GENDER JUSTICE BAROMETER 2005

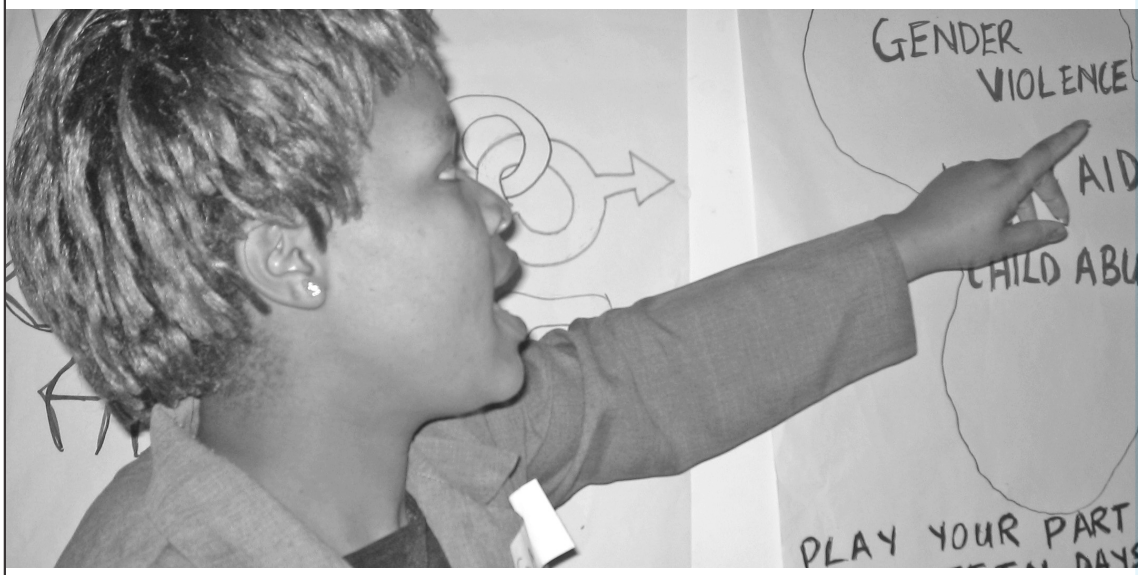




An audit of commitments made during the 2004 South African Cyber Dialogues

PEACE BEGINS AT HOME
25 November - 10 December
16 Days of Activism

By Janine Moolman and Susan Tolmay



GENDER JUSTICE BAROMETER 2005

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Acronyms

ARV	Anti-retroviral
CGE	Commission on Gender Equality
CHH	Child headed household
COSATU	Congress of South African Trade Unions
CSVR	Centre for the Study of Violence and Reconciliation
DOE	Department of Education
DOH	Department of Health
DOJ	Department of Justice and Constitutional Development
DSD	Department of Social Development
GDOH	Gauteng Department of Health
GEMSA	Gender and Media Southern Africa Network
GL	Gender Links
GCIS	Government Information and Communication Services
GRIP	Greater Nelspruit Rape Intervention Programme
ICD	Independent Complaints Directorate
IDVTP	Integrated Domestic Violence Training Programme
IOM	International Organisation for Migration
LAB	Legal Aid Board
JCPS	Justice Crime Prevention Strategy
MMP	Media Monitoring Project
MPCC	Multi Purpose Community Centre
NCPS	National Crime Prevention Strategy
NGO	Non-governmental organisation
NPA	National Prosecutions Authority
PEP	Post-exposure prophylaxis
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SALC	South African Law Commission
SALRC	South African Law Reform Commission
SAPS	South African Police Service
SOC	Sexual Offences Court
SOCA	Sexual Offences and Community Affairs Unit
SHEP	Sexual Harassment Education Project
TCC	Thuthuzela Care Centre
UN	United Nations
VEP	Victim Empowerment Programme

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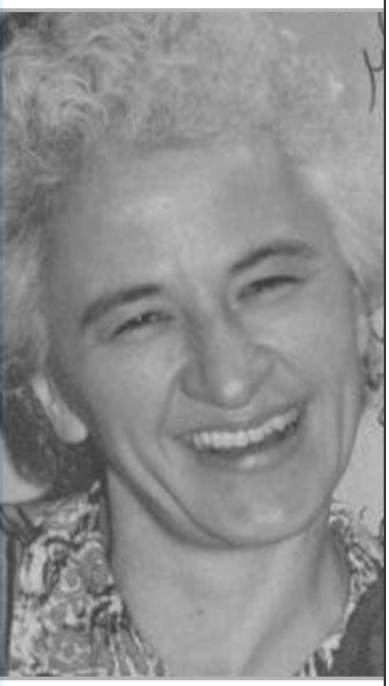
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Colleen Lowe Morna
Executive Director Gender Links

Foreword

On 12 December 2004, two days after the end of the Sixteen Days of Activism campaign an editorial in a weekly South African newspaper posed the questions: "So the seventh Sixteen Days of Activism campaign has come and gone, and what has changed? Has violence against women and children in South Africa diminished? … Do we promptly revert to the degradation now that the pressure is off and the campaign has been mothballed for another year?"

These are critical questions not only for those working in the gender justice sector, but for every South African – women and men – as the answers to these questions affect all of us. Advocates of the campaign are often accused of being "sentimental." It has been argued that the campaign does little more than create hype for sixteen days after which people go back to their lives and forget about the purpose of the campaign.

But it is difficult to forget. How does one forget the horror of gender violence when daily news headlines tell the story of yet another woman who has been murdered by her partner, another who has been raped and killed, another whose beating by her husband has led to hospitalisation: a dislocated shoulder, broken ribs, damaged organs.

Yet it is incumbent on those of us who advocate women's rights to move from the sentiment each one of these cases invokes to targeted and focused plans for eradicating this scourge from our midst. As the late Dr Martin Luther King used to say: "Don't get angry; get smart."

As a co-ordinating partner in this campaign over several years, Gender Links has come to the recognition that unless we as a nation come up with a comprehensive national strategy and action plan for ending gender violence we will continue to work in our silos with good intentions but limited impact.

This underpins the decision in 2005 to conduct an audit of all the action points made during the 2004 cyber dialogues campaign to determine what has happened, what has not, and what still needs to be done. We have cast the latter into a very initial action plan to help focus attention during the 2005 campaign.

In partnership with the Government Information and Communication Services (GCIS) and with the Gender and Media Southern Africa Network (GEMSA) we have also conducted training in 18 rural sites in all nine provinces of South Africa, as well as in 10 Southern African countries to ensure broader participation in this year's cyber chats, which will be conducted in six different languages.

We hope that with these inputs the plan will be fleshed out even further, with key stakeholders pledging specific commitments to different aspects of the plan. We also hope that early in the new year government and civil society will meet to agree on a final draft, co-ordinating structures and monitoring mechanisms.

In this way, when we meet again for the Sixteen Days of Activism campaign in 2006, it will not be to pat ourselves on the back but to ask tough questions about whether we have delivered on our commitments.

For until we do, we as a nation will have failed to deliver on the most important commitment that our Constitution enjoins us to: a non-racial, non-sexist society in which all women and men, boys and girls, are able to realise their full human potential.



Colleen Lowe Morna
Executive Director Gender Links

EXECUTIVE SUMMARY



Photo: GCIS

There is urgent need for a **National Action Plan to End Gender Violence**, with clear targets, indicators, allocation of responsibilities, resources, co-ordinating mechanisms, a monitoring plan and score card to measure progress. This is the main conclusion of the audit of action points made during the 2004 Sixteen Days of Activism cyber dialogues that had South Africans chatting about the worst human rights scourge in our country 10 years after democracy: gender-based violence.

Using the Southern African Development Community (SADC) Addendum on the Prevention and Eradication of Violence Against Women and Children (appended to the 1997 SADC Declaration on Gender and Development) that South Africa is a signatory to as a framework, and the action points from last year's cyber dialogues as a checklist, the audit is a comprehensive review of progress made over the last year in key areas for ending gender violence. These include laws and policies; services; public education and awareness; challenging societal norms and negative cultural practices; forging integrated approaches and ensuring adequate resource allocations. The findings in each area are summarised in Table one.

Achievements

The audit points to the following key achievements:

- **Courts toughen up on gender violence:** The courts have continued to send out strong messages that gender violence is not acceptable and that the state will be held accountable for upholding the rights of women. Landmark cases include *Omar versus the State*, which upheld the provision for protective orders in the Domestic Violence Act (DVA); *van Eeden versus the Minister of Safety and Security* which found the minister responsible in a rape case involving a rapist who escaped from jail; as well as *Carmichele versus the Minister of Safety and Security* and another, which found two ministers liable in a case involving the rape of a woman by three off duty police.
- **New legislation has been passed:** The passing of the far reaching Children's Bill by the National Assembly and significant progress towards the development of legislation to combat trafficking are important milestones.
- **Sensitisation of law enforcement agencies:** In response to criticisms about the ineffective implementation of the DVA, the Integrated Domestic Violence Training Programme has been launched and a multi-sectoral manual developed.
- **Integrated approaches to addressing gender violence show promise:** Thuthuzela centres that are directly linked to sexual offences courts – such as the court in Wynberg and Thuthuzela Centre in Manenberg in the Western Cape – have been shown to yield a 95 percent conviction rate, compared to the seven percent rate in regular courts. These one stop facilities also reduce the trauma and assist women in accessing the comprehensive treatment and care necessary after a sexual assault.
- **Treatment and care receive greater attention:** The Department of Health (DOH) has launched a National Sexual Assault Policy that aims to provide "a high quality, co-ordinated, and holistic sexual assault service, which meets the health needs of the rape survivor, the needs of the criminal justice system for well-presented medico-legal evidence and the needs of the community in contributing to community protection and justice."
- **Media has become more a part of the solution than of the problem:** Although some media coverage of gender violence continues to be biased and insensitive suggesting for example, that women are to blame because of their dress or conduct, various studies underscore a vast improvement in both the quantity and quality of media coverage.
- **"Real men" are finding their voice**: There is a growing "men's movement" in support of gender justice and the National Prosecuting Agency (NPA) has launched an innovative partnership with traditional authorities to fight gender violence. Men are working with the media to promote alternative images and role models of the "new man."
- **Public awareness campaigns keep gaining momentum**: Despite criticisms that the Sixteen Days of Activism campaign is running out of steam, government and NGOs are mounting one of the most far-reaching campaigns in 2005.
- **There are efforts under way to achieve greater co-ordination :** An inter-departmental government committee led by the NPA will unveil an anti-rape strategy as well as an audit of the Sexual Offences Courts (SOCs) and related facilities during the Sixteen Days of Activism campaign, in an effort to focus energies more specifically in the months ahead.

Challenges

Despite these achievements:

- **Gender violence is not abating:** Latest police statistics show that while there has been a general decrease in contact crimes (such as murder and common assault) rape and indecent assault have increased by four percent and eight percent respectively.
- **Old attitudes are dying hard:** Various opinion surveys, including one conducted by the Commission on Gender Equality (CGE), show that there are still disturbing attitudes towards gender violence in society. These include the

notion that it is justified for men to beat women; that women may provoke such behaviour because of their dress and their conduct; and that men are feeling oppressed by recent push for women's rights.

- **The Sexual Offences Bill, on the cards since 1996, has still not been passed:** While it is understood that several progressive amendments have been made and the treatment clause reinstated, the latest draft of the bill has not been opened up for scrutiny and debate.
- **Problems with implementation persist:** Studies show that a high proportion of domestic violence cases get withdrawn; that women face unfriendly responses from the police and that overall conviction rates remain unacceptably low.
- **The relationship between gender violence and HIV/AIDS is not adequately understood or addressed:** Despite pledges made last year to conduct an audit into the availability of Post-Exposure Prophylaxis (PEP) at health care facilities and mount a public awareness campaign on the intersection between gender violence and HIV/AIDS, neither has happened. Most women remain unaware of the need to avail themselves of this treatment; do so too late or do not adhere to the full regimen of treatment for a variety of reasons that include poor services.
- **Places of safety struggle to stay open:** The majority of shelters in South Africa are provided by civil society organisations. The government subsidy that they receive is not often sufficient to finance the effective running of the shelter. Compounding the situation, foreign funding which previously contributed substantially to the running and maintenance of the shelters is declining as donors believe that it is the responsibility of government to provide these services.
- **Provision of services is fragmented, unevenly distributed and probably not cost effective:** In virtually every instance – be it SOCs, one stop centres, the Victim Empowerment Programme, places of safety or legal aid centres – there does not appear to be an audit of needs as against existing facilities and resources to determine targets, timeframes and indicators for ensuring that a fully comprehensive set of services is made available to survivors of gender violence. Available data suggests that one stop centres and special SOCs service less than 10 percent of the need and that these are unevenly distributed across the country. Such specialised facilities are unlikely to reach all parts of the country any time soon. Yet alternative strategies – like making existing facilities more responsive to the needs and of forging closer links between government and NGOs – do not appear to have been fully explored.
- **Information is not readily available:** Attempts to obtain information for this audit proved to be a wake up call to the much bigger concern about lack of access to information by ordinary women. Some government officials and NGO partners proved defensive and unhelpful. Crucial links on websites, for example to the DSD Directory of Services for survivors of gender violence did not work. Very little information is available in simplified form, in different languages, and in formats easily accessible to the public.
- **Co-ordination, particularly between government and civil society, remains at a superficial level:** Despite good working relationships around the Sixteen Days of Activism campaign, lack of consultation on the Sexual Offences Bill, the Anti-Rape Strategy and various other key government initiatives reflect weak co-ordination within the gender justice sector precisely at a time when the problem is mounting, resources are shrinking; and greater synergies need to be achieved.

Way Forward

The proposed National Action Plan to End Gender Violence, to be elaborated during the 2005 campaign, and finalised at an Imbizo early in the New Year, is an attempt to address all these weaknesses and concerns. Chapter six, "Checklist for Change" contains a summary of all the specific recommendations made.

Table One

Audit of commitments made by decision-makers and recommendations proposed for action during the 16 Days of Activism on Gender Violence, 2004

Key issues	Actions points 2004	Progress made	Action proposed for 2006
LEGISLATION AND POLICY			
Sexual Offences Bill has been in the pipeline for nine years.	Government to pass the Sexual Offences Bill as a matter of urgency given high levels of gender violence in South Africa.	Bill still not passed but has undergone extensive revisions. It is possible that it will be referred to Cabinet before it goes to Parliament. Civil society organisations are calling for submissions and input into the new version.	Enact the Sexual Offences Bill including the various provisions proposed such as the treatment clause.
There is no legislation on trafficking.	The South African Law Commission to investigate separate legislation on trafficking.	South African Law Commission is currently compiling a discussion paper that could be available before the end of 2005 and contain preliminary recommendations and draft legislation.	• Enact legislation before Sixteen Days of Activism 2006. • Work with IOM on public awareness campaigns.
The Domestic Violence Act is plagued by problems of ineffective implementation.	An inter-sectoral training project for all role players in the criminal justice system to be launched and implemented nationally.	Integrated Training on Domestic Violence manual launched; 100 prosecutors having begun training.	Audit of training needs and plan for achieving this.
		Magisterial Guidelines on the Implementation of the Domestic Violence Act have been developed and will be launched during the Sixteen Days of Activism.	Implementation of the Magisterial Guidelines: how many districts? How is impact being measured? Bi-annual reports to be tabled and results released to the public timeously.
	Complaints mechanisms.	Toll-free hotline to receive complaints about the handling of domestic violence cases has been established and will be launched in March 2006.	Hotline operational; tracking of calls received, from whom, how acted upon.
	Effective reporting by the ICD regarding the implementation of the DVA by the police and Municipal Police Services.	The report on the ICD's monitoring of the implementation of the Domestic Violence Act for 2005 is being compiled, for 2004 is yet to be tabled due to delays, as is for 2003.	Urgent and routine tabling of ICD reports; effective oversight and corrective action taken by the Justice Portfolio Committee.
There is a lack of awareness about the provisions of legislation that protects workers from sexual harassment.	The new code of practice to regulate the handling of sexual harassment cases to take effect in early 2005.	The amended NEDLAC Code of Good Practice on the Handling of Sexual Harassmant Cases has been gazetted by government.	• Publicise the NEDLAC Code of Good Practice, • Ensure support for those who take up cases.
	COSATU with other trade unions to develop a declaration on sexual harassment.	The African Regional Network Against Sexual Harassment was formed in December 2004. Members include COSATU and the Sexual Harassment Education Project amongst others. It's declaration calls upon trade unions, governments and international agencies such as the International Labour Organisation to develop and implement effective and enforceable mechanisms against sexual violence in the workplace.	• Strengthen the African Network.
The Children's Bill is under discussion.	The Children's Bill to be passed.	The Children's Bill has been passed by the National Assembly and is currently going through the National Council of Provinces (NCOP) process.	• Enact the Children's Bill before the 2006 campaign, • Publicise its provisions.

