that, for the same reasons, some men openly have relations with women other than their partners, leading to an increased risk of infection from HIV and other sexually transmitted infections. Widows were flagged as particularly vulnerable to all forms of domestic violence from their late husbands’ families: they are referred to as bearers of bad luck resulting in a loss of dignity, and may have their furniture and property taken by their in-laws, leaving them to live in extreme poverty. In Durban, the volunteers were told that, “culture is playing a major role in the increase of domestic violence, especially among Indian communities”. Mostly male taxi drivers at an information session in Saldanha Bay had problems accepting what the volunteers had to say about domestic violence.

The intersection of poverty and domestic violence was also touched on. In a number of rural communities it was felt that domestic violence was a result of a lack of food, and that poverty results in child abuse and corruption. One woman told us that “violence at home starts when a husband comes home and finds that there is no food because of lack of wood and water”. In Mpumalanga, women informed the volunteers of many cases of child rape that have been dropped by the victim’s family due to an offer of money by the perpetrator’s family – this points to poverty being used as a leverage for the justification of sexual (and domestic) violence. Interestingly, in the Free State, women felt that the creation of work for women would emancipate them financially and encourage them to stay away from abusive relationships.

Once again, what seemed to be most prevalent across the nine provinces when it comes to domestic violence was communities' lack of awareness, knowledge and education around the subject. The communities wanted more education, especially about rape and domestic violence. It was felt among some communities that the rate of abuse can be decreased through education and by reporting the perpetrators. The culture of silence and taboo shrouding the issue of domestic violence was often pointed to as a reason for its proliferation. In KwaZulu Natal, it was reported that the province suffers under the abuse of women and children because women do not feel that they can speak out against their abusive partners. This involuntary silence suggests that the problem is not only a lack of education but also a challenge to the criminal justice system in terms of access and protection.

A number of complaints were raised in relation to the laws that exist to protect (mostly) women and children from domestic violence. It was reported that protection orders do not work in practice, that the Maintenance Act is not being properly implemented, and that there is a shortage of social workers at clinics. Communities felt that the victims of abuse needed proper medical care and that the government needs to create more safe houses to protect victims. Communities want to see more youth empowerment programmes and education on domestic violence. They also felt that the government should provide funds to NGOs dealing with domestic violence.

Again, another perspective on domestic violence was also raised. In the Free State, a man complained that women are abusing their husbands through the Domestic Violence Act, by taking out protection orders to deny their husbands access to their property, children or themselves out of spite or for revenge. Some men felt that they should be given more rights in order to protect themselves.

HIV/AIDS

HIV/AIDS was another of the cross-cutting issues raised in all nine provinces. There was widespread and profound concern about the spread of HIV/AIDS and the fact that the rate of infection seems to be increasing in most communities.

Again, the need for more information and education concerning HIV/AIDS was raised in almost every community visited by the bus campaign. Communities stressed that they do not have enough knowledge around the causes, effects, transmission, and treatment and care of HIV/AIDS: a workshop conducted in QwaQwa was the first time the community had heard about post-exposure prophylaxis (PEP). Of particular concern were rural areas that suffer from a lack of access to knowledge, education and healthcare facilities. It was also worrying that some communities felt that people working in HIV/AIDS education did not know enough and that their lack of information perpetuated misunderstandings and myths around HIV/AIDS. There was a call for these people to be fully trained and informed. In Scenery Park (Eastern Cape), there was a community concern that handicapped people suffering from HIV/AIDS were at an even greater disadvantage, as there is a distinct lack of information "catering for disabled people in their own

language”. In Umtata, people felt that they needed education and clarification about the relationship between drug abuse and HIV/AIDS.

Related to the issue of HIV/AIDS were problems of sex education and people’s attitudes towards sexual matters. There was a general feeling that communities need to be educated about and understand the consequences of having unprotected sex. People noted that there was no proper use of condoms in their communities and that women are not given access to female condoms (femidoms). It was reported that people in the rural areas of Mpumalanga are not generally using condoms during sexual intercourse, and where they are using condoms they do not seem to know how to use them properly. It was widely reported that young people are having unprotected sex with older people for money, increasing the risk of HIV transmission. Another general concern was the need to minimise the stigma around HIV/AIDS: one man from Khayelitsha noted that the confusion of many people about HIV/AIDS leads to stigmatising and the perpetuation of myths and misinformation. In Mpumalanga there was a particular concern that black culture prevents parents from teaching their children about sex, and that parents need to realise the significance of sex and HIV/AIDS education and start educating their children accordingly.

The relationship between gender-based violence and HIV/AIDS was also raised, with people in most communities unaware of the existence of this intersection. Communities felt that they should be educated about HIV/AIDS and PEP, especially as it relates to rape victims or victims of other gender-based violence. Disturbingly, in Scenery Park it was reported that HIV/AIDS orphans in their community are being raped by their guardians and not given enough food.