Key issues	Actions points 2004	Progress made	Action proposed for 2006
SERVICES			
Most shelters are provided by NGO's.	Government to roll out nine shelters in all provinces over three years	Government on target to roll out the new shelters and claims to be providing 98 percent of the financial support to the 86 shelters in the country; the majority of which are run by NGOs. NGOs say this amount is insufficient; foreign grants are being withdrawn; they are being forced to close down.	• Needs assessment of shelter requirements; targets, indicators and resource allocations. • Investigate funding from other sources, eg local government. • DSD's future plan for the new shelters is to link them with skills development programmes and income generating projects. • Shelter Network to be revived.
PEP available at "designated sites" only, and there is no comprehensive package of treatment and care at most facilities for survivors of sexual offences.	DOH to conduct audit and launch public awareness campaign; treatment clause to be reinstated in the Sexual Offences Bill.	The treatment clause has been reinstated in the draft bill, but the DOH study and awareness campaign have not taken place. However in January 2005 the DOH launched a policy for addressing sexual offences that includes counselling, PEP, and a range of other services.	• DOH to release audit; steps to implement National Sexual Assault Policy; • Government and NGOs to mount an awareness campaign on treatment and care.
"Thutuzela" centres have been built to cater for survivors of sexual assault where they have access to police as well as psychological and health care under one roof. There are other models of one stop centres that have been tried including DSD VEP one stop centres.	Government to roll out more Thutuzela centres and DSD 29 one stop centres.	• There are now five Thutuzela centres and four more are planned. • Where a Thutuzela Centre and Sexual Offences Court work closely together eg in the Western Cape 95 percent conviction rates are being achieved. • DSD has established three pilot one stop centres as part of its Victim Empowerment Programme. • Ikaya le Themba and the on-site services provided by GRIP at health facilities in Mpumalanga are other examples of one stop facilities.	• Audit to assess the most cost effective way of ensuring one stop facilities in all parts of the country linked to SOCs. • Specific targets and indicators developed. • Monitoring of implementation. • Regular surveys of client satisfaction.
Sexual Offences Courts have been set up specifically to deal with sexual offences.	More courts to be established.	• South Africa has established 52 SOCs; 26 are blueprint-compliant. • These courts handled about 10 percent of the sexual offences cases over the last year and achieved a 63 percent conviction rate.	• Clear plan of targets and indicators for roll out of these courts and for ensuring that all survivors of sexual assault have access to them. • The SOCs that are not blueprint compliant should become blueprint compliant.
Victims of violence require long term support to overcome their trauma.	The Victim Empowerment Programme to be strengthened.	An impact assessment has been conducted on projects funded under the VEP policy, due to be released in January 2006, is being drawn up.	• Monitoring and evaluation to be done on the VEP centres with a view to replication in other provinces.
Information on services is concentrated in urban areas and is mostly in English.	Information in all 11 languages to be made available.	• DSD has developed a National Resource Directory and a database of services available in each province, for survivors of violence. This is updated annually; but the website links do not work. • Lifeline currently manages a toll free line, 0800 150 150 – the stop gender violence help line but has experienced funding cuts.	• The DSD should ensure that the National Resource Directory is available and updated regularly and that the links on the website work. • Information should be translated into different languages. • Funding to ensure that the SGV help line can continue to operate.
Legal aid is provided by the government.	Legal aid centres need to be set up, particularly in rural areas to cover a broad range of legal matters such as maintenance, protection orders etc.	• Legal Aid Board (LAB) conducted activities to increase the awareness of citizen's rights to access justice in terms of the constitution. • The LAB single access number, 08610 LEGAL, was launched in 2005. • The National Coverage Plan was developed which identifies gaps in the delivery of mandated legal services and proposes measures to address these. • The LAB national infrastructure of 57 Justice Centres and13 High Court units was maintained.Number of satellite offices has been increased from 27 to 35.	• LAB to develop a clear plan, with targets and indicators, to ensure that services are available to women across the country.
	Certain legal forms are only available in English and should be translated into other languages.	• The Legal Aid Guide is currently being revised into a simplified and easy to understand format. It is currently only available in English but the LAB hope to have it translated into other languages in the future.	• Information should be made available in languages other than English, the Legal Aid Guide to be translated into at least two other official languages. • Legal forms to be translated into other languages
Sources estimate that at least one in eight children are already orphans with many more living with and often caring for ill parents or primary caregivers, as well as for their siblings.	Increase support to and monitoring of child-headed households.	• In July 2005 the Department of Social Development (DSD) launched the Policy Framework for Orphans and Other Children made Vulnerable by HIV/AIDS. • In accordance with the community and home-based are initiative there are currently about 4 900 caregivers which are registered and which receive a stipend, and about 12 000 volunteers.	• The DSD study on child-headed households to be released and publicised in September 2006. • Gender disaggregated statistics on child-headed households to be provided. • Impact analysis of work being done in this area.

Key issues	Actions points 2004	Progress made	Action proposed for 2006
SOCIAL, CULTURAL, EDUCATION, TRAINING AND AWARENESS			
Engaging men, challenging societal norms, harmful cultural practices and traditions is key to ending gender violence.	There needs to be greater emphasis in involving men in efforts to end gender violence.	• Men's organisations have continued their training and awareness-raising work with men across the country. • The NPA has started an innovative project with traditional authorities. • The CGE launched an Opinion Survey that showed that despite some progress, there are still many attitudes in society that perpetuate gender violence.	• Innovative strategies for engaging traditional authorities and men. • CGE to undertake its Gender Opinion Survey every five years, using the same indices, so that meaningful comparisons can be made.
Sexual violence against girls in schools is a major obstacle to their education and development	The Department of Education should develop materials and programmes targeting learners, educators and policy-makers on sexual violence in schools.	A range of materials targeting educators and learners have been developed and distributed in schools across the country.	• Clear strategy from DOE for ending violence in schools, and for the strictest measures to be taken against educators who abuse pupils.
		A total of 1 253 schools were visited by the police as part of the Safer Schools Project.	Statistical data on the number of cases of sexual harassment and assault by teachers reported, convicted and/or what the ruling was.
		The Ikusasa Lethu self-defence project has been implemented in schools in KwaZulu Natal, the Free State, Limpopo, the Northern Cape, North West and Mpumalanga and reached 2 263 schools in 898 schools.	• Statistical data on the number of cases of sexual harassment and assault by peers / learners reported and what action taken. • The extent to which resources are invested into the upgrading of the physical infrastructure that contributes towards gender violence eg condition and location of toilets, proper and strategically placed lighting etc.
There are attempts by media houses to report more sensitively and fairly on gender violence.	The media should assess how they portray women and how this contributes to gender inequality.	Results of media monitoring show that the South African media has made great strides in reporting on gender violence during the 16 Days of Activism. A concern is how to sustain this beyond the campaign period. A number of reports in 2005 point to the existence of bias and stereotypes within the newsroom.	• Media to commit to adopting gender policies. • Media monitoring outcomes to be debated with South African National Editors Forum (SANEF). • Monitor number of complaints received by regulatory authorities regarding reporting on gender violence and rulings by regulatory authorities.
Education, training and awareness-raising on gender violence takes place throughout the year and culminates for many organisations and government around the Sixteen Days of Activism on Gender Violence.	Criticism of the campaign is largely linked to the absence of evaluation and monitoring mechanisms that hold government accountable to the commitments made.	Government and NGOs mounting their biggest ever campaign in 2005.	Link campaign to the National Action Plan to End Gender Violence, become agents for monitoring progress during the year.
INTEGRATED APPROACHES AND BUDGETARY ALLOCATIONS			
Government and civil society work together on specific campaigns such as the Sixteen Days of Activism, however, the sector suffers from a lack of proper coordination which results in duplication of work.	• There needs to be proper co-ordination within the sector to address gender violence in an integrated and holistic manner. • Existing co-ordinating mechanisms between government and civil society need to be strengthened.	The JCPS integrated response to violence against women has led to the development of an anti-rape strategy which is in the process of being finalised. This strategy is being developed by an interdepartmental management team comprising the departments of Social Development, Justice, Health, Education, Correctional Services, Communications, National Treasury and the South African Police Service (SAPS).	• National Action Plan to End Gender Violence that includes a co-ordinating structure comprising government and civil society. • Sub committees to oversee the plan.
Efforts to end gender violence in the past have suffered from a lack of proper costing, and the difficulty of disaggregating what government resources are devoted to this.	Efforts to end gender violence should be adequately resourced.	There is no real mention of gender-based violence in the Budget speech although the 2005 budget provides for increases for financing safe and secure environments.	• National Action Plan to End Gender Violence to be costed. • In the 2006 budget, specific resources be made available for ending gender violence. • DSD to be transparent about funding for NGOs. • Mobilisation of resources from other spheres of government eg local government. • Foreign and local donors to be partners in the development of a National Action Plan to End Gender Violence.

1 INTRODUCTION



Photo: GCIS

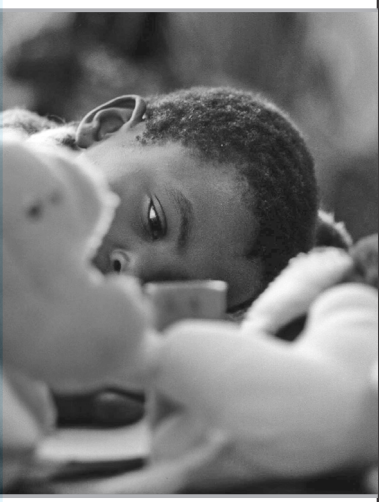
"… The success of the previous campaigns has been attributed to the formation of strategic partnerships between government, civil society, business and a variety of other sectoral partners – all united by a common cause: to eradicate the abuse of women and children… We need to make each one of us understand that human development and especially the development of women and children is in the best interests of all – men and women alike … Together we can and must defeat the demon of woman and child abuse. This we will do, if we stand and work together."

President Thabo, Mbeki keynote address at the opening of the Sixteen Days of Activism on Gender Violence in 2004.

INTRODUCTION

Each year when the South African Police Services (SAPS) releases the annual crime statistics a few weeks before the Sixteen Days of Activism campaign, there is a nervous look among those who work to end gender violence. The story is invariably the same: crime down in other areas, up for gender violence.

We console ourselves by saying that in the short run numbers going up may not be a bad thing, as possibly more cases are being reported. But each new case is one too many. Each new number should make us think about how we can work more strategically and effectively to end this scourge which undermines everything that a young and promising democracy such as ours stands for.

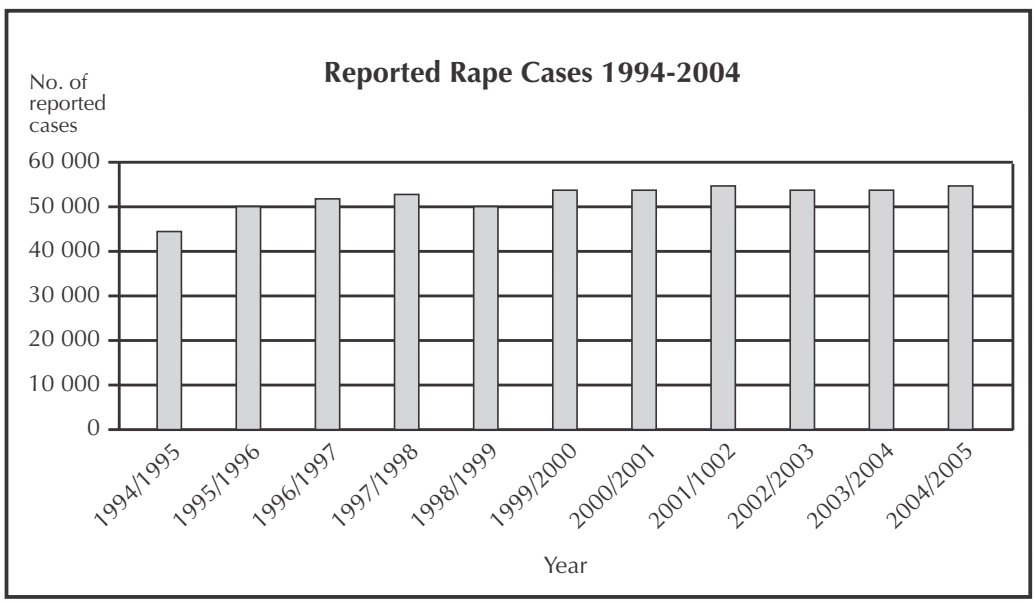


What the numbers say

The Justice, Crime Prevention and Security Cluster (JCPSC) has set itself a target of reducing contact crimes by seven to 10 percent per annum, with a major focus on social crime prevention, integrated law enforcement operations, and the reduction of repeat offending.

In 2004/2005, SAPS figures show that murder declined by 5.6 percent; attempted murder by 18.8 percent; assault by 4.5 percent; common assault by 5.1 percent; aggravated robbery by 5.5 percent and common robbery by 5.3 percent.

But, with 55 114 cases of rape reported, this crime increased by four percent compared to the previous year; 21 percent of these cases were in Gauteng; followed by 17.4 percent in Kwa-Zulu Natal; 13.4 percent in the Eastern Cape and 12.4 percent in the Western Cape. North west, with 2.8 percent of reported rape cases, is the lowest.



What the numbers don't say

Despite repeated requests to SAPS, there is no separate category for domestic violence. Most of these cases are included under indecent assault. With 10 123 cases in 2004/2005, this crime registered an eight percent increase during the year under review, also suggesting an increase in the number of reported cases of domestic violence.

The statistics prompt many more questions, and too many answers. For example, of the 249 369 cases of "assault with the intent to inflict grievous bodily harm" in the period 2004/2005, how many of those were men who were abusing their partners in a domestic relationship? What is the link between these statistics and those for the number of protection orders issued every year?

Does an increase in the number of protection orders issued imply a positive shift in that more women are aware of their rights; or a negative development in that there is more violence in domestic relationships? Does the withdrawal of a criminal charge laid by a victim of domestic violence imply that the situation has been remedied by means not requiring the law as the violent partner has gone for counselling and recognises their behaviour as unacceptable, or that the economic dependency of the victim on the abuser is such that they feel they would rather endure the violence than be left destitute if their partner is found guilty and sent to prison?

Research carried out in the Western Cape, which examined over 600 cases of domestic violence found that applicants for domestic violence protection orders were most likely to seek an order for physical abuse (67 percent), followed by psychological/emotional abuse at 84 percent. In 35 percent of these cases, the abuse of alcohol (a significant precursor to violence and homicide) prior to acts of violence was mentioned. The use of weapons to threaten applicants or to commit acts of domestic violence was mentioned in 41 percent of cases and in over a quarter of the cases victims mentioned the use of a "dangerous weapon.[1]"

In an article titled: *"Telling us what counts in rape statistics"* Lisa Vetten, from the Centre for the Study of Violence and Reconciliation notes: "Last year [2003/2004] when the rape statistics went down, this was offered as proof of the police's success in preventing rape. This year [2004/2005] the increase was explained as proof of greater public confidence in the police, thus encouraging women to report crime."

She argues that what is necessary is for a critical public engagement with the statistics and that in general, police statistics reflect crime-reporting rather than the actual incidence of any specific crime. In addition, these statistics, unless accompanied by figures for arrest, prosecution and conviction rates and sentencing, provide an incomplete picture.

"Unless accompanied by figures for arrest, prosecution and conviction rates and sentencing, statistics provide an incomplete picture."

[1] Extract from "If it's really that bad why doesn't she leave?" by Lillian Artz, Gender, Health and Justice Research Unit, Faculty of Health Sciences, University of Cape Town: GL Commentary.

What the numbers hide

Lurking behind these numbers are many painful personal realities, as well as groups of marginalised women whose stories are not likely to be heard. The last year, for example, has witnessed an increase in "hate crimes" often directed at lesbians, such as the glass bottle thrown at the neck of a young woman during the annual gay pride parade[2]. Hiding behind the numbers is also the plight of disabled women, who experience gender violence in particularly painful and perverse forms (see box).

Double marginalisation; double exclusion

Violence against women in South Africa is recognised as a major public health concern. Absent from this recognition is the violence perpetrated against women with disabilities. Though sparse, a growing body of international literature suggests that there is a high prevalence of violence against women with disabilities. In South Africa however, there continues to be virtually no information available on the situation of women with disabilities and the violence experienced by this group.



Women with disabilities are relegated to the periphery of our society. Their peripheral position makes room for double marginalisation: as women they experience discrimination on the basis of their gender; and as people with disabilities, they are discriminated against on the basis of their disability. These intersecting, marginalising factors often create multiple avenues for exclusion and increased vulnerability to violence and abuse along with fewer opportunities to escape the abuse.

Women with disabilities experience the same abuse as their non-disabled counterparts; they too are physically, emotionally and sexually assaulted by intimate partners. For women with disabilities the abuse may be exacerbated by the disability; with abusers finding new and inventive ways to inflict violence; like hiding wheelchairs, smashing hearing aids and stealing disability grants.

Despite this, violence against women with disabilities appears to have been overlooked by both the disability and gender rights movements. The failure by these groups to acknowledge the unique situation of women with disabilities has amplified their invisibility and increased their vulnerability to violence.

Organisations working with issues of gender-based violence have not adequately acknowledged the abuse perpetrated against women with disabilities and their particular vulnerabilities, as a result no provision has been made by these organisations to cater to the differing needs of these women.

Research conducted by the Centre for the Study of Violence and Reconciliation (CSVR) found that civil society organisations addressing gender-based violence are not adequately equipped to address the needs of women with disabilities. When accessing services, women with disabilities are often met with physically inaccessible buildings. No sign language interpreters

[2] The Star, 26 September 2005.

at counselling services and no information in Braille or audio format further inhibits access to assistance. Where ramps are made available, they are often too narrow or too steep, limiting the use and purpose of the ramp.

Additionally, limited training and understanding of disability related issues mean that those offering assistance cannot relate to or communicate with women with disabilities in an effective manner and often have to make referrals, thus incurring additional financial costs for the women who are forced to find transport and someone to assist them to go from one service provider to another.

The disability rights movement also appears to have overlooked violence against women with disabilities. Issues within the disability movement appear to have focused on education, employment, housing and disability grants. Equally important however is the added vulnerability of women with disabilities.

When the very sectors that purport to represent those most marginalised and powerless in society contribute, even unconsciously to their invisibility, where do women with disabilities go in the aftermath of abuse? Who will listen to them if those that understand powerlessness and experience marginalisation, cannot hear them?

Government has the power and duty to ensure that women with disabilities are treated fairly and not subjected to abuse. Evidence however suggests that here too their attempts at being heard are thwarted. Although government established a comprehensive disability policy framework, in the form of the 1997 Integrated National Disability Strategy, implementation has been disappointing. It has, to date substantively failed to ensure the integration of disability issues and concerns into mainstream government programmes, and fails to attend to the gender dimensions of disability, particularly gender-based violence.

Who then bears the responsibility to ensure that women with disabilities are no longer invisible? Experts in the field contend that the struggle for rights and recognition needs to occur on multiple fronts; in the gender movement and the disability movement; through recognition of the violence experienced by this group, engagement with these issues and with each other; in the provision of services and increased advocacy with policy-makers and in government through the implementation and enforcement of existing policies.

(Source: Sadiyya Haffejee, researcher working at the Gender Unit at the Centre for the Study of Violence and Reconciliation. This GL commentary is based on a study titled, "On the Margins: Violence against women with Disabilities" by Naidu, E; Haffejee, S; Vetten, L; and Hargreaves, S)

"Where do women with disabilities go in the aftermath of abuse?"

Hiding behind the prison statistics are women like Maria Scholtz, Elise Morare, Harriet Chidi and Meisie Kgomo who killed their abusive partners out of desperation, and have been waiting since April 2001 to hear the outcome of an application for a presidential pardon. Statistics show that four times more men than women kill their partners; only eight percent of these men are sentenced to more than 21 years in jail while most women receive sentences in excess of 21 years, and women who hire hit men to kill their abusive partners while they sleep receive the harshest sentences of all.

Why the audit?

The issues are complex but they demand a critical engagement with the information provided as well as the development of measures that will provide a clearer picture of where we are as a country in terms of addressing the high levels of gender violence is required.

Any measure requires a starting point. The purpose of this audit of the commitments made during the Sixteen Days of Activism on Gender Violence in 2004 is both to develop a culture of accountability over public commitments made, as well as develop baseline data, targets and indicators for measuring the success of future efforts.



Limitations

The process of gathering the data was fraught. In many instances information could simply not be obtained – be it because of uncooperative officials; delays in the release of reports; information being "confidential" and "due for release soon"; broken links on websites; and in some instances, simply because the information does not exist.

The information gathered is based on the range of sources listed at the end of the book. While every effort has been made to provide accurate information, errors of fact or interpretation may have occurred as a result of inadequate information.

However, as the main purpose of this audit is to focus debate during the 2005 Sixteen Day campaign, as well as garner commitments for a National Action Plan to End Gender Violence, this report is a means to an end, rather than an end in itself.

Framework

The audit is structured around the provisions of the Southern African Development Community (SADC) Addendum on the Prevention and Eradication of Violence Against Women and Children, an Addendum to the 1997 SADC Declaration on Gender and Development. Key provisions are listed at the beginning of each chapter. The areas in which the Addendum proposes measures be taken, and around which this report is structured include:

- Laws and policies
- Social, economic, cultural and political
- Services
- Education, training and awareness-raising
- Integrated approaches
- Budgetary allocations

2 LAWS AND POLICIES

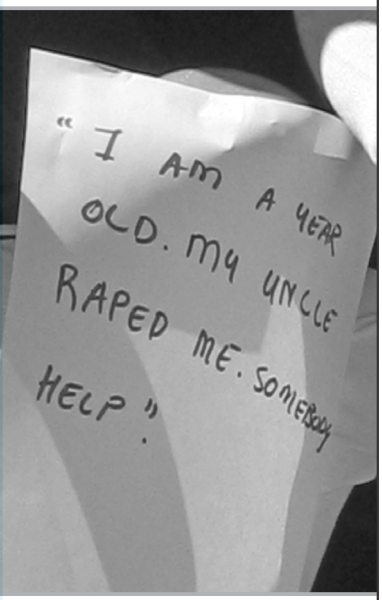


Photo:GCIS

The SADC Addendum on Eradicating Violence Against Women and Children commits governments to:

- Enact laws such as sexual offences and domestic violence legislation making various forms of violence against women clearly defined crimes and taking appropriate measures to impose penalties, punishment and other enforcement mechanisms for the prevention and eradication of violence against women and children;
- Adopt legislative measures to ensure the protection and removal of all forms of discrimination against and empowerment of women with disabilities, the girl-child, the aged, women in armed conflict and other women whose circumstances make them vulnerable to violence;
- Review and reform the criminal laws and procedures applicable to cases of sexual offences, to eliminate gender biases and ensure justice and fairness to both the victim and accused;
- Introduce as matter of priority, legal and administrative mechanisms for women and children subjected to violence, effective access to counselling, restitution, reparation and other just forms of dispute resolution;
- Adopt other legislative and administrative measures as may be necessary to ensure the prevention and eradication of all forms of violence against women and children.

Since the advent of democracy in 1994, South Africa has received world acclaim for the breadth and depth of its gender justice legislative reforms. The courts have strengthened these reforms through, for example, upholding the provisions of the Domestic Violence Act; finding the state liable in the case of a woman raped by a rapist who had escaped from jail; as well as in another case in which three off duty police men raped a woman.[3] The Children's Bill will soon become law, and there is a chance that trafficking can be pre-empted through the passage of a strong law before this scourge takes root.



But it is disconcerting that one of the most pivotal pieces of legislation for addressing gender violence – the Sexual Offences Bill – is still on the drawing board nine years since the South African Law Commission (SALC) initiated it, and that its twin Domestic Violence Act is not being implemented as it should.

This section of the audit examines in greater detail the state of these various pieces of legislation and the challenges that still lie ahead on this critical front.

Sexual Offences Bill[4]

Key issues

While it is understandable that it is important to get a law as sensitive and complex as the Sexual Offences Bill right, the time that it has taken to pass this piece of legislation in the face of rising gender violence raises serious concerns as to the government's political commitment on this front.

Tracking the bill

It is nine years since the South African Law Commission (SALC) was requested to investigate sexual offences by and against children and to make recommendations to the Minister of Justice for law reform of the criminal law in 1996. Since then:

1999:	SALC mandate extended to include sexual offences committed against adults.
December 2002:	SALC issues final report containing a draft Bill that embodies some progressive recommendations for the reform of the substantive law relating to sexual offences
July 2003:	SALC report and draft law are considered by the Minister of Justice and other members of Cabinet after which Bill 50-03 – Criminal Law (Sexual Offences) Amendment Bill is introduced in the National Assembly. The Bill unable to pass in its current form, is referred to the Portfolio Committee on Justice and Constitutional Development of the National Assembly for further review. The Bill is published in the Government Gazette, No 25282, on 30 July 2003 so that the public is aware of the draft legislation and comments can be made.

[3] The three cases referred to are: Ahmed Omar versus the state; van Eeden versus the Minister of Safety and Security and Carmichele versus the Minister of Safety and Security and another.

[4] Sources: National Working Group on the Sexual Offences Bill, Samantha Waterhouse; CSVR.

Aug/Sept 2003:	The Justice Committee calls for written submissions on the Bill.
Sept 2003:	The Justice Committee holds public hearings on the Bill, but gives organisations one business days' notice, limiting access to the hearings for many organisations outside the Western Cape.
Sept-Dec 2003:	A number of revisions are made to the Bill, with substantial changes to a number of provisions. No further public hearings are held on the substantially changed Bill.
Dec 03-Feb 2004:	The Justice Committee considers changes to the Bill. The committee recesses for national elections before finalising their work. The changes the committee proposes are contained in a "Working Group Document" which is the most recent, but unofficial draft of the Bill.

A key feature of the Sexual Offences Bill is that it *broadens the definition of rape* to include penetration of a person's vagina or anus with a penis or any other body part or object. The penetration of the person's mouth with a penis is also included in the definition. This is in line with international developments in this area as it acknowledges the various acts that perpetrators of sexual violence use to achieve their aim. It also recognises the serious trauma experienced by survivors of these different forms of violation.

NGOs had, however, raised alarm bells over the fact that in earlier drafts the Committee had retained provisions for rehabilitating perpetrators of violence, while dropping the treatment clause from the bill, purportedly because the Department of Justice did not want to be held responsible for financing this. Activists especially drew attention to the implications of this at a time when research showed Post Exposure Prophylaxis (PEP) is not being systematically administered to survivors of sexual assault by most health facilities, despite the huge risks posed by HIV/AIDS.

"A key feature of the Sexual Offences Bill is that it broadens the definition of rape"

Action points 2004

Two key action points emerged from the 2004 cyber dialogues. These were that:

- The Sexual Offences Bill should be passed into law as a matter of urgency.
- The treatment clause for survivors of sexual assault be re-instated into the Sexual Offences Bill, and PEP specifically provided for.

Progress

On 3 June 2005 the Deputy Minister of Justice appeared before the Portfolio Committee on Correctional Services and said that the Bill had been extensively revised. It is possible that the Minister could refer the Bill back to Cabinet before the process in Parliament is continued.

Although the latest draft of the Bill has not been made available, the Portfolio Committee on Justice and Constitutional Development has agreed that the provision of PEP to rape survivors will be covered within the final legislation. The current National Department of Health policy stipulates that rape victims must be given access to ARVs whether or not the case has been reported.

A number of governmental departments have issued guidelines on the management of survivors of sexual assault:

- Department of Welfare: Procedural Guidelines to Social Welfare Agencies and Appropriate NGOs in Assisting Victims of Rape and Sexual Offences.
- South African Police Service: Support to Victims of Sexual Offences.
- Department of Justice: National Guidelines for Prosecutors in Sexual Offences Cases.
- Department of Health: Uniform National Guidelines for Dealing with Survivors of Rape and Other Sexual Offences.
- Department of Health: Victims of Sexual Abuse, Domestic Violence and Gender Violence, The Primary Health Care Package for South Africa: A set of norms and standards.



Concerns

However, gender activists have raised a number of concerns regarding the current Bill:

- While the provision of PEP to survivors of sexual assault is an essential component of the response to assist them, emotional and psychological support are also important and are central to the impact of rape on a survivor. It is essential that the *Sexual Offences Bill address the health service response more broadly* rather than focusing only on the provision of PEP.
- A *National Policy Framework* (NPF) which will ensure a co-ordinated approach to sexual offences and provide an accountability structure is critical to ensure effective and efficient implementation. However, the proposed structure excludes civil society organisations that have also not been consulted on policy directives. Given that non-governmental organisations (NGOs) have extensive experience in the needs and experiences of survivors of violence in the criminal justice system and more broadly, their absence could result in crucial issues affecting survivors of violence, being overlooked.
- The requirement that *lack of consent must be proved* in court in rape cases has been reintroduced into the language of the Bill. This is inconsistent with international best practice. However, the latest unofficial draft of the bill includes circumstances in which consent cannot be said to be given as in situations where there is an abuse of power and the victim is unable to resist for fear of reprisal.

Compelled rape

The South African Sexual Offences Bill attempts to address compelled rape or "forced sex" by ensuring that perpetrators of such crimes are brought to book. However the term compelled rape is problematic and misleading. Firstly, compelled rape assumes that the active person is doing unto the passive person such as in the case of consummation of marriage. Secondly, "forced sex" (which is used by the UN ad hoc tribunals) assumes that one person is coerced into having sex with another for gain as in the case of acquiring food or security.

The blind spot in our Sexual Offences Bill is that it does not appropriately acknowledge the victims of the crime. The Bill talks about (A) compelling (B) to violate (C) or (D) without further mention to (B) and the trauma of compelling (B) to actively engage in the act with (C) or (D). Local legislation should borrow from the UN ad hoc tribunals in contextualising the crime in relation to the damage it has on the individuals and the State.

When rape is used as a pattern of abuse and as a spectacle it has damaging effects on the family members that are forced to witness the humiliation of spouses or lovers having to engage in sex in front of criminals such as in the case of the serial killer – Cedric Maake – who forced his victims to have sex with their partners before killing the men or when couples are hijacked and forced to have sex in front of their hijackers.

Even though national cases of compelled rape are not in the context of war this is still a pernicious crime because it breaks down the fabric of a family and thus the fabric of society. Therefore, rape is not only a crime against humanity but also a crime against the State because it yields destructive consequences of humiliation, shame, stigma, ostracism and social rejection for the victims by their families and community.

Extract from "A blind-spot in the Sexual Offences Bill" by Nadira Omarjee, People Opposing Women Abuse (POWA): GL commentary.

- Amendments to the laws that would make *protective measures in court* more available *have been dropped*. This means that in some cases perpetrators will still be able to cross-examine the survivor directly in court. Access to protective measures such as the CCTV system, intermediaries and support persons will remain as limited as it currently is.
- A new *crime of not disclosing one's HIV status* has been established despite existing common law to address this. There are concerns that abusive partners that infect their sexual partners with HIV will be able to use this to further victimise the woman as currently in South Africa women are more likely to know their HIV status than men are due to testing at antenatal clinics.

Recommendations

- The most recent version of the Sexual Offences Bill should be made public.
- If the Bill is going back to Cabinet, parliament should once again allow for public consultation and participation around the Bill.
- The Bill should establish, as a legislative principle, the need for comprehensive and holistic health and counselling services for rape victims/survivors
- Establish inter-sector co-ordinating frameworks that will encourage the Departments of Health, Social Development, Justice and Constitutional Development, Correctional Services and the SAPS to work in partnership with each other, as well as civil society at all levels, to draw up policies and guidelines around sexual offences, and monitor the implementation of such law and policies.
- Uphold as a policy priority the establishment of specialist sexual offences courts and health facilities.
- Set out through policies and instructions, procedures for ensuring that court and evidentiary processes do not further traumatise rape survivors.
- Establish as a principle the need to manage and treat sex offenders, particularly juvenile offenders.
- Once the contents of the Bill have been agreed upon through a process of public consultation, the Sexual Offences Bill should be enacted as a matter of priority.
- The various government departments as well as civil society organisations tasked with the implementing Sexual Offences legislation should be adequately resourced to do so.

"The Sexual Offences Bill should be enacted as a matter of priority."

Trafficking

Key issues

No country in Southern Africa except Tanzania (in its Sexual Offences Bill) has specific provisions for sex trafficking, a phenomenon of globalisation that should be a major concern for vulnerable developing countries that are committed to the rights of girls and women and want to prevent this scourge from taking root. Since South Africa's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in February 2004, it has begun a legislative process that is expected to culminate in anti-trafficking legislation. One of the reasons for the delay in the Sexual Offences Bill in South Africa is that a debate arose on whether trafficking should be introduced in this Bill.



Action points 2004

The 2004 cyber dialogues raised trafficking as an issue of regional concern, and urged action both at national and regional level.

Progresss[5]

Following the publication of an issue paper on human trafficking in early 2004, the South African Law Reform Commission (SALRC) received comments from public sector organisations and is currently compiling a discussion paper based on the comments received. It is possible that the discussion paper could be available before the end of 2005 and contain preliminary recommendations and draft legislation after which it will be brought before the Law Commission for approval.

Once approved, the discussion paper will be made available to the public after which the SALRC will hold workshops in each province to receive public comment on the paper. The outcome of these consultations will form the basis of the report stage when the SALRC will produce a final discussion paper containing final recommendations and the final draft legislation which will then be submitted to the Minister of Justice who may then introduce it to Parliament.

Chapter 18 of the Children's Bill addresses trafficking in children. It gives effect to the United Nations Protocol on Trafficking in Persons to which South Africa is party. It criminalises child trafficking and provides for a fine or imprisonment or both for anyone convicted of this crime. The Bill broadens the definition of trafficking in the UN Protocol by (amongst others) adding to the definition the adoption of a child facilitated or secured through illegal means. It identifies and gives certain persons a legal obligation to refer child victims of trafficking to a designated social worker for an investigation to determine whether these children are in need of care and protection. Importantly the Bill gives the South African government the power to prosecute South African citizens and permanent residents who commit an act of trafficking of children in a foreign country.

[5] International Organisation for Migration "Eye on Trafficking Newsletters" No. 3,5,6 & 7.

The International Organisation for Migration has raised a three-fold awareness campaign. One element is designed to send out a preventative message in source countries (Zambia, Zimbabwe and Mozambique)[6]. The others, focusing on South Africa as a destination country, advertise IOM's help line number for victims or people in contact with victims, and aim to raise awareness in South Africa amongst the public and other stakeholders.

This year the IOM launched new campaigns every three months with new preventative and help line posters and flyers that are released in conjunction with the *Eye on Human Trafficking* bulletin. Posters are distributed to border posts, immigration offices, police stations, other government offices, NGOs and shelters. The IOM have advertisements posted on 20 cross-border mini-bus taxis that travel between Johannesburg and other city centres in the region. The posters are posted on litterbins in Johannesburg, Cape Town and Durban, and on bus shelters in Cape Town and Durban.

These are strategically located in areas with a high incidence of trafficking victims. The organisation is currently working on a bumper sticker campaign and hopes to get several trucking companies on board who will put the stickers on their cross-border trucks, as many victims are picked up along trucking routes and sometimes even trafficked by the truckers. IOM also have a 10 "question and answer" brochure which is distributed widely throughout the region. All posters, flyers and brochures are available in English, French, Portuguese and Swahili.

Additionally, the IOM have regional radio adverts in Zambia, Zimbabwe and Mozambique with a preventative message, and have held press briefings in Zambia and Zimbabwe, with a possible third briefing taking place in Mozambique before the end of 2005. Much of the awareness raising has come through the media as well, who have sought information from the IOM when writing stories about human trafficking and included the help line number in South Africa. Information is also distributed through media interviews and a website.

It is very difficult to measure the success of these campaigns, particularly from the preventative/regional aspect. IOM have, however, received reports from the radio stations advising us on the response to the ads, which give an indication of their success in getting the message through. Zimbabwe had a particularly strong response to the radio adverts (Mozambique's are only just being aired).

In South Africa, IOM has a significant peak in help line calls when the number gets mentioned on television. IOM believes that "we have gone from a society that didn't acknowledge that trafficking even existed a few years ago, to one that sees regular media coverage and legislative changes."

"We have gone from a society that didn't acknowledge that trafficking even existed a few years ago, to one that sees regular media coverage and legislative changes."

Recommendations

- Trafficking legislation should be passed by the 2006 Sixteen Days of Activism campaign.
- The government and civil society should work with IOM in its public awareness campaign and develop indicators for monitoring the success of this.

[6] Information provided by Karen Blackman, Sr. Information Assistant, Regional Office for Southern Africa, International Organization for Migration (IOM).

Domestic Violence Act



Key issues

Since the start of its implementation in December 2000, the Domestic Violence Act has been both lauded as one of the most comprehensive pieces of legislation aimed at intimate violence, and criticised for its ineffective implementation. Recognising the possible problems of implementation, the Act requires the National Commissioner of Police and the National Director of Public Prosecutions to issue instructions and policy directives requiring members to fulfill specific instructions. Failure to do so constitutes misconduct which should be reported to the Independent Complaints Directorate (ICD) of the South African Police Services.

Among the specific problems encountered are[7]:

- There are a number of concerns with the processes surrounding the application for a protection order. Firstly, application forms are written technically style in English and Afrikaans which are confusing and time-consuming. Second, biased and sexist attitudes by police and court personnel may put women off from pursuing matters. Third, accessing protection orders at night or on weekends are difficult and often police do not want to contact the court after hours. Lastly there are cost implications which many women simply cannot afford.
- While the DVA requires a hearing as soon as possible, courts have limited capacity which often result in long delays in hearing the cases. This means that women seeking protection orders risk continued abuse during the application process.
- Attitudes of magistrates who make decisions regarding the granting of protection orders may work against women as a lack of understanding of what constitutes abuse – especially emotional or psychological abuse – and gender bias could deny women the legal remedy that is their right.
- Not all the behaviours recognised by the DVA as domestic violence can be prosecuted as a violation of criminal law. These include emotional, psychological, verbal and financial abuse.
- Police are not allocated sufficient resources so that they can meet their obligations in terms of the DVA. A serious issue amongst other resource related obstacles is the lack of sufficient vehicles.
- Stereotypical and gender-biased attitudes persist amongst members of the criminal justice system who are charged with implementing the DVA. This makes it imperative that training with these officials be undertaken as a matter of urgency.

Action points 2004

During the 16 Days of Activism in 2004, the South African Police Services (SAPS) pledged to launch an inter-sector training programme for the police on the implementation of the Domestic Violence Act in 2005 and a Hotline to receive complaints from people having difficulty with cases involving domestic violence.

[7] Source: Ludsin H & Vetten L (2005) "Spiral of Entrapment: Abused Women in Conflict with the Law", Johannesburg: Jacana.

Progress[8]

Court ruling in favour of the domestic violence act: Among the most significant developments over the past year regarding this legislation is the dismissal by the Constitutional Court of a challenge to the provisions of the DVA by an abusive husband. Ahmed Omar had challenged section 8 of the act, which allows police to make an arrest in they are satisfied that the partner who alleges abuse is in danger. Omar claimed that this section is unconstitutional because it infringed his right to a fair trial. The Constitutional Court ruled that section 8 of the Act had served an important social and legal function in addressing the scourge of domestic violence.[9]

Magisterial Guidelines: Magisterial Guidelines on the Implementation of the Domestic Violence Act have been developed and will be launched during the Sixteen Days of Activism. Training on the guidelines will also take place to ensure that there is consistency in implementing the Act.

Toll-free hotline: A toll-free hotline to receive complaints from people who are experiencing difficulties in cases involving domestic violence has been established but is not yet activated due to a shortage of staff in the courts. Court services are in the process of appointing personnel to manage the Toll Free Line who will require extensive training. The activation of the Toll Free hotline is planned for March 8, 2006.