The strong message emanating from the communities visited by the bus campaign was that the government needs to take those living with HIV/AIDS seriously: they feel that HIV/AIDS related matters should receive more attention from the government.

Development

A lack of development in many areas seems to be a catalyst for gender-based violence. Some of the development issues mentioned include: shortages or lack of electricity and water; roads that need improvement; more vehicles for SAPS to respond to crimes in rural areas; lack of human rights offices; lack of pre-schools for children on farms; more social workers in order to place abused or orphaned children in homes; more basic services; help in the form of support groups; and the poorness of conditions in squatter camps and informal settlements. At a very basic level, it was noted that more resources need to be readily available to communities.

Poverty and a lack of resources are clearly affecting communities adversely. Women who have to walk miles in the bush to collect wood and water are fearful because they are so vulnerable to attack. That a lack of food can result in domestic violence was indicated by a number of women.

While communities also showed an awareness of the need to join the fight against sexual offences in their communities and for women and girls to mobilise around support and protection for themselves, there was a strong call for government to address the obvious need to develop locations, to create jobs in order to stop crime and violence, to develop more support centres especially in the rural areas, and to provide more schools, clinics and shelters for abused women. However, this needs to be done in a conflict sensitive way, so as to avoid new forms of community tension and violence emerging around the opportunities of development itself (for example, over access to new, development-created resources).

Government and Legislation

Communities appealed to the government on a number of different issues relating to gender-based violence, most of which have been covered in the preceding pages. There was a widespread concern among the NGOs involved about the slowness of government in drafting and enacting the Sexual Offences Bill. Communities felt that it is crucial that government ensures that all the Acts passed are monitored for efficacy, as problems with the implementation of the Domestic Violence Act and Maintenance Act have left women and children vulnerable to gender-based violence without recourse to the law. There was a call for the government (particularly the police) and communities to work together as a team to combat gender-based violence.

Conclusion

That gender-based violence is rife in South Africa is a given. What is disturbing is the fact that most communities seem to be reporting *increased* levels of domestic and sexual violence. The workshops, information sessions and pamphlet drops organised in nine provinces during the “Get on the Bus and Stop Violence against Women and Children Campaign” have highlighted a number of other issues pertaining to gender-based violence. Top of the list is the need for much more information, education and awareness to be disseminated throughout the country and specifically in marginalised and remote rural areas. The lack of information and awareness is clearly fostering the elements that perpetuate gender-based violence and HIV/AIDS infection. Related to this is the lack of development and resources in many rural areas that leave the victims of gender-based violence at a terrible and often life-threatening disadvantage. Victims of gender-based violence have to overcome sometimes insurmountable barriers in order to report the crimes committed against them and access treatment and care: a culture of silence, the negative attitude and unhelpfulness of the police, re-victimisation by the courts, and a lack of adequate and holistic healthcare.

That the inseparable trio of gender-based violence, HIV/AIDS and poverty has a stranglehold over many communities in South Africa was made blatantly apparent through the bus campaign. This stranglehold needs to be broken by vigorous and thorough education and awareness campaigns, the roll-out of essential health and justice facilities, and the development of holistic care and support centres. Perhaps, most crucially, the people of South Africa need to be knowledgeable about and understand their basic constitutional rights, including that:

- “(1) Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community
- a. to enjoy their culture, practice their religion and use their language; and
 - b. to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.
- (2) The rights in subsection (1) may not be exercised in a manner inconsistent with any provision of the Bill of Rights.”⁷**

In essence, culture, gender, lack of education and awareness, ethnicity and poverty, amongst others, cannot, under any circumstances, be used to justify the violation of anyone’s right to equality, human dignity, life, freedom and security of the person, freedom of movement and access to information.

This report serves as a descriptive overview of the issues and concerns brought before the bus campaign volunteers in their journey across the country, here grouped and broken down into the categories of education and awareness, sexual violence, domestic violence, HIV/AIDS, development and government and legislation. As a tool for giving ordinary people a voice (through the message book, workshops, information sessions and

⁷ Emphasis added. Constitution of the Republic of South Africa, 1996 (<http://www.polity.org.za/html/govdocs/constitution/saconst.html?rebookmark=1>).

pamphlet drops distilled into this report), the bus campaign was very successful. The challenge going forward, therefore, would be to use this information in order to engage with the issues regarding gender-based violence as they are manifested at a grass-roots level. The issues raised represent a complex and intricate set of problems in South Africa, especially in as much as they relate to women and children, and as such it is essential that the process of reaching solutions for these problems be nuanced, probing and well-thought out. It is hoped that this report will serve as a platform from which much more discussion, debate, research and advocacy, and ultimately solutions, will flow.