Training for police: This has been initiated (see Chapter five).

"Among the most significant developments is the dismissal by the Constitutional Court of a challenge to the provisions of the DVA."

Concerns

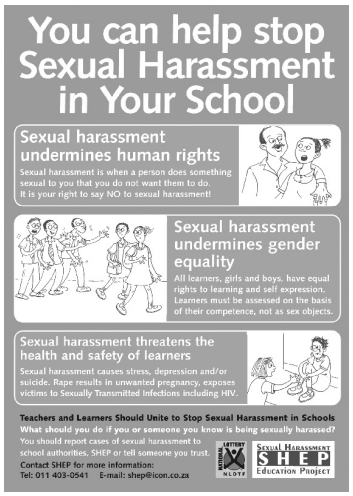
- ***Cases withdrawn:*** Research on the implementation of the Domestic Violence Act in the Western Cape which examined over 600 cases of domestic violence has shown that in almost 39 percent of the cases applicants did not appear in court to finalise their protection order. This finding appears consistent with the phenomenon of women withdrawing criminal charges of assault after an incident of violence.[10]
- ***Reluctance by family members to get involved:*** In another study conducted in rural areas of the Western Cape, the Health and Justice Research Unit, Faculty of Health Sciences, University of Cape Town found that women complained that family and community members were reluctant to get involved in domestic violence matters and that "victim-blaming" by family and criminal justice personnel made victims reluctant to pursue legal assistance and intervention. One woman opined that "if your friend's husband is friends with your husband, it is not such a good idea [to get involved] ... because the abuser will pick a fight with [your husband] for not controlling his wife ... that's why other women do not get involved ... they also don't want to cause trouble in other families". Also a common theme throughout women's descriptions of family support is the inability of family members to provide financial support and adequate shelter for women who were in need of temporary relief.[10]

[8] Sources: Dept of Justice and Constitutional Development; Tsidi Kambule Head: Domestic Violence Section at the National Prosecution Authority, Sexual Offences and Community Affairs Unit.

[9] "Women's rights activists hailed the Constitutional Court decision for reaffirming the importance of effective remedies for victims of domestic violence" *The Star,* 8 November 2005.

[10] Extract from "If it's really that bad why doesn't she leave?" by Lillian Artz, Gender, Health and Justice Research Unit, Faculty of Health Sciences, University of Cape Town: GL Commentary.

- ***Lack of compliance with reporting requirements by ICD:*** In terms of s18 (5)(c) of the DVA, the Independent Complaints Directorate (ICD), which has a mandate to monitor the implementation of the DVA by the South African Police Services and Municipal Police Services, must submit a report to Parliament every six months regarding the number and particulars of matters reported to it in terms of s18(4)(a). The reports for period 2003 and 2004 are currently with the Minister, waiting for his approval to be tabled in Parliament. The 2005 report is still being compiled.
- ***Attitude of the police towards case of domestic violence:*** The July-December 2002 report[11], records a total of 228 cases dealt with during this period. The majority of new complaints related to the failure of members to assist complainants lodge complaints of domestic violence at police stations. Other complaints received related to the failure of members to enforce Protection Orders where there had been a breach. The ICD report concludes that the complaints point to relatively little knowledge in respect of what role police officers need to play in assisting victims of domestic violence.



Sexual harassment legislation and policy

Key issues

Despite key pieces of legislation that address and respond to sexual harassment, there remains a lack of awareness by employees of their rights. Illustrating this is the finding of a Sexual Harassment Education Project Study (SHEP) in 2002/2003 which found that 77 percent of women respondents in the study had experienced sexual harassment during their working lives.

In South Africa many women occupy the lower end of the workforce – as traders in the informal economy, in domestic work, in unskilled labour activities and in the survivalist sector. Other women are in high-earning managerial and professional occupations. Yet a percentage of both groups of women, and men for that matter, will experience sexual harassment in their workplaces. But how many women will or are able to access the legal remedies available to them?

Action points 2004

- The 2004 cyber dialogues cited the need for extensive awareness campaigns on what sexual harassment is, and on support available to a person who is sexually harassed.

[11] Source: Independent Complaints Directorate (2002) Report on Domestic Violence July to December 2002.

Progress

Awareness raising campaigns: According to the SHEP there have been a number of awareness raising campaigns undertaken by government in the public sector on sexual harassment. This is a positive development as it signifies a greater investment and recognition by government on the need to address sexual harassment in the workplace.

Codes of good practice: The amended NEDLAC Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace has been gazetted by government. This includes:

- An expanded definition of sexual harassment that is now in line with the Employment Equity Act (1998). Sexual harassment is defined as a form of unfair discrimination: "Sexual harassment in the working environment is a form of unfair discrimination and is prohibited on the grounds of sex and/or gender and/or sexual orientation.
- The factors to establish sexual harassment are more extensive than before.
- The amended code reduces the burden of proof on the victim and no longer contains reference to "false allegations".
- The code states that "Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be welcome" a key inclusion, which according to SHEP the exclusion of which meant that many victims of sexual harassment were weary to report the harassment.
- The code contains clear reporting procedures.

"There have been a number of awareness-raising campaigns undertaken by government in the public sector on sexual harassment."

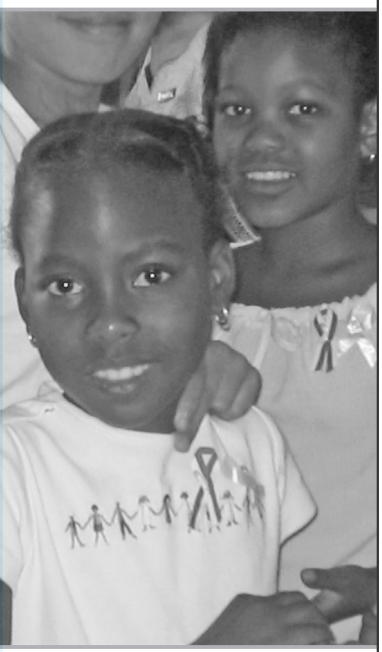
African Regional Network Against Sexual Harassment: Soon after last year's Sixteen Days Campaign, the African Regional Network Against Sexual Harassment was formed in December when several trade union confederations, their affiliates and NGO partners met for the first time to address the growing problem of sexual harassment in the workplace from an African-based perspective. Led by the International Tailor and Garment Workers Labour Federation-Africa and the American Labour Rights Fund, participants included the International Confederation of Free Trade Unions, Africa Regional Organisation; the International Federation of Building and Wood Workers; COSATU; the Nigerian Labour Congress and SHEP, amongst others.

The structures' "Durban Resolution", finalised in March 2005, calls upon trade unions, governments and international agencies such as the International Labour Organisation to develop and implement effective and enforceable mechanisms against sexual violence in the workplace. It notes this is particularly relevant in Africa given the link between workplace sexual assault and HIV/AIDS. The resolution recognises workplace sexual violence on the continuum of violence against women and calls on the woman's advocacy community to begin to address workplace violence in conjunction with domestic violence.

Recommendations

- Publicise the NEDLAC Code of Good Practice on Sexual Harassment.
- Strengthen the African Regional Network Against Sexual Harassment.
- Ensure support for those who take up cases of sexual harassment.

The Children's Bill[12]



Key issues

The South African Law Review Committee released the Draft Bill and Discussion paper in December 1996 – nine years ago.

Subsequent to the Bill being handed over by the South African Reform Commission (SALRC) to the Department of Social Development (at the end of 2002), a number of excisions were made from the Bill. These included the removal of the entire chapter on children's rights, as well as measures designed to protect children at risk or already especially vulnerable. The concern of the Children's Bill Working Group was that these excisions seemed to have been made without taking into consideration the effect of these excisions on other areas of the Bill. When the SALRC developed the Bill, they took the view that a range of measures is needed – primary, secondary and tertiary. These should:

- Ensure, in the first place, that children could grow and develop within healthy families and communities.
- Where these measures fail, various early intervention mechanisms should come into operation.
- Where this second level does not have the desired effect, an effective protective system should be in place, designed to safeguard children from further harm and, where necessary, ensure their reintegration into the community.

The removal of whole chunks of the Bill without considering their relation to other clauses in the Bill seriously undermined the focus on prevention and early intervention that was clear in the SALRC Draft Bill. Other areas of concern through the process included:

- Trafficking and the need to specifically criminalise it.
- The removal of clauses related to easier and more direct access to decisions regarding custody for children living without parental care.
- A widening of the definition of "a child in need of care and protection", but without recognising that this might have a very negative impact on an already over-burdened and stretched child protection system.
- The fact that corporal punishment had not been prohibited in the private sphere. In the Draft Bill as released by the South African Law Reform Commission, the potential to use parental rights to administer reasonable physical chastisement to their children as a common law defense in an assault charge was removed. However, in its current form, the Bill does not even do this. Also of concern is that this issue has been entirely left out of the current version of the s 75 Bill – which tends to indicate that it is being viewed as a family / cultural rather than as a rights issue.
- Adoption and the regulation of international adoptions.
- Child Protection Register
- Refugee and unaccompanied children

Action point 2004

The 2004 Sixteen Day cyber dialogues recommended that the Children's Bill be passed as a matter of urgency, with the various amendments cited above.

[12] Source: Communication with Carol Bower, Director: Resources Aimed at the Prevention of Child Abuse and Neglect (RAPCAN).

Progress

The House of Assembly read and passed the Bill for the second time on June 22nd. The Bill is now going through the National Council of Provinces (NCOP) process. Activists believe that the NCOP is unlikely to make any significant changes to the Bill.

In its current form, the bill addresses many of the issues of concern and has sections on disability regarded as a particular victory by activists.

The public hearings on the Children's Bill witnessed controversy over the practice of virginity testing. Women's and human rights groups including the Gender Advocacy Programme, the Commission on Gender Equality (CGE) and Molo Songolo argued against the practice.

Why virginity testing must go

The Children's Bill seeks to make children's rights consistent with the Constitution. It's seen as a valuable contribution to the war against child abuse, which we all know is at intolerably high levels in this country. That Constitution guarantees the right to privacy and bodily integrity, and upholds the precepts of gender and sexual equality. Virginity testing contradicts each one of these rights.

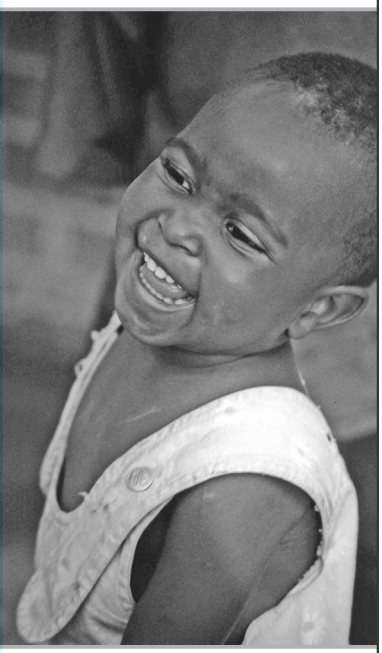
Rows of girls reclining on mats with their knees spread apart in the middle of a football field is anything but private. Old women with latex gloves checking between labia folds and pushing fingers upward to feel for an elusive hymen constitutes an assault on bodily integrity. That it is girls who are subjected to testing and not boys (though this does occur), puts the burden of responsibility squarely on the shoulders of girls and reinforces gender inequality that makes them vulnerable to everything the testers hope to address.

That it prejudices girls who aren't virgins, knowing full well that a large proportion of girls have been sexually abused by family or neighbours and that a majority of girls' early sexual experience has been coercive in nature, makes a mockery of the very notion of sexual equality. Virginity testing is fundamentally about discrimination based on sexual experience. Its basic purpose is to separate the flowers of the nation (virgins) from the rotten potatoes (non-virgins).

Extract from "Rethinking virginity testing" by Suzanne Leclerc-Madlala: GL Commentary.

The South African Human Rights Commission's submission stated that virginity testing potentially violates the girl child's rights to dignity, freedom and security of person and privacy. It pointed out that the practice was in violation of South Africa's international obligations to protect the rights of the child including the Convention on the Rights of the Child and the Convention on the Elimination of All forms of Discrimination Against Women.

"That it is girls who are subjected to testing and not boys puts the burden of responsibility squarely on the shoulders of girls and reinforces the gender inequality."



The Bill as passed by the House of Assembly states in section 12 (4) of the Childrens Bill states: "Virginity testing of children is prohibited". In a march that took place just after the passing of the Bill by the House of Assembly, an article in *News24* quotes Nomagugu Ngobese, who is credited with reviving the practice in Kwa-Zulu Natal as saying: "No one dies from virginity testing. This practice is our religion and it is about the empowerment of women. She argues that virginity testing is a cultural practice that helps prevent HIV/AIDS and can assist in the exposure of sexual abuse." But activists argue against the practice as a severe violation of the rights of the girl child.

Recommendations

- The Children's Bill should be enacted and resources designated for its implementation by the time of the 2006 Sixteen Day campaign.
- Government and civil society should publicise the provisions of the Act.

3 SERVICES



Photo: Nonqaba Waka Msimang

The SADC Addendum on Eradicating Violence Against Women and Children commits governments to:

- Provide easily accessible information on services available to women and children survivors/victims of violence, including women and children with disabilities;
- Ensure accessible, effective and responsive police, prosecutorial, health, social welfare, and other services and establishing specialised units to redress cases of violence against women and children;
- Provide accessible, affordable and specialised legal services, including legal aid, to ensure the just and speedy resolution of matters regarding violence against women and children;
- Providing easily accessible, affordable and where possible, free social and administrative services for the empowerment of women and children victims/survivors.

SERVICES

Services are the flip side of the coin to good laws. Conceptually, South Africa abounds with good services to accompany the legislation designed to end gender violence. These services include a fairly extensive network of legal aid facilities and a toll free line to call for help. There are shelters in every province, mostly run by NGOs but increasingly with government support, where women can take refuge if need be.



There are at least four different models of "one stop centres" where survivors of sexual assault can have their psychological, health, and legal needs attended to under one roof and evidence can be systematically gathered - a facility sorely needed, especially now with the added threat of HIV/AIDS and the need for Post Exposure Prophylaxis (PEP) to be administered within the shortest possible time. Where these centres are linked to SOCs the result is high conviction rates and speedy relief for survivors which helps to relieve the trauma.

But there are a number of concerns regarding the provision of these services, for example:

- There has never been an overall assessment of services required; targets have either not been set or the basis for doing so is not clear; and there are often no plans in place for achieving these targets.
- Existing figures suggest that services are woefully inadequate. For example, the existing SOCs handle a mere ten percent of the total number of such cases each year. While the government plans to double the number of SOCs by 2010 the figures suggest that in fact there is need for at least ten times this number of courts.
- At present (see **Table two**) there are only about 23 one stop centres in the country; less than half the number of Sexual Offences Courts whereas ideally there should be a One Stop Centre linked to every SOC.
- As illustrated in the table, services appear to be unevenly matched and unevenly distributed across provinces. While rape statistics are not the only indicator of gender violence, they are the only distinct gender violence statistics available from South African Police Service (SAPS), and are a good indicator of the extent of the problem in each province. Compared to the prevalence of the problem, the Western Cape is the best resourced, with Gauteng a close second. The Eastern Cape has a high proportion of legal services, but low proportion of SOCs. Mpumalanga, because of the work of GRIP, has a high level of One Stop Centres. Limpopo has no one stop centres planned or in existence. The Northern Cape, which has a high level of gender violence relative to the population is under- serviced, with only four shelters for the whole province.

Table Two

Distribution of Gender violence-related services across South Africa

Province	Rape Cases	% Rape Cases per province	Sexual Offenses Courts	%	Legal Services (Justice centres and sattellite offices)	%	Shelters	%	TCC's in operation	TCC planned	VEP One stop centres	GRIP	ILT	Total One Stop*	%
E. Cape	7,405	13.4%	2	3.8%	20	21.7%	10	11.6%	2		1			3	13.0
Free Sate	3,983	7.2%	3	5.8%	6	6.5%	10	11.6%		1				1	4.3
Gauteng	11,923	21.6%	16	30.8%	13	14.1%	24	27.9%	2				1	3	13.0
KZN	9,614	17.4%	8	15.4%	14	15.2%	10	11.6%		2				2	8.6
Limpopo	4,780	8.7%	3	5.8%	8	8.7%	4	4.7%							0
Mpumalanga	3,942	7.2%	2	3.8%	8	8.7%	3	3.5%			1	10		11	48.2
Northern Cape	5,074	9.2%	2	3.8%	5	5.4%	4	4.7%			1			1	4.3
North West	1,559	2.8%	5	9.6%	6	6.5%	2	2.3%		1				1	4.3
West Cape	6,834	12.4%	11	21.2%	12	13.0%	19	22.1%	1					1	4.3
TOTAL	**55,114**		**52**		**92**		**86**		**5**	**4**	**3**	**10**	**1**	**23**	

Source: Gender Links, with government statistics
TCC= Thutuzela Care Centres; VEP= Victim Empowerment Project; ILT= Ikhaya le Themba

* This number of one stop services revealed during this audit is not necessarily complete. A full audit of such facilities is required.

This section of the audit examines in greater detail the different issues concerning each of these services; what commitments were made in 2004, and what steps need to be taken in the coming year.

Places of safety

Key issues

Shelters provide a crucial and invaluable service to women and children affected by domestic violence, who often have no place to go when they leave abusive relationships. The establishment and maintenance of shelters is expensive and requires both financial and human resources which are often scarce and hard to come by. In 2003 the Department of Social Development

(DSD) developed a "Policy framework and strategy for shelters for victims of domestic violence in South Africa" as well as a "Minimum standards on shelters for abused women". DSD figures on the number of shelters range from 73 to 86, with NGOs running slightly more than half of these.

Action points 2004

During the 2004 Sixteen Days cyber dialogues the Deputy Minister of Social Development Jean Benjamin announced that her department would be building nine new shelters (one in each province) over the next three years.



Progress[13]

DSD is certain that by the end of three years it will have exceeded the target of nine shelters. In the 2004/2005 financial year Treasury allocated resources, based on a budget submitted by the DSD for the establishment of two shelters, to running two existing shelters in Limpopo and North West Province. DSD in partnership with Transnet Foundation are financially supporting four existing shelters in the Free State, Western Cape, Eastern Cape and Gauteng. DSD is currently negotiating the establishment of two shelters in partnership with the Kwa-Zulu Natal and Mpumalanga Provinces for the current financial year.

Concerns

There remain, however, a number of concerns:

- ***Shortage of facilities:*** Figures could not be obtained for how many shelters are actually needed, but anecdotal evidence suggests that there is a shortage of facilities, and that those which exist are not evenly distributed.
- ***Distribution:*** As illustrated in **Table two**, the provincial distribution of shelters relative to need is problematic, particularly in Mpumalanga and the Northern Cape. In addition, shelters are still concentrated in urban areas.
- ***Funding:*** Foreign donors who have in the past contributed substantially to the running of shelters are starting to pull out as they are no longer willing to support services on the premise that its is government responsibility to provide such support. Government claims to subsidise 98 percent of the NGO shelters[14], but those who manage these shelters say that government funding is often not sufficient to finance the effective running of the shelter. In addition, funding is often received a year after it has been applied for resulting in the inability of shelter managers to plan and forecast effectively.
- ***Second stage housing*** is also still a challenge as women often have no place to go once they have to leave a temporary shelter resulting in many women returning to the abusive relationships they left. Long term strategies should include making permanent housing available to survivors of gender violence.

[13] Sources: Interview with Dr Jean Benjamin, Dr Zodidi Tshotsho and Dr Malega Kganakga.

[14] Interview, Deputy Minister of Social Development Dr Jean Benjamin

Recommendations

- As part of the **National Action Plan on Gender Violence** proposed in this audit, there should be a needs assessment of shelter requirements, to establish how many are needed and where, and to develop realistic targets and indicators for achieving this.
- The audit should include an assessment of the costs of running such shelters as well as sources of finance, to determine realistic government subventions to NGOs that run such shelters.
- Government procedures for supporting NGOs that run such facilities should be simplified and made more transparent.
- Possibilities of funding from other spheres of government than just the DSD should be explored, as in the case of Ikhaya leThemba which is being supported by the provincial government. In particular, given that shelters fit squarely within the realm of community concerns, local government should shoulder some of the responsibility for providing such facilities.
- The action plan for the effective provision of shelters that should flow from the audit should include linking shelters to skills development programmes and income generating, as well as second-stage housing projects.
- The Shelter Network, linking the various NGOs working in this sector should be revived, and form an effective partnership with the various government agencies that have a role to play in this area, including DSD, housing and local government. It should also be an effective NGO lobby for the sector.

"There should be a needs assessment of shelter requirements, to establish how many are needed and where."

Treatment and care for survivors of gender violence

Key issues

Treatment and care for survivors of gender violence entails a number of considerations: psychological; the possibility of pregnancy; the possibility of STDs and now also the possibility of contracting HIV/AIDS. The latter has added a particular urgency to the treatment of survivors of sexual assault, especially in South Africa which has among the highest rates of HIV infection and of gender violence in the world.

Any form of coerced sex increases the risk of contracting HIV. Post-Exposure Prophylaxis (PEP) is a short and affordable course of antiretroviral drugs, which, if promptly administered to survivors of sexual violence may reduce the risk of HIV infection following exposure to the HI virus. However, survivors of sexual assault must first take an HIV/AIDS test to determine that they are not already HIV positive before starting on this treatment.

This means that within hours of what is likely to be the most traumatic experience of any woman's life she has to have the presence of mind to report her case to the police; go to the hospital; take an HIV/AIDS test; and possibly begin on a 28 day course of PEP medication along with other treatment considerations such as the possibility of pregnancy and STDs.

The *"Pep Talk Campaign"* carried out by various NGOs and co-ordinated by GL during the Sixteen Days of Activism Campaign in 2003 showed that few women are aware of the need to avail them-selves of PEP immediately after a sexual assault; that most health care facilities (and especially clinics) are not set up to provide PEP, let alone comprehensive packages of care to survivors of sexual assault; and that a very low proportion of women ever see the course of PEP medication through.

In March 2004 Human Rights Watch issued a report titled *Deadly Delay: South Africa's Effort to Prevent HIV in Survivors of Sexual Violence*. This found that the government was failing to send out a clear message in support of this potentially lifesaving service resulting in limited access to the service.

Attempts by the Justice Portfolio Committee, strongly resisted by NGOs, to drop the treatment clause from the Sexual Offences Bill (see Chapter two) cast further doubt on the government's commitment. While NGOs hailed the reinstatement of the clause as a victory, they recognised that the real challenge lay on the ground. Where the comprehensive approach to treatment and care, including administration of PEP, works best is at the one stop centres, such as the Thutuzela Care Centres (see the following section). But these are few and far between.



What this means is that the entire health system and health facilities, have to be geared up to assist victims of sexual assault so that no matter where a woman is, she can get the rapid, sensitive, and complete care that she needs after an assault, while still attending to the legal aspects of her situation.

Action points 2004

During the 2004 Sixteen Days Cyber Dialogues the Head of the Gender Unit of the Department of Health (DOH) Esther Maluleke said that the government would be undertaking an audit of PEP availability and administration in 2005 and would launch a public awareness campaign. To enhance adherence, she said the government is considering integrating PEP into home based care and appointing "treatment buddies" for women undergoing this treatment.

Progress

Several attempts to get information from the DOH as to whether the PEP audit has taken place proved unsuccessful[15]. There has also been no evidence of a major public awareness campaign on PEP or treatment for survivors of sexual assault driven by the DOH. However, in January 2005, the DOH launched a **National Sexual Assault Policy** that on the face of it has far-reaching and progressive provisions.

In the foreword to the National Sexual Assault Policy Minister of Health Dr ME Tshabalala-Msimang, writes that: *"Acts of sexual assault have a devastating impact on both those who survive them and on their caregivers... The Department of Health has committed itself to*

[15] Several faxes and phone calls were made to Ms Maluleke. Initially she referred GL to doctors working with the department on PEP who said they were not in a position to respond. Later she undertook to provide the information but had not done so at the time of going to press.

ensure that various measures, including intensive training, and the provision of sensitive and useful guidelines, are put in place to enable health professionals to deal humanely and effectively with survivors of sexual assault... What makes these policy guidelines particularly valuable is that they incorporate a holistic approach towards the management of sexual assault together with an overall focus on the general improvement of women's health and quality of life."

The vision of the policy is: "A high quality, co-ordinated, and holistic sexual assault service, which meets the health needs of the rape survivor, the needs of the criminal justice system for well-presented medico-legal evidence and the needs of the community in contributing to community protection and justice".

Objectives include to:
- Establish institutional framework.
- Establish designated, specialised 24 hour health care services.
- Operate as an inter-sector, multidisciplinary team at all levels of service with an emphasis on responsiveness to patients' needs and to all sectors. Strategies for inter sector collaboration include the establishment of a community-based accountability group, feedback mechanisms between sectors, inter-sector monitoring and evaluation and open lines of communication.
- Provide training structures, guidelines and standards. Training should be incorporated in the clinical forensic training curriculum. Training should be a non-negotiable prerequisite for practitioners.

Service strategies cover:
- Provision of sexual assault care.
- Examination kits.
- Treatment for injuries.
- Ensuring safety and avoiding re-victimisation.
- Providing PEP.
- Prevention and treatment of psychological distress.
- Offering access to psychological/psychiatric care.

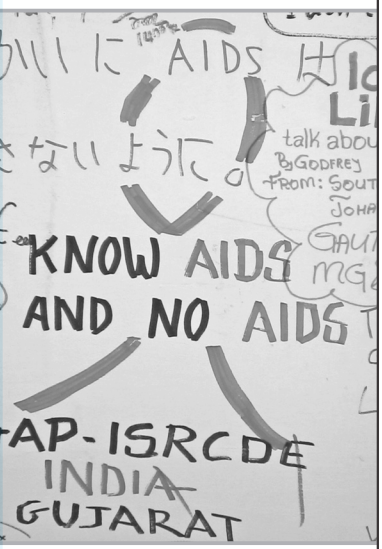
As this policy is relatively new, it is difficult to assess how far progress has been made. This matter will be further explored during the 2005 cyber dialogues.

At **provincial level**, the Gauteng Department of Health (GDOH) has taken a pro-active approach towards providing a comprehensive package of treatment and care to survivors of sexual assault.

A study conducted by the Centre for the Study of Violence and Reconciliation (CSVR) for the Gauteng Department of Health (GDOH)[16] between February and September 2004 at seven of the 30 sites administering PEP found that out of a sample of 37 healthcare workers only 10 had received training.
- Only 56percent of the sites provide 24-hour service. Many of the specialist rape facilities are closed on weekends and at night, which is when most rapes occur.
- The attitude of health workers deterred survivors from seeking PEP.

"The Department of Health has committed itself to ensure that various measures are put in place to enable health professionals to deal humanely and effectively with survivors of sexual assault."

[16] Vetten, L & Haffejee, S, (2005). "Factors Affecting Adherence to Post-Exposure Prophylaxis in the Aftermath of Sexual Assault: Key Findings from Seven Sites in Gauteng Province", Johannesburg: Gender Programme, Centre for the Study of Violence and Reconciliation.



Some of the reasons for low rate of adherence to the 28 day PEP regimen (only about 16 percent of those taking PEP in the province complete the course) included:

- Patients often did not understand how to take the drugs either because it had not been explained to them properly by health workers or because they were too traumatised to take the information in after being raped.
- Ineffective treatment of side-effects. Although 89 percent of the patients experienced side effects (which include nausea and vomiting) only one patient received medication to address this.
- Affordability of transport to health facilities.
- Lack of support to complete the regimen.

The GDOH has reacted quickly to recommendations made in the research report and has since trained 132 staff on adherence counseling and 33 doctors and nurses had been scheduled to begin a five-week course on sexual assault care practice. Debriefing sessions are being held to help health workers who treat survivors and the department has purchased four colposcopes, used for internal physical examinations of survivors and 16 computers to be used for record keeping purposes.

The World Health Organisation (WHO) and the International Labour Organisation (ILO) jointly convened an expert consultation in September 2005 to assist in the development of **guidelines for the provision of occupational and non-occupational PEP** in resource poor settings. These guidelines, once completed and disseminated, will be an important tool for service providers struggling with the technical aspects of PEP programmes.

Concerns

Programmes providing occupational PEP, predominantly to health care workers, are relatively well established and uncontroversial, but the discussions at the consultation raised a number of questions concerning the challenges of providing PEP to survivors of sexual violence and to people who engage in high risk consensual sexual activity.

Most guidelines, including those developed by the South African Department of Health, recommend that PEP be taken within 72 hours of the potential exposure. However, data emerging from studies conducted in the provision of PEP in occupational settings suggests that the window of opportunity may be much smaller and that the message that should be getting out to survivors of sexual violence is “the sooner the better”. Some medical practitioners at the consultation suggested that a single emergency dose of PEP should be provided as soon as the survivor arrives at a hospital or clinic.

This recommendation has significant implications for the treatment of rape survivors. Currently PEP is provided mainly through hospitals, and is generally unavailable at primary health care facilities. These facilities may, however, be more accessible to rape survivors, as they are often located within communities. The availability of an emergency single dose of PEP at these facilities may facilitate access to PEP much sooner.

Even for survivors that present at hospitals, the provision of an emergency dose of PEP immediately may also reduce the time between exposure and access to the medication. The CSVR report indicates that where survivors receive treatment and care through the casualty section of a hospital, they may experience long delays before they are attended to. Even those survivors who receive treatment and care from specialist centres and in the private sector, may experience delays if they present at night or over weekends.

The provision of a single, emergency dose of PEP may also have implications for obtaining informed consent to conduct an HIV test and provide the full course of medication, and to the survivor's ability to complete the course. Many service providers have expressed concerns about the ability of survivors of sexual violence to consent to an HIV test and the provision of medical treatment in the immediate aftermath of a sexual assault.

The lack of well trained, specialist counselors in both trauma and VCT, has exacerbated the problem of providing information to survivors of sexual violence and obtaining their consent. The CSVR report emphasises the problems with providing information to rape survivors immediately after the rape and recommends that they be provided with accessible information that can be taken away with them. This would ensure that they are able to understand crucial aspects of PEP, including side effects and why adherence is imperative.

Although informed consent is required before an emergency dose of PEP can be administered, rape survivors will not need to consent to an HIV test immediately and they will not need to be provided with complete information about PEP at the time of the emergency dose. A process that allows them to initiate PEP immediately but consent to an HIV test and receive more comprehensive information about PEP, some time later, may well assist some rape survivors to be better prepared for the test result and to adhere to the full PEP regimen.

The scientific and psychosocial arguments for the provision of a single emergency dose of PEP are compelling, but it also raises serious matters regarding the ability of poor women to access and complete the full course of medication. The CSVR report provides a stark illustration of the struggle that poor women face in returning to collect subsequent doses of the medication and their HIV test results. Quoting the difficulties experienced by a 17 year old survivor, the report states:

"Sometimes there is no money in the house and there are lots of things that are short. But if you think that your life is important and it's important to take the treatment, then you have to take the last money you have and go to the hospital."

Recommendations

- The DOH national audit on the availability of, and adherence to the PEP regimen, must be completed and publicised.
- The DOH should report on steps taken to implement the National Sexual Assault Policy, as well as how stronger synergies can be developed between this and the establishment

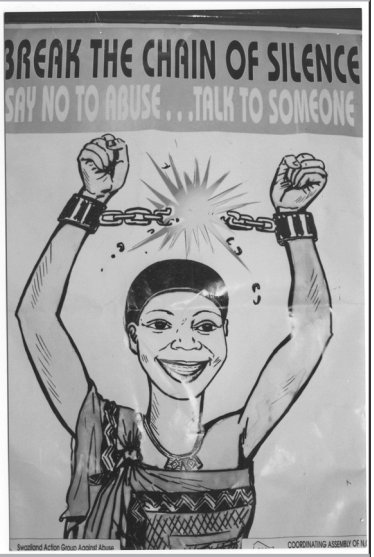
"The message that should be getting out to survivors of sexual violence is the sooner the better."

of one-stop services for survivors of sexual assault.
- The DOH and NGOs should jointly mount a public awareness campaign on treatment and care for survivors of gender violence, including the importance of women who are survivors of sexual assault having immediate access to PEP.

One-stop centres

Key issues

There are two immediate needs of a survivor of gender violence: treatment and care, as well as access to the criminal justice system. These two are linked because often it is through the process of treatment and care that evidence is gathered for the criminal case. They can also be contradictory, because the first instinct of a woman who is violated is to clean herself or try to hide her wounds, which might destroy the evidence necessary for the court.



For this reason, best practice globally is to create "one-stop" centres where a comprehensive package of services can be provided under one roof. These are often housed at a health care facility, which provides an environment that is more friendly than a police station. It is also easier for the police to be present at a health care facility than for medical practitioners and facilities to be present at a police station.

There are now several different kinds of models of one-stop centres in South Africa; for example:

Thuthuzela Care Centres (TCC's)[17] are 24-hour one-stop service centres where survivors of violence have access to all services including the police, counselling, doctors, court preparation and prosecutors. The main objective of these centres is to eliminate secondary victimisation, reduce case cycle time and increase convictions. These multi-purpose centres render the services of these departments to communities where these services either do not exist, or do exist but are not easily accessible (especially in rural areas). The centres are co-ordinated by the National Prosecuting Authority (NPA) as part of the Inter-Departmental Management Team (IDMT), a forum that addresses issues relating to the Anti Rape Strategy. The role of the DSD in such centres is to provide psychological services and to refer the client to other social service packages when needed.

Victim Empowerment Programme (VEP) one-stop centres have been established by the DSD to address the immediate multi-disciplinaryneeds of survivors of violence and to reduce secondary victimisation by the inaccessibility of services. In addition to DSD, South African Police Services (SAPS), Department of Health (DOH) and the Department of Justice (DOJ) render services at these one-stop centres.

GRIP, an NGO based in the Greater Mpumalanga area was established in 2000 in response to the high levels of rape and corresponding high levels of HIV/AIDS infection transferred

[17] Sources:
2004 - Examining Gender Realities in the New Democracy - Idasa
2005 - Progress report on the implementation of the Beijing Platform for Action – The Presidency, RSA

to predominantly child rape survivors. GRIP complements services provided by health care facilities by providing counselling services at such centres; ensuring that survivors of gender violence receive a comprehensive package of treatment and care and adhere to this (especially PEP treatment); and liaise with the police to ensure that justice is delivered.

Ikhaya le Themba, a Gauteng Provincial Department initiative spearheaded by the Department of Community Safety (DCS), is a "super" one-stop shop that includes counseling, treatment and care, as well as a shelter wrapped in one. The project is managed by the DCS and the staff and stakeholders include members from the DOH, Social Development, NPA and SAPS. The initiative began when Eskom handed over its old offices in Braamfontein to the DCS during the 2002 Sixteen Days of Activism Campaign for use as a one stop, multi-purpose centre in fighting gender violence.

"There are now several different kinds of models of one stop centres in South Africa."

As illustrated in **Table three**, each of these have advantages and disadvantages.

Table Three

Approaches to one-stop services for survivors of gender violence

Model	Advantages	Disadvantages
Thutuzela Care Centres	Provide treatment, care, link to criminal justice system under one roof. When linked to Sexual Offences Courts, lead to a high prosecution rate.	Very few of these; only one directly linked to a Sexual Offences Court.
Victim Empowerment Programme one stop centres	Offers medical and psychological support to survivors of violence, not only gender-based violence.	Not strongly linked to the criminal justice system.
GRIP model	An NGO providing counselling services at a health facility; ensures full package of treatment and follow up, especially of PEP treatment. Facilitates links to the police and justice system.	Operates only at 10 health facilities in one province.
Ikhaya le Themba	Is both a shelter and a one-stop facility; therefore a fully comprehensive model. Is supported by the provincial government.	Only one such facility in the whole country. Combination of one-stop facility and shelter may work in some instances but not others, since as a rule the addresses of shelters are not publicised to enhance the safety of those living there.

Source: Gender Links

The 2004 Sixteen Day cyber dialogues raised concerns regarding the adequacy of these facilities relative to the need; as well as how these initiatives work together to address these needs.

Action points 2004

During the 2004 cyber dialogues the government pledged to roll out more such facilities, but did not indicate a specific target for doing so. Specifically, Deputy Minister of Social Development Jean Benjamin said that 29 one stop centres would be created by her department to support victims of violence.



Deputy Minister of Health
Nozizwe Madlala-Routledge

Progress

Thutuzela centres: There are currently five fully functional Thuthuzela centres: two in Gauteng at Baragwanath Hospital in Soweto and in Mamelodi; two in the Eastern Cape at Mtanzani and Libote and one in the Western Cape in Wynberg. Plans are underway to launch a centre in Mafikeng in the North West before the end of the year; two in Kwa-Zulu-Natal at Phoenix and Umlazi; one in Bloemfontein in the Free State and one in Kimberly in the Northern Province. This amounts to another four centres, to give a total of nine. The NPA has indicated that as part of the 2005 Sixteen Day campaign it will be releasing an audit, and holding a dialogue on 7 December to review the performance of the Sexual Offences Courts and of the Thutuzela Centres[18].

VEP one-stop centres: As part of the DSD's Victim Empowerment Programme (see later section) three one-stop centres have been established to address the immediate multi-disciplinary needs of survivors of violence and to reduce secondary victimisation by the inaccessibility of services. DSD, SAPS, DOH and the DOJ render services at these one-stop centres. These centres, which are in the Northern Cape, Mpumalanga and the Eastern Cape, were established through donor funding from the Austrian Government through the United Nations Office for Drug and Crime. Each centre sees on average 55 clients a month. The Provincial Departments are continuing to sustain these centres.