Appendix A

MEMORANDUM TO THE DEPARTMENTS OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT, SAFETY AND SECURITY AND JOINT MONITORING COMMITTEE ON THE IMPROVEMENT OF THE QUALITY OF LIFE AND STATUS OF WOMEN

Date: 10 April 2006

From: Aids Law Project; the Black Sash; Childline SA; Centre for Applied Legal Studies; Centre for the Study of Violence and Reconciliation; Gender Advocacy Project; KwaZulu-Natal Network on Violence Against Women; Masisikumene; NICRO; Nisaa Institute for Women's Development; People Opposing Woman Abuse; Port Elizabeth Rape Crisis Centre; Rape Crisis Cape Town Trust; Resources Aimed at the Prevention of Child Abuse and Neglect; Sex Workers Education and Advocacy Taskforce; Thohoyandou Victim Empowerment Project; Tshwaranang Legal Advocacy Centre; Western Cape Network on Violence against Women; Womensnet.

To: The Department of Justice and Constitutional Development
The Department of Safety and Security
Joint Monitoring Committee on the Improvement of the Quality of Life and Status of Women

Re: Protecting women's rights in relation to gender-based violence

In his 2006 State of the Nation address, President Mbeki declared that South Africa had entered an Age of Hope. This is manifestly not the case for the one in two women who in one form or another experiences violence at the hands of her partner.⁸ It is also not true for those women killed by their intimate partners. National figures for intimate femicide suggest that this most lethal form of domestic violence is prevalent in South Africa. In 1999 8.8 per 100 000 of the female population aged 14 years and older died at the hands of their partners - the highest rate ever reported in research anywhere in the world (Mathews et al, 2004). It is also not the case for the many women and girls, boys and men who experience sexual violence. At present the true extent of sexual violence in South Africa is unknown. StatsSA found that one in two rape survivors reported being raped to

⁸ One study surveying 1 306 women in three South African provinces found that 27% of women in the Eastern Cape, 28% of women in Mpumalanga and 19% of women in the Northern Province had been physically abused in their lifetimes by a current or ex-partner. The same study investigated the prevalence of emotional and financial abuse experienced by women in the year prior to the study and found that 51% of women in the Eastern Cape, 50% in Mpumalanga and 40% in Northern Province were subjected to these types of abuse (Jewkes et al, 1999).

the police (Hirschowitz, Worku and Orkin, 2000), while the Medical Research Council (MRC) found that one in nine women reported being raped (Jewkes and Abrahams, 2002). Both studies clearly find rape to be under-reported although their findings differ as to the extent of such under-reporting. On the basis of the above studies it can be extrapolated that the 55 114 rapes reported by the SAPS in their 2003/04 released data is more accurately calculated as falling somewhere between the region of 110 000 and 4950 000 actual rapes having taken place.

We therefore call on the Department of Justice and Constitutional Development, the Department of Safety and Security, to make this Age of Hope a reality for women and children by undertaking the following:

1. Releasing the draft Sexual Offences Bill to the public for discussion and consultation;
2. Finalising the contents of the Bill in accordance with the outcomes of the public consultation;
3. Maintaining and strengthening the specialist sexual offences courts;
4. Allocating resources to the Departments of Health and Social Development, as well as the many non-governmental organisations that provide for the care and management of rape survivors;
5. Costing the effective implementation of the Sexual Offences Bill and ensuring that an adequate budget is allocated towards the implementation of this legislation;
6. Translating the application forms for the protection order in terms of the Domestic Violence Act (DVA) into at least three other official South African languages in addition to English and Afrikaans;
7. Employing more maintenance investigators;
8. Employing more clerks of the court to deal with applications for maintenance;
9. Employing more clerks of the court to deal with applications for protection orders;
10. Training all relevant government employees around the contents and implementation of the Domestic Violence Act;
11. Training all relevant government employees around the contents and implementation of the Maintenance Act; and
12. Ensuring that both the Independent Complaints Directorate and the South African Police Service fulfil their statutory obligations in terms of the DVA to submit reports every six months to parliament around police (non)compliance with their obligations in terms of the Act. To date, the SAPS have not submitted a single report since the Act was operationalised in 1999 while the ICD has submitted only two reports.

Finally, we call on the Department of Justice to provide us by no later than 10 May, in writing, with the dates by when they will release the draft Sexual Offences Bill for public comment; the time frames they will allocate towards public consultation and discussion of the Bill; and the date by when they propose to finalise the Bill. This information may be forwarded to the National Working Group on the Sexual Offences Bill, care of Lisa Vetten.

Yours sincerely

Lisa Vetten

On behalf of the “Get on the Bus” campaign

Fax number (011) 339-6785