GRIP operates in 10 centres, known as "care rooms", in the Greater Mpumalanga area from hospitals or SAPS premises. Diffusers (counsellors) are stationed at each care room 24 hours a day to attend to sexual assault victims. Each care room is equipped with a gynaecological bed and facilities required for a medico-legal examination.

Survivors who report a rape at a police station or hospital are immediately referred to the care room and the police and doctors then attend to the survivor in the care room which allows for safety and privacy, this process is conducive to avoiding any secondary trauma. The survivor is tested for HIV. This testing is coupled with pre and post test counselling. The diffusers then explain PEP to the survivor including giving them information and medication for side effects. The survivors are sent home with an initial course of PEP and a booklet which explains what PEP is and how it should be taken. The booklet can then be referred to when the survivor is less traumatised.

The centres each have a database in place to ensure that survivors come back and that they complete the treatment regimen. Constant follow ups by diffusers ensure that there is about a 90 percent adherence rate to the regimen. Survivors are given the choice to return to the centre for follow ups or for diffusers to visit their homes. Where survivors wish to return for follow ups but cannot afford the transport cost their transport fee is paid for by the organisation.

The care centres offer a complete package of treatment, care and support, and following the initial trauma counselling, pre and post test counselling, family counselling is also given to the families of survivors of sexual assault who may be having difficulty in coming to terms with the trauma.

[18] Source: Phumeza Mufuni, SOCA Unit, NPA

The diffusers are also responsible for helping the survivor to prepare for court proceedings. This involves pre-court training which is done in court, especially to prepare children for cross examination. On the day of the hearing the diffuser will go to court with the survivor and provide any assistance that is required. In order to build an important trust relationship all services are provided by the same diffuser, thus the same diffuser will help a survivor from the reporting stage to the hearing stage. As a result of the long term commitment shown by diffusers the care rooms have become a place of safety and refuge for survivors of violence.

Through GRIP's fieldworkers there is a 100 percent return for PEP medication for those who are eligible. The good relationship with SAPS results in rapid reporting and a higher successful prosecution rate. GRIP attributes the success to services being available 24 hours a day, seven days a week.

Ikhaya le Themba: The centre, which currently sees between 600 and 650 clients a month, is a 24-hour one-stop centre for women and children who have experienced abuse[19]. The centre provides a multi-disciplinary, integrated and holistic service to survivors of gender violence. The service team consists of 11 social workers, five doctors, six nurses, one NPA manager, 57 police officers and four house mothers. The building also houses NGO's, namely NICRO, Teddy Bear Clinic and Be Court Wise who also provide services to clients.

"Through GRIP's fieldworkers there is a 100 percent return for PEP medication for those who are eligible."

Women who have been abused are able to access all of the required services under one roof, from the time of reporting a case to completion of the case. The centre is equipped to do medico legal examinations which it does for the whole of Johannesburg and most of the province.

The centre is registered with the Department of Health to administer PEP to survivors of sexual violence but the manager says that a lack of guidance with regard to PEP policy is one of the challenges they experience. The social workers are professional and provide women with pre and post test counselling, follow up counselling, they are prepared for court hearings and given a post trial debriefing all of which makes them feel completely supported.

The building that houses Ikhaya le Themba is currently being renovated by the Department of Public Works but by April 2006 should be open to house 150 women and children, seeking shelter form abusive partners, for up to nine months. This timeframe is used because it is the maximum length of time that it should take the NPA to finalise such cases. After April other departments such as the Department of Education will also become involved with education and skills development projects to ensure that women are developed and therefore equipped with skills when it comes time to leave the centre.

The main strengths are that the facility is well publicised and therefore well known; it never closes and it is staffed with trained multi-disciplinary staff who assist women in one place and therefore reduce any further trauma that might take place in trying to access services. Strong political commitment and the financial support received from government have been the key to the success of this initiative.

[19] Information provided by Alice Wainwright, Professional services, Ikhaya le Themba.



Concerns

- ***Needs and targets:*** There has not been a national audit of what one-stop services exist relative to the need, nor specific, co-ordinated targets established for achieving this. The NPA has noted that in the Western Cape, where there is a direct link between a Sexual Offences Court and a Thutuzela Centre (Wynberg) conviction rates of 95 percent are achieved. Presently there are 52 SOCs, and as noted in a later section, these handle a tiny percentage of all sexual offence cases. Thus it is fair to assume that at a minimum there is need for as many one-stop services as there are sexual offences courts (ie 52, as compared to the 23 one-stop centres identified in this audit); and that in fact there should be many more of *both* the one-stop centres and the SOCs. Another way of looking at this is that currently Thutuzela Care Centres service some 3000 clients per annum, compared to the approximately 55 000 cases of rape that get reported each year. This is about five percent of the total. At a generous estimate, not more than 10 percent of those who need one stop services are currently getting access to them. There is also need for the one-stop centres to be directly linked to the SOCs and to be geographically located in such a way that these links can be made.

- ***Approaches:*** As this section illustrates, there are several different approaches to one-stop services. Each has advantages and disadvantages. There appears to have been little analysis into what the most effective of these strategies is: both from the perspective of clients and from a cost point of view. There also does not appear to be much co-ordination between the various efforts. What, for example, is the fit between the DOH's new policy on addressing sexual assault, which would gear all health facilities to provide treatment and care, as well as gather forensic evidence, and the one-stop centres? Would a model such as that presented by GRIP where an NGO works with health facilities to ensure comprehensive and sensitive treatment for survivors of gender violence, as well as effective links to the criminal justice system, provide a more cost effective model for ensuring provision of these services at *every* health facility than NPA and DSD creating separate one-stop centres? These are critical questions to pose during the 2005 Sixteen Days of Activism Campaign.

Recommendations

- As part of the **National Action Plan to end Gender Violence** proposed in this audit, agencies that provide one-stop services should conduct a needs assessment and propose a comprehensive, cost effective strategy for ensuring that every survivor of gender violence is able to access the full set of services they require, wherever they are in the country.
- Based on this audit, meaningful targets and indicators should be developed for service delivery.
- Regular surveys should be conducted to establish the levels of service and customer satisfaction.

Sexual Offences Courts[20]

Key issues

The SOCs are specialised courts that have been established by the Department of Justice and Constitutional Development to deal with sexual offences cases. In 2004, 39 SOCs had been established nationwide. They fall under the Sexual Offences and Community Affairs Unit (SOCA) of the National Prosecuting Authority (NPA) that focuses on violent and indecent offences committed against women and children, family violence, and child support and justice. It ensures that these cases are prioritised, monitors the quality of delivery, and ensures that victims and witnesses receive decent treatment in courts.

Action points 2004

The 2004 Sixteen Day cyber dialogues urged the Department of Justice and Constitutional Development to establish more SOCs to deal with the large number of sexual offences cases.

Progress

South Africa has established 52 specialist SOCs countrywide. Twenty-six of these are blueprint-compliant and attention is being paid to providing the infrastructure to make the remaining courts blueprint-compliant. Services have been greatly improved due to the strong relations cultivated with other key departments.

Between March 2004 and March 2005, an average of 63 specialised sexual offences courts were in session, including dedicated courts that alternate bi-monthly. Some of these courts are operating on an additional basis.

As a result of their specialised focus, these courts have an average conviction rate of 63 percent as opposed to seven percent in cases dealt with by ordinary courts. In Wynberg, Western Cape, where there is a direct link between a Thutuzela Centre and a SOC, conviction rates of 95 percent are being achieved.

A comparative analysis of the cycle time of sexual offences cases in dedicated SOCs showed that case turnaround had dramatically decreased from 285 days to 142 days (from first appearance to the finalisation of cases).

Concerns

- ***Number of courts:*** While the SOCs have clearly proven their worth, the inadequacy of this service remains a concern. Between April 2004 and February 2005, the 63 courts

"South Africa has established 52 specialist Sexual Offences Courts countrywide."

[20] Sources:
2005 - Progress report on the implementation of the Beijing Platform for Action – The Presidency, RSA;

2004 - Examining Gender Realities in the New Democracy - Idasa;

2005 - The Department of Justice and Constitutional Development special edition newsletter 20 May 2005.



in session finalised 5771 cases, an average of 91 cases per court. Considering that there are about 55,000 *reported* cases of rape each year, a crude estimate of the number of such courts that is required is about 604, or 10 times the current number. Yet existing plans are for 10 such courts a year for the next five years[21], giving a total of just over 100 dedicated sexual offences courts, or one sixth of what is conservatively required. As in the case of one-stop centres, there does not appear to have been a proper needs assessment to set meaningful targets and indicators.

- ***Effective strategies:*** It is also not clear whether "alternating courts" provide a strategy for speeding up the delivery of this service. Links between the SOCs and the one-stop facilities such as Thutuzela centres have also not been clearly thought through.

Recommendations

- As part of the **National Action Plan for Ending Gender Violence** proposed in this audit, the NPA should undertake a needs analysis for SOCs, and establish realistic targets and indicators for achieving this, based on an assessment of cost effective options as well as linkages to one-stop centres.
- The SOCs that are not blueprint compliant should become blueprint compliant.

Victim Empowerment Programme (VEP)

Key issues

The purpose of the VEP is to facilitate the establishment and integration of inter-departmental/ inter-sector programmes and policies for the support, protection and empowerment of victims of crime and violence with a specific focus on women and children. It also ensures that the implementation of such programmes and policies is monitored and implemented.

The VEP is part of the National Crime Prevention Strategy approved in May 1996, which identified addressing the needs of victims as one of the priorities, and charged the Department of Social Development with leading this initiative.

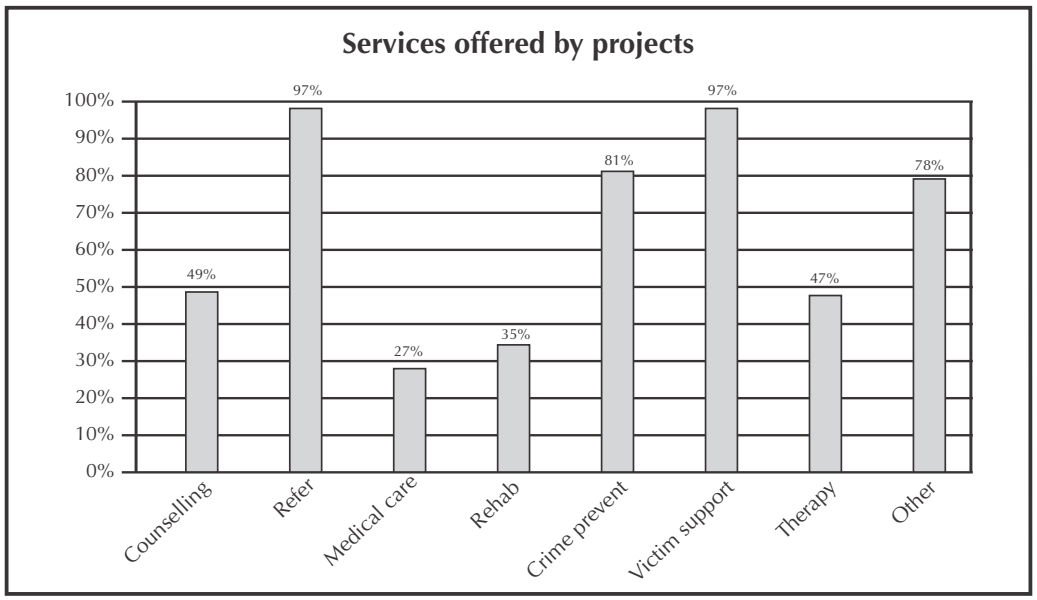
The programme is inter-departmental and inter-sectoral lead and co-ordinated by the DSD and comprising representation from the Departments of Health, Justice, Correctional Services, South African Police Service and Education. Civil society organisations are also represented in the VEP Management Team.

The VEP advocates a new way of approaching crime as a social issue and adopting a victim-centred restorative justice approach. Key principles include: the right to be treated with respect and dignity; the right to offer information; the right to receive information; the right to legal advice; the right to protection and the right to compensation.

[21] NPA Website

Some 120 Victim Empowerment Projects have been established since the inception of VEP in 1999. An impact analysis of these projects found that 44 percent of the projects focused on women and children who are sexually and physically abused; while 46 percent said they focused on victims of crime such as car accidents and hijacking (this percentage also includes "victims of apartheid").

As illustrated in the graph below, services offered by projects include counselling, medical care, rehabilitation, crime prevention, victim support therapy and other services.



Among the projects that have received funding through VEP are: the National Network on Violence Against Women; the Ilitha Psychological Services NGO in Fort Hare; the Shoshanguve Trauma Centre; the University of South Africa's Department of Industrial Psychology; the Themba Lesizwe NGO; the Walk the Talk Challenge from Durban to Cape Town and the Stop Abuse Helpline of the Johannesburg Life Line. This national help line (0800 150 150) has been in operation since 1999 and is currently being funded by the Gauteng Department of Social Development (GDSD). The impact analysis cited above found that only 83 percent of the projects funded presented business plans.

Action points 2004

The action points from the Sixteen Days Cyber Dialogues in 2004 highlighted a need for improvement in the availability of information on services to women in rural areas. It was also noted that services available to survivors of gender violence should include vocational training. The cyber dialogues identified the need to undertake an impact assessment of existing project.

"The VEP advocates a new way of approaching crime as a social issue and adopting a victim-centred restorative justice approach."

Progress

VEP Policy: As a result of the review of the Victim Empowerment Projects, DSD has developed a VEP Policy which serves as a framework to guide service delivery to victims of violence is currently being approved by the various Senior Management Forums. It has been costed to facilitate implementation at all levels of government and by civil society organisations. The target date for final approval is January 2006.

A National Resource Directory: A data base of services available, in each province, for survivors of violence has been compiled to promote accessibility of services and is updated annually. This directory is available from social development offices and on the DSD website. However the link on the website does not work.

A toll free line: Lifeline originally had 18 counsellors working on it but that number had to be reduced to three due to a lack of funding. Since the GSDS has been providing funding the number of counselors has increased to 10, with the final aim being to increase it to the original number of 18. However, funding is still problematic. As funding for the line is only received on a yearly basis further funding will be needed in order for the line to stay in existence.[22]

In the past financial year 150 653 calls were presented, 72 040 (48 percent) of these calls were answered and 41 182 (57 percent) of these calls were logged into data sheets by counsellors. The number of female callers was 81 percent compared with 19 percent male callers.

[22] Stop gender violence helpline – Annual report April 2004 – February 2005

The following table shows the types of calls received in the period April 2004 to February 2005 and the most common reasons for calling.

Table Four

Content of Genuine Calls to the SGV Helpline (April 2004 - February 2005)

Tyoe of calls	April 2004	May 2004	June 2004	July 2004	August 2004	Sept 2004	Oct 2004	Nov 2004	Dec 2004	Jan 2004	Feb 2004	(11 Months) Total
Information	45%	47%	42%	43%	53%	57%	58%	57%	59%	63%	56%	53%
Counselling	55%	53%	58%	57%	47%	43%	42%	43%	41%	37%	44%	47%
Callers Referred	49%	62%	57%	59%	27%	32%	22%	62%	64%	62%	62%	51%
Most common reason for calling												
Emotional Abuse	69%	69%	70%	71%	69%	67%	74%	62%	68%	68%	78%	70%
Physical Abuse	11%	9%	7%	5%	14%	14%	13%	12%	13%	13%	9%	11%
Maintenance	5%	6%	6%	5%	5%	4%	4%	5%	3%	6%	3%	5%
Economic Abuse	3%	3%	3%	3%	3%	3%	3%	3%	3%	1%	0%	3%
Rape	2%	2%	5%	3%	2%	2%	3%	3%	2%	2%	4%	3%
Child Abuse	2%	1%	2%	2%	1%	1%	1%	2%	2%	3%	2%	2%

This data shows that the main role of the SGV Helpline during the financial year 2004/05 remained education on gender-based violence issues, but that there was an increase in the need for support and care of survivors of gender-based violence.

One-stop centres: As noted in an earlier section, three one stop centres to address the immediate multi disciplinary needs of victims of violence have been established.

Concerns

- ***The piecemeal nature of the VEP***, and their "fit" with the other strategic initiatives for providing services to survivors of violence remain a concern.
- ***Information*** also remains a concern when the National Resource Directory cannot be accessed on the website.
- ***The funding crisis*** experienced by Life Line is symptomatic of the many funding frustrations that NGOs have with DSD that make it difficult to plan and sustain quality services. However, findings in the "Strategy and Tactics" report about the failure by some NGOs to present business plans are also a cause for concern.

Recommendations

- The VEP Policy should be approved by January 2006 and implemented during the course of next year.
- The DSD should ensure that the National Resource Directory is available and updated regularly and that the links on the website work.
- Vital services such as the toll free line should be supported on a long term basis by DSD to ensure sustainability.
- DSD should review its funding mechanisms to ensure transparency and sustainability in its dealings with NGOs that provide vital services.
- NGOs should ensure accountability in their dealings with DSD.

"The piecemeal nature of the VEP, and their "fit" with the other strategic initiatives for providing services to survivors of violence remain a concern."

Legal aid

Key issues

The Legal Aid Board (LAB) is an autonomous statutory body established by the Legal Aid Act, No 22 of 1969. In line with The Constitution of the Republic of South Africa which affords every person access to justice, the role of the LAB is to provide legal aid, at State expense, to those who cannot afford their own legal representation. The LAB therefore attempts to provide legal aid to as many poor people as possible, including vulnerable groups such as women, children and the rural poor. It does this in an independent and impartial manner with the intention of enhancing justice and public confidence in the law and administration of justice.



Action points 2004

The 2004 Sixteen Day cyber dialogues highlighted:

- Lack of information and an inability to access legal aid was cited as a major obstacle for women in accessing the justice system.
- The need for legal aid centres to be set up, particularly in rural areas. The centres should cover a broad range of legal matters such as maintenance, protection orders, etc.
- The need for certain legal forms, which are only available in English, should be translated in other languages.

Progress

The LAB has embarked on a programme to expand awareness of human rights and the rule of law by implementing programmes to increase the awareness of citizen's rights to access justice in terms of the constitution. This includes public lectures, community events and community radio Q & A, amongst others. These are community-based programmes attended by women, children, CBOs, NGOs with key stakeholders being SAPS, DOJ, churches, School Governing Bodies etc.

The LAB single access number, 08610 LEGAL, was launched in 2005. The Legal Aid Guide is currently being revised into a simplified and easy to understand format. It is currently only available in English but LAB hope to have it translated into other languages in the future.

The National Coverage Plan, which identifies gaps in the delivery of mandated legal services and proposes measures to address these were investigated during the period 2004/05. Provincial and local coverage plans are to be developed in 2005/06.

The LAB maintained its national infrastructure of 57 Justice Centres and 13 High Court units. The number of satellite offices has been increased from 27 to 35.

Table Five Legal Aid Board Centres

No	Regional Office	Province	Justice Centres	High Court Units	No of Satellite offices
1	Kopanong	Gauteng	8	3	5
2		Limpopo	5	0	3
3		Northwest	6	1	0
4	Kwazulu Natal/ Mpumalanga	Kwazulu Natal	10	2	4
5		Mpumalanga	4	0	4
6	Eastern Cape/ Free State	Eastern Cape	10	4	10
7		Free State	4	1	2
8	Western Cape/ Northern Cape	Western Cape	7	1	5
9		Northern Cape	3	1	2
	TOTAL		**57**	**13**	**35**

Source: Legal Aid Board Annual Report 2005.

Concerns

Despite this progress, access to legal aid remains a major concern, especially for poor rural women. As in the case of other services, it is not appear that the LAB has conducted a thorough needs assessment to enable it to set clear targets and indicators for service provision. There has also not been an impact analysis of the awareness programmes already undertaken with regard to who is targeted and who is reached. Language remains a barrier to access.

Recommendations

- As part of the **National Action Plan to end Gender Violence**, the LAB should undertake a needs analysis of its services in relation to gender based violence and set realistic, time-bound targets for achieving this.
- Information should be made available in languages other than English, the Legal Aid Guide to be translated into at least two other official languages.
- Legal forms should be translated into other languages.

Child-headed households

Key issues

In South Africa the AIDS epidemic has resulted in a growing number of orphans. Relatives or friends often lack sufficient resources to foster orphans. This has led to the emergence of child-headed households, children who run households without parents or other adult caregivers. The definition of a child-headed household is considered to be a household that is headed by a child under the age of 19 years.

There are no accurate and updated statistics on child-headed households but the 2001 census indicated that 2.03 percent of households were headed by children below the age of 20. Other sources estimate that at least one in eight children are already orphans while many more are living with and often caring for ill parents or primary caregivers, as well as for their siblings.

According to the Policy Framework for Orphans and Other Children Made Vulnerable by HIV and AIDS, child-headed households are recognised as a family type when:

- The parent or primary caregiver of the household is terminally ill or has died.
- No adult family member is available to provide care for the children in the household.
- A child has assumed the role of primary caregiver in respect of a child or children in the household in terms of providing food, clothing, and psychosocial support.

In 2002 the Government adopted a National Integrated Plan for Children and Youth Infected and Affected with HIV/AIDS (NIP) to ensure that individuals, households and communities, especially the children affected by HIV/AIDS have access to an appropriate and effective integrated system of prevention, care and support services at community level. This plan endorses

"In South Africa the AIDS epidemic has resulted in a growing number of orphans. Relatives or friends often lack sufficient resources to foster orphans."

a community and home-based care model based on a children's rights approach which accepts that children orphaned by AIDS face special challenges which are often best met in supportive community settings. The Plan identifies the focus of each Department – DOH: Prevention, voluntary testing and counseling and home based care; DOE: Life skills and HIV/AIDS education in primary and secondary schools; DSD: Community mobilisation and community based care.



Action points 2004

The 2004 Sixteen Day Cyber Dialogues called for support to child-headed households.

Progress[23]

In July 2005 DSD launched the *Policy Framework for Orphans and Other Children made Vulnerable by HIV/AIDS*. The objective of this framework is to:

- Ensure coordinated action at national, provincial, district and local level to realise the rights of orphans and other children made vulnerable by HIV and AIDS, their caregivers, families and communities
- Ensure that legal, policy and institutional frameworks for the protection and promotion of the rights of affected children are implemented at all levels
- Provide an overarching framework to support stakeholders in the development of comprehensive, age appropriate, integrated and quality responses to orphans and other children made vulnerable by HIV and AIDS.

In accordance with the community and home-based care initiative there are currently about 4 900 caregivers registered and which receive a stipend, and about 12 000 volunteers. The caregivers assist with accessing child and foster care grants and ensure that such grants are not being abused. The challenge that still remains is the inability of children to access grants because they lack necessary identity documents. Care givers also assist vulnerable children with food support which they can also access at drop-in centres. They are responsible for monitoring the child-headed households and they are expected to report to the DSD in this regard.

Concerns

The full extent of the vulnerability of child-headed households is not yet fully understood. The DSD has commissioned a study on child-headed households to be released in September 2006.

Recommendations

- The DSD study on child-headed households should be completed by September 2006; widely distributed and used to set targets and indicators for supporting this sector.
- Statistics on child-headed households should be disaggregated by gender.

[23] Sources: National Integrated Plan for Children and Youth Infected and Affected with HIV/AIDS (NIP) (2002) Policy Framework for Orphans and Other Children made Vulnerable by HIV/AIDS (2005).

4 SOCIAL, CULTURAL, EDUCATION, TRAINING AND AWARENESS BUILDING



Photo: Nonqaba Waka Msimang

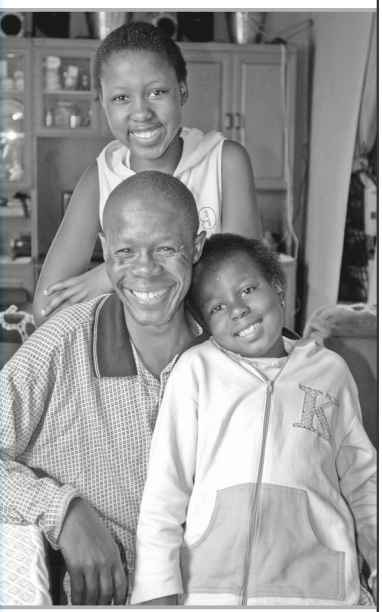
The SADC Addendum on Eradicating Violence Against Women and Children commits governments to:

- Promote the eradication of elements in traditional norms and religious beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women and children.
- Introduce and support gender sensitisation and public and public awareness programmes aimed at eradicating violence against women and children.
- Encourage the media to play a constructive role in the eradication of violence against women and children, by adopting guidelines which ensure sensitive coverage of the issues and avoid the perpetuation of stereotypes.
- Introduce and promoting gender sensitisation and training of all service providers engaged in the administration of justice, such as judicial officers, prosecutors, police, prison, welfare, and health.
- Undertake and share research and the gathering of statistics and information on causes, prevalence and consequences of violence against women and children.
- Encourage the exchange of national, regional and international best practices for the eradication of violence against women and children.

Laws, policies and services can help to mitigate the gruesome effects of gender violence. But how do we prevent it? How do we change the mindsets of those who believe that it is okay, even justified, to violate the rights of women and children? How do we empower women to stand up for their rights?

This chapter explores the progress that has been made in challenging traditional norms and values that have often been used to perpetuate violence; engaging men as partners; challenging gender violence in schools; providing gender sensitivity training to service providers; engaging the media as well as effective, sustained awareness raising.

Challenging traditional norms and involving men



Key issues

Recognition that patriarchy is the root cause of unequal power relations that contribute to and result in gender violence has led to a focus on masculinities and gender violence. The importance of challenging culture, tradition and religion as well as involving men in efforts to end gender violence has been recognised as an important strategy by women's organisations and government. Equally important has been work that has begun with young men and boys.

Action points 2004

The Sixteen Day cyber dialogues placed a strong emphasis on challenging those aspects of custom, culture and religion that oppress women, as well as engaging men as partners.

Progress

Project Ndabezitha: The Domestic Violence section of the National Prosecuting Authority (NPA) has initiated Project Ndabezitha in partnership with the House of Traditional Leaders. The project acknowledges the specific experiences of rural women and the role of traditional leaders in addressing gender violence in their communities. An important aspect of this project is the creation of a referral system between prosecutors and traditional leaders, since in rural areas it is often traditional leaders who are the entry-point into the criminal justice system. The Integrated Training on Domestic Violence manual will also be used in the training of traditional leaders which is scheduled to begin in February 2006. Restorative justice forms an important component of this training.

Men's networks: A number of men's organisations provide training for men on masculinity and gender violence. Many of these programmes address the intersections of gender violence, poverty and HIV/AIDS as well as the intersections of other social aspects. During 2005 men's organisations continued to provide this training for men. These include: Engender Health, Gender Education and Training Network, the Men's Forum and others; including women's organisations.

ADAPT Men's Programme

The 46 full-time members of the *Men's Forum*, otherwise known as the "ADAPT foot soldiers" meet every Friday evening at the ADAPT offices in Alexandra. They began meeting in February 2005. The meetings take the form of informal discussions as well as training workshops and information sharing on issues of masculinity, gender violence and other issues affecting men.

Once a month members of the Men's Forum visit a tavern as part of ADAPT's *Tavern Project* where they interact with patrons and share information about the Men's Programme in an informal and non-threatening environment. Ten taverns have been visited in 2005, reaching at least 70 men per visit and approximately 700 in total. The project is run in partnership with tavern owners in Alexandra.

The *Prison Project* has reached approximately 125 inmates in 2005 through a support group that is held with groups of 25 inmates at a time. The project works towards supporting men's rehabilitation. Once the men have served their sentences, they are invited to join the Men's Forum. This has some challenges as distance and transport costs make it difficult for men who live outside of Alexandra to attend.

The Schools Project targets young men in schools in Alexandra. Approximately 18 young men from schools in the area meet to discuss issues around gender relations and violence against women and positive life skills.

In total, the ADAPT Men's Programme has reached approximately 889 men through its work.

Source: Veli Nsibande, ADAPT Men's Programme Co-ordinator.

CGE Men's Summit: March 2005 saw the culmination of a men's project undertaken by the Commission on Gender Equality (CGE) at which religious leaders, traditional leaders, provincial legislators, councilors from districts and local municipalities, national and provincial gender machinery and men's organisations came together at a Summit titled: *Men and Gender Transformation at the Crossroad: Seeking Positive Engagements*.

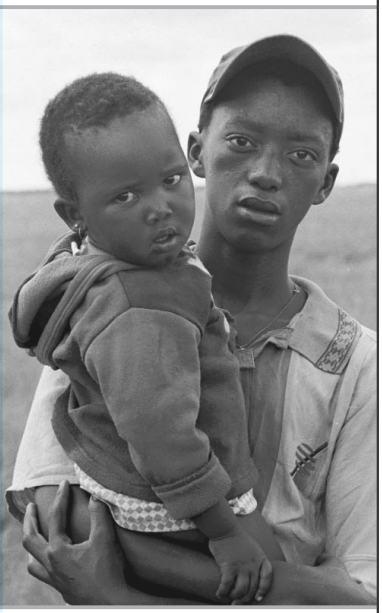
The Summit made a number of recommendations regarding men's involvement in ending violence against women. These included:

- Strengthening outreach and education amongst the youth and influencing the school curriculum beyond life skills.
- Establishing Men's Forums at local levels.
- Establishing a space in which perpetrators of violence can engage with issues of gender violence and developing a manual in this regard.
- Using special courts to monitor the abuse of children and young adults.
- Working towards gender transformation at an institutional level and developing ways in which local leaders can become involved.

"A number of men's organisations provide training for men on masculinity and gender violence."

Men's dialogue: In August 2005, the Men as Partners Network made a presentation on men's role in ending gender violence to the Men's Dialogue in Parliament hosted by the Joint Monitoring Committee on Improvement of Quality of Life and Status of Women.

Concerns



Despite these positive developments, a number of studies suggest that attitudes and opinions are slow to change and that there is a danger of backlash.

A study of 3000 Gauteng men between 15 and 34 carried out by the Population Council Group[24] found that:

- 27 percent of men believe that if a woman has been drinking, it is her fault if she is raped.
- 42 percent say that a woman who wears a mini skirt and drinks is asking for trouble.
- 29 percent believe a man needs to have sex with other women besides her wife.
- 21 percent believe that a flirting woman wants sex.

In an article written prior to the release of the CGE National Opinion Survey in late 2005, Chana Majake, CEO of the CGE and researcher Lisa-Anne Julien noted: "*From the discussions, the issue of negative cultural practices, including religious practices and the inherent potential to oppress women proved to be a common denominator in investigations of root causes of GBV. Participants felt that cultural and religious beliefs often placed women in subordinate positions vis-à-vis men and that this prevented women from resisting incidents and abuse while at the same time limiting their options for seeking safety in the community or with relatives.*" [25]

In a positive indicator of changing attitudes, the study found that 81.24 percent of women and 67.65 percent of men agreed with the statement: "If a woman does not want to engage in sexual intercourse and her husband forces himself on her, this is rape."

But responses to the question: "Do you think there are circumstances where women invite rape" included:

- *Yes, I think women do sometimes invite rape to themselves, like when wearing mini-skirts. They are in a way selling themselves to these men who are raping them* (Female, rural).

- *Yes, there are circumstances such as the way they behave and what they wear. They wear mini-skirts and like to lean next to men and forget that men have feelings also and at the end you end up tempted and sleep with her thereafter they call it rape* (Male, peri-urban).

[24] Sunday Times, 3 October 2004

[25] Julien L & Majake C (2005) "A matter of opinion: the National Gender Opinion Survey conducted by the Commission on Gender Equality" in Agenda, 64.

Other comments included:

- *There was a particular case where a woman was told if you leave your kids will suffer because of this thing of ancestors. They told her that her kids will give her trouble. In another case, when there was abuse the kids were used to protect the marriage and make the woman stay* (Female, Phahameng, Limpopo).

- *I am from a rural area and we find it difficult to deal with these issues because they are taken as family issues. Some of these cases are reported to an induna (headman) and there is nothing that happens except that the man who has done wrong will only be warned not to do that anymore* (Male, Mpophomeni, KwaZulu-Natal).

A study by Professor Graham Lindegger of the University of Kwa-Zulu Natal into masculinity found that South African men are feeling threatened by women, and that younger men are feeling threatened by "sugar daddies."

"There was a particular case where a woman was told if you leave your kids will suffer because of this thing of ancestors."

Recommendations

- Changing mindsets should be the overarching goal of the **National Action Plan to End Gender Violence**, and should be taken up by all politicians.
- Innovative ways must continue to be found for engaging with traditional authorities and men.
- The CGE's Gender Opinion Survey should be used to develop targeted campaigns aimed at addressing attitudes that perpetuate gender violence.
- The survey should be undertaken every five years, using the same indices, so that meaningful comparisons can be made, and campaigns adjusted accordingly.

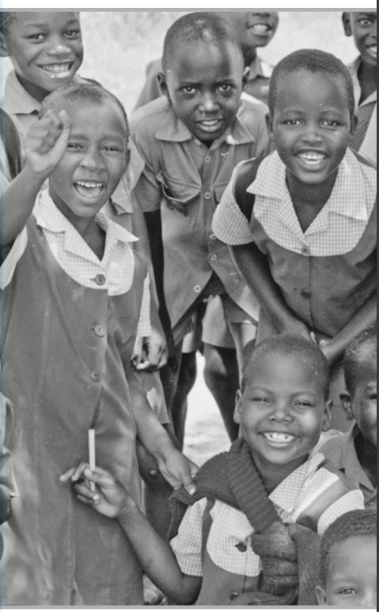


Photo: Gender Links

Safety in schools

Key issues

Other than the home, schools are one of the most important agencies for socialisation in any society. Yet many of the gender stereotypes that girls and boys grow up with at home follow them, sometimes even more acutely, to schools. These reflect in the gender divisions of labour (girls clean; boys work in the garden); the gender stereotypes in books; and the kinds of subjects that boys and girls are encouraged to pursue (science and maths for the boys; the arts for girls). They also reflect, sadly and shockingly, in the high levels of gender violence in many schools.



The Human Rights Watch Report, *Scared at School* brought the issue into sharp focus when it stated that: "South African girls too often encounter violence in their schools. South African girls continue to be raped, sexually abused, sexually harassed, and assaulted at school by male classmates and teachers."

Action point 2004

The 2004 Sixteen Day Cyber Dialogues recommended that education should start early, at home and in schools. The school curriculum should be reviewed, evaluated and restructured to ensure that issues of gender equality are integrated into teaching.

Progress

The South African Police Services (SAPS) has launched the **Safer Schools Project** which so far has involved visiting 1253 schools. The Ministry for Safety and Security is working with the Departments of Education and Social Development to define a more co-ordinated programme to deal with crime in our schools. A range of materials have been developed and made available to educators, learners and policy-makers to assist them in their work to address gender violence in schools [26].

These include:

- *Signposts for Safe Schools* is a workbook produced in collaboration with the South African Police Service which provides information on ways to deal with safety and social issues that impact negatively on teaching and learning.
- *Opening our Eyes* is a handbook for learners and educators on managing sexual harassment and gender-based violence. The handbook covers a range of aspects including strategies of working with learners on sexual harassment, guidelines for educators on the abuse of learners, gender and HIV/AIDS and other issues.
- *Issues on gender in schools* is a publication that introduces educators to issues of gender by focusing on the school environment with the purpose of eliminating gender biases held by learners and classroom practices by educators.

[26] Source: Correspondence with Jubes Vilakazi, Department of Education, Safety in Schools Project.

- Two booklets – one for educators and the other for learners both titled *"Stopping sexual harassment in schools"* are aimed at creating a culture within schools that does not tolerate sexual harassment.
- The *Sexual Harassment Guidelines for Schools and Colleges* attempt to create an enabling environment for learning and teaching in and out of the classroom by empowering learners, educators and school governing bodies with the knowledge and skills on how to deal with sexual harassment.
- *Self defence project:* The Ikusasa Lethu self-defence project has been implemented in schools in KwaZulu Natal, the Free State, Limpopo, the Northern Cape, North West and Mpumalanga and reached 2 263 schools in 898 schools. The aim of the project is to provide skills which children and educators can use to extricate themselves from dangerous situations. It is currently being evaluated.

Concerns

Continued media reports about teachers who get off free after raping learners are a cause of great concern. The fact that schools are unsafe for young women is one of the greatest indictments on our young democracy.

"Continued media reports about teachers who get off free after raping learners are a cause of great concern."

Recommendations

- As part of the **National Action Plan to End Gender Violence** the Department of Education should put forward an emergency plan for ending violence in schools and for the strictest measures to be taken against educators who abuse pupils.

Gender sensitivity training for law enforcement agencies

Key issues

Lack of gender sensitivity among law enforcement agencies has long been cited as one of the main obstacles to addressing gender violence.

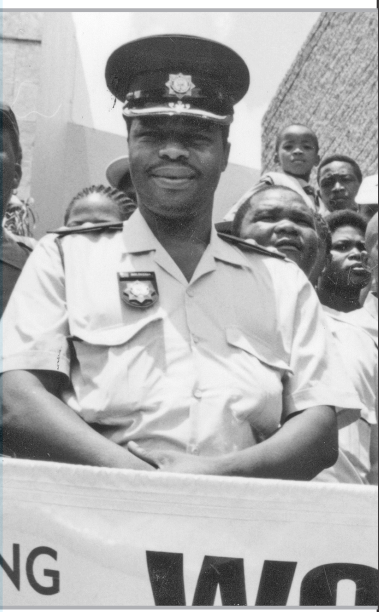
Action points 2004

The 2004 Sixteen Day Cyber Dialogues highlighted the importance of law enforcement agencies receiving training in the implementation of the Domestic Violence Act.

Progress

Integrated Training on Domestic Violence Manual: The Integrated Domestic Violence Training Programme (IDVTP) was piloted in 2000 and the Integrated Training on Domestic Violence manual launched on 29 March 2004. The programme aims to conduct inter-sector training with officials from across departments dealing with domestic violence in districts. However funding constraints have slowed the roll-out of the training across disciplines although training is happening separately. This will certainly impact on the extent to which the initial target of 550 trained members of the criminal justice system by 2006 will be reached.

The Domestic Violence Section at the Sexual Offences and Community Unit (SOCA) of the National Prosecutions Authority (NPA) have begun a project to train prosecutors on domestic violence and are using a slightly adapted version of the manual for its training. In October 2004 a group of 100 prosecutors from five provinces began the training. A key aim of this project is to build a pool of registered trainers and assessors within the NPA to help fast track the implementation of the Training Programme whose training will comply with the requirements of the Skills Development Act.



Tsidi Kambule of the NPA says "we have high quality prosecutors who are subject matter [domestic violence] experts, but who do not have the skills to impart this knowledge to others. The training of trainers' process will ensure that this knowledge is shared and built upon so that we move towards building "specialists" for domestic violence – police, doctors, magistrates, prosecutors etc."

Inter-sector training on the Victims Charter: According to the Department of Justice and Constitutional Development, 4 282 trainers have been trained to roll out the training on the Victim's Charter in their Departments. This training will be strengthened by the manual.

Concerns

As in the case of many services, there does not appear to have been a comprehensive needs assessment of training needs among law enforcement agencies to serve as a basis for an action plan with clear targets and indicators.

Recommendations

- As part of the **National Action Plan for Ending Gender Violence**, the NPA and other law enforcement agencies should undertake an assessment of gender sensitivity training needs among law enforcement agencies and devise a clear plan, with targets, time frames and indicators for achieving this.

Media

Key issues

The Gender and Media Baseline Study (GMBS) conducted by Gender Links and the Media Institute of Southern Africa (MISA) in 2003 found that women constitute 19 percent of news sources in South Africa, and that to the extent that woman are likely to be seen in the media it as sex objects or victims of violence.

The study found that of the two percent gender specific coverage, half comprised stories on violence against women. These were, however, often written in insensitive ways: highlighting the bizarre; trivialising the experiences of women; exonerating the perpetrator; and assigning blame to women for bringing the violation upon themselves, for example as a result of wearing short skirts. The majority of stories emanated from the courts and seldom quoted the women most directly affected. Often these stories lack context, depth and analysis, and are not rooted in a human rights perspective. This and other studies have concluded that often where gender violence is concerned *the media is as much a part of the problem as of the solution*.

"Often where gender violence is concerned the media is as much a part of the problem as of the solution."

Since the GMBS, gender and media networks around the region have been conducting training for the media and mounting campaigns such as the Sixteen Days of Activism with a strong focus on providing the media with a wider range of views, perspectives, facts and figures to improve coverage.

During the 2004 campaign, both Gender Links and the Media Monitoring Project (MMP) monitored media coverage in South Africa. The GL monitoring included the period just before and during the campaign. This showed that on average media coverage of gender violence went up from 12 percent (in the two weeks before the campaign) to 27 percent during the campaign. Significantly women comprised 40 percent of the sources on gender violence stories. Qualitative findings (see box below) also pointed to important shifts in approaches, perspectives and depth of coverage.

It's not only about numbers

What is often more important than the number of the stories that appear in the media is the quality of these stories. The qualitative monitoring of the Sixteen Day South Africa coverage in 2004 showed that:

- **Survivor not victim:** Monitors picked out stories that challenged the view that women are "victims" of violence. They found that in stories where women were given a platform to tell their stories and air their views, this resulted in empowering and supportive stories that portrayed the women as "survivors".



- **Telling their stories:** "Speaking Out" featured prominently in the campaign. SABC 3 paid particularly attention to this running a number of stories during the campaign where survivors of violence were speaking out against abuse that they had suffered. This channel broadcast a story per day as part of the Sixteen Days of Activism and all the stories were based on events taking place around the campaign.

- **Not only women:** A number of stories highlighted the fact that women are not the only victims of gender violence. The *Star* carried a story about a young man who survived a gang rape and how this experience impacted on him and his family. The story is progressive because it acknowledges the existence of a phenomenon not commonly spoken about and through this takes the issue out of the private domain into the public. It is important for stories like these to be highlighted in the media to dispel myths and to break taboos that exist around male rape.

- **Justice must be served:** A number of stories highlighted problems within the justice system – especially in the police service. The *City Press* ran a story about a police officer who assaulted a woman after she had been raped. The *Sunday Times* ran a story about police officers at the Yeoville police station that refused to take action when a woman went to report the rape of her daughter. Stories like these highlight some of the problems that women face, when the people that should be protecting them are in fact part of the problem. More stories like should be published to bring the publics and the attention to these atrocities and they should go further to engage with higher authorities to try and ensure that things like stop happening.

Excerpts from GL's "Mirror on the Media Report", Sixteen Days 2004.

In similar findings, the MMP found that women constituted 46 percent of sources in stories on violence against women during the campaign[28]. In addition the monitoring found that:

- Women journalists told 55 percent of all stories.
- 6 percent of topics focused on positive advocacy efforts.
- The media made a clear effort to reflect the role of men in the campaign.

However, as the headlines below from the monitoring reflect, gender stereotypes still abound in the media:

- "Henpecked hubby terrified of cops – so lies to cops"
- "Community hand over sex-bid man"
- "Spouse-killer rewarded robbery with sex"
- "Battered woman in coma, accused on bail"
- "Wife bashers: try love and sex instead"

[28] Source: Media Monitoring Project (2005) "Keeping an eye on the campaign: Monitoring media coverage of the 16 Days of Activism: No Violence Against Woman and Children Campaign.

Action points 2004

The Sixteen Day 2004 Cyber Dialogues highlighted the following action points:

- The media should assess how they portray women and men and how this contributes to gender inequality.
- The media should not sensationalise gender violence but speak to survivors and give them the opportunity to tell their stories.
- The media, especially community radio, must be part of public awareness and education campaigns on gender violence.
- The public should lodge complaints when they have concerns about media coverage.

Progress

Over the year, the South African Gender and Media Network (SAGEM) that comprises NGOs working in the gender, media and justice fields has kept a close watch on the media, conducting periodic monitoring and issuing alerts as appropriate.

From May 29 till June 11, the MMP undertook a monitoring project: *Monitoring men: an analysis of the representation of men in the media* with the Soul City Institute for Health and Development Communication.[26] This followed the MMP's finding in its 2004 report that despite welcome attempts to include men and boys in the Sixteen Days of Activism coverage the media provides very few alternative role models of men.

The report *Men in the media* states that the challenge to address gender inequality, gender-based violence and child abuse lies as much with men as it does with the media as highlighted by the following key findings:

- Men occupy a greater diversity of roles than women do in the media.
- Men are most commonly shown in sports.
- Men are absent and represented in limited and largely negative roles in the domestic violence and social spheres in the media.
- Femicide stories frequently lack content and analysis which contributes to the men concerned being represented as rash, illogical and irrational in their actions.

Men's organisations have begun working with media to address this. One project involves a partnership with the Commission on Gender Equality, the Men's Forum, EngenderHealth and the South African Broadcast Corporation. An early activity will be to encourage positive male role models who are celebrities to use their positions to promote positive and non-violent behaviour amongst male youth. Negotiations are also being held with the SABC on the use of digital stories that have been produced by Engender Health as part of its work with men that record the first hand testimonies of men and women who have benefited from participating in Men As Partners activities. It is hoped that this will take place during the Sixteen Days of Activism on Gender Violence.

"The media should assess how they portray women and men and how this contributes to gender inequality."

[26] Source: MMP and Soul City (2005) "Men in the media".

Concerns

Although there has been no formal monitoring of gender violence coverage during the year (the MMP will conduct its gender violence monitoring again during the 2005 campaign) a number of articles over the course of 2005 have raised the concern of gender activists, as illustrated in the two examples below.



Old habits die hard

On May 5 2005 the ***Daily Sun*** newspaper reported on a case of femicide in which Steve Nkone shot dead his ex-wife, Nthabiseng Nkone, a pre-school teacher in Soweto. Nkone called the Daily Sun to confess to the killing, hence the front page story of 5 May. He later committed suicide after also shooting and injuring a Daily Sun reporter. Below is an extract from the "Daily Sun comment" that appeared alongside the story:

"ANY black man growing up in the time of apartheid will know all about feeling humiliated and insulted. That was what that cruel policy REALLY did.
So times have changed- and now woman power stares many men in the face! One of the fruits of the revolution of 1994 has been that women are taking their rightful place in society, alongside men.
But for some men that can be very difficult- first the old Boers and now the women! First they were chased and humiliated; now they must fit in again as the old male rules of society change completely.
Such men wonder when, if ever, THEIR good times will come!

In an article entitled "Media have a responsibility to promote non-violence" written for the GL commentary service Thandi Lewin notes: "Disturbing …. is that in making middle-aged men the victims in this situation, the editorial implies firstly that Steve Nkone is a victim of social circumstances that are beyond his control, and worse that Nthabiseng Nkone's death was her own fault. The effect of this editorial in placing the perpetrator as a victim is to take away his agency, and in effect to condone murder. The focus becomes what did she do to cause him to kill her?"

The front page of ***Die Burger*** of 18 October 2005 informs the reader that Jessica Wheeler was found dead in the garden of a church. The cause of her death is attributed to the inhalation of soil that suffocated her when her rapists forced her face into the ground while sodomising her. The forensic criminologist is then quoted as calling this a "rape gone wrong". The reader is informed that Wheeler was wearing a g-string and that her blood would be tested for alcohol and drugs.

Writing for the GL Commentary Service Amanda Gouws of the Department of Political Science, University of Stellenbosch observes: "It was not only the callous way in which the sodomy and murder of Jessica Wheeler was portrayed on the front page of a newspaper, nor the shocking remark of a woman forensic criminologist that called it a "rape gone wrong"

that stunned me, but the fact that the editorial team of Die Burger apparently found nothing wrong with this type of reporting. Wheeler died in the most horrific of circumstances, yet she is portrayed as the "guilty" party here. Her death is dished up to the reader in a titillating way as though we are just watching another scene of a porn film that turned into a snuff movie."

Recommendations

- The media, and particularly the public broadcaster, should commit during the Sixteen Day campaign to developing gender policies that include targets and indicators for removing gender bias and ensuring gender balance in coverage.
- Monitoring of media coverage of gender violence by NGOs should be sustained and systematic, and be debated with the media, through the South African National Editors Forum (SANEF) on a regular basis.

General Awareness

Key issues

Over the last five years, NGOs in the gender justice sector have worked with government to mount sustained campaigns aimed at raising awareness, effective behaviour change and securing high level political commitment to ending gender violence using the Sixteen Days of Activism as a rallying point. These campaigns have sought to build the capacity of gender activists and citizens to use forms of communication, from traditional, to community to mainstream, to "new" media for mobilising and putting messages across more effectively. The Gender Links Cyber Dialogues project, that involves getting communities to have face to face debates and then link up with decision-makers in real time "chats", has worked to harness IT for gender justice.

Action points 2004

The 2004 Sixteen Days of Activism Campaign recommended that the Cyber Dialolgues be extended to rural areas in South Africa as well as in the SADC region, thus using the potential of IT to bring together the voices of those not often heard in the mainstream.

Progress

Responding to this challenge, Gender Links undertook a series of Sixteen Day planning and IT training workshops throughout the SADC region with the Gender and Media Southern Africa

"The media, and particularly the public broadcaster, should commit to developing gender policies."

(GEMSA) Networks. In partnership with the Government Information and Communication Services (GCIS) GL has provided IT training in two rural sites in each South African province. GL developed an *IT for Advocacy Manual* that has been used in the regional and national training.

In total, 200 activists in the SADC region, and 360 people in 20 sites around South Africa have been trained. Partnerships with local government have also yielded positive benefits with councilors in the City of Johannesburg, Msunduzi and Ethekwini municipalities also receiving training in the course of 2005. The three municipalities will serve as hubs during the Sixteen Day campaign.



Additional hub's – at which ordinary citizens have access to computers to participate in the cyber dialogues- have been identified in partnership with the municipalities and GCIS access points.

An important feature of the 2005 cyber dialogues is that they will be regional, and will be run in several different languages: English, Zulu, Sotho, Afrikaans, Portuguese and Creole. In South Africa, this audit and its recommendations will serve as the basis for securing commitment to a National Action Plan to End Gender Violence during the Sixteen Days campaign.

Each year government support for the campaign has continued to increase under the leadership of the Deputy Minister for Correctional Services Cheryl Gillwald. In 2005, the government will prioritise Imbizos attended by senior political figures at trauma centres, Thutuzela centres, sexual offences courts, places of worship, clinics, traditional leadership councils and police stations. The Deputy President Phumzile Mlambo-Ngcuka will officiate at the opening and closing ceremonies of the campaign.

Concerns

A major concern with campaigns of this nature is sustainability. There is a danger that when the same messages are made over and over, some ears may begin to close.

Recommendations

- The organisers of the campaign need to get into action mode, by securing commitments in 2005 to the action points identified in this audit, and the many others that will be raised during the Cyber Dialogues. By becoming effective watchdogs of transformation, rather than just advocates of change, the organisers of the campaign can strengthen effective tracking, monitoring and evaluation which up to now has been the weakest link in efforts to end gender violence.

5 INTEGRATED APPROACHES AND BUDGETARY ALLOCATIONS



Photo: Nonqaba Waka Msimang

The SADC Addendum on Eradicating Violence Against Women and Children commits governments to:

- Ensure that all these measures are implemented in an integrated manner by all stakeholders;
- Allocate the necessary resources to ensure the implementation and sustainability of the above programmes.

The best intentions are often undermined by inadequate planning, costing and lack of effective co-ordination. This final chapter of the audit examines the various attempts to create greater synergy between the government departments that have a role to play in ending gender violence, as well as NGOs working in this field. Consideration is also given to the fraught attempts to identify what resources have been allocated to ending gender violence, and how a key element of National Action Plan to End Gender Violence should be a proper costing of this plan so that adequate resources can be mobilised.

Integrated approaches

Key issues

Government and civil society have been conscious of the need for multi-sector and multi-disciplinary strategies to ensure that women have access to interrelated services from police, health, prosecution, courts, correctional services and social development.



In 1996 the government launched the **National Crime Prevention Strategy (NCPS)** to address the fragmented approach of crime prevention by the criminal justice system. The Justice Crime Prevention Strategy (JCPS) that followed in 1999 went beyond addressing crime and inefficiencies in the justice system by incorporating a broader focus on societal aspects and the negative effects of crime on development.

Government and civil society work together on specific campaigns such as the Sixteen Days. But as a whole, the gender justice sector suffers from a lack of proper coordination which results in gaps on the one hand and duplication of work on the other. The absence of a holistic response has undermined efforts to address gender violence.

Action points 2004

The 2004 cyber dialogues stressed the importance of existing coordinating mechanisms between government and civil society, and of inter-government agencies for ending gender violence being strengthened but failed to come up with specific recommendations for doing so.

Progress

National Strategy to Combat Rape: The JCPS integrated response to violence against women has led to the development of an anti-rape strategy which is in the process of being finalised. The strategy is being developed by an ***Inter-Departmental Management Team*** consisting of the Department of Social Development, Department of Justice and Constitutional Development, Department of Health, Department of Education, Department of Correctional Services, the Treasury South African Police Services - led by the Sexual Offences and Community Affairs Unit (SOCA) of the National Prosecutions Authority (NPA).

A direct response to the high levels of sexual violence, particularly rape – which, according to recent SAPS crime statistics, increased by four percent over the 2004/2005 period – the rape strategy is centred on three pillars for intervention: *support* for victims and rehabilitated offenders, *responses* to and *preventing* of sexual violence.

The strategy is informed by the findings of a baseline study on sexual offences which established what current interventions were working and why; what are the problems with existing interventions; what the gaps are; and lastly what are the specific needs of survivors of sexual violence.

The Inter-Departmental Management Team plans to hold a dialogue during the 16 Days of Activism in Gender Violence in 2005 to discuss the anti-rape strategy and related issues as well as to update role-players including civil society on the status of the strategy. For now, it is anticipated that the strategy will be piloted in Kwa-Zulu Natal, the Eastern Cape and Limpopo Province by June 2006.

Advocate Thoko Majokweni, head of the NPA's SOCA told Business Day: "Research has found that certain response mechanisms are excellent such as the police's Thuthuzela programme which government intends using as its 'responsive vehicle'." [27]

Thuthuzela centres are 24-hour "one stop" service centres where survivors of violence have access to all services including police, doctors, counseling, court preparation and prosecutors. According to SOCA, specialised sexual offences courts that are linked to Thuthuzela centres have a much higher conviction rate than other sexual offences and other courts. For example, in the Western Cape the Wynberg Sexual Offences Court, which is linked to the Manenberg Thuthuzela Centre, has a conviction rate of 95 percent rate (see also Chapter three).

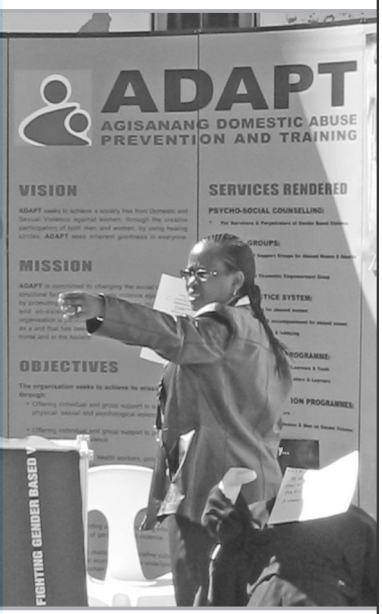
The Victim Empowerment Programme (VEP) that also emerged from the NCPS, and is driven by DSD, is an inter-departmental programme developed for the support, protection and empowerment of survivors of violence. The VEP advocates that crime prevention programmes should be approached from a social development perspective and that families should be provided with the necessary support and resources to assist them in dealing with their circumstances. The VEP is based not only on inter-departmental co-operation but also on building and maintaining partnerships with NGOs, CBOs, faith based organisations, institutions of higher learning, researchers and business (see also Chapter three).

The 16 Days campaign is example of how gender violence is being addressed in an integrated way by government and civil society. The campaign, which has grown from strength to strength since its launch in 1999, now involves civil society organisations, faith-based organisations, media, State-Owned Enterprises and private sector organisation countrywide. It is co-ordinated by the department of Correctional Services and the Government Communication and Information Services (GCIS). The cyber dialogues launched at the 2004 campaign by Gender Links and GCIS is an innovative initiative that brings ordinary people into contact with decision-makers and experts in cyber space. In 2005 Gender Links and its partners NiSAA, Womens Net and GAP conducted IT for advocacy training at two rural sites in each of the nine provinces in

"The rape strategy is centred on three pillars for intervention: support for victims and rehabilitated offenders, responses to and preventing of sexual violence."

[27] Business Day, 25 August

partnership with GCIS in an effort to broaden the campaign and ensure that people living in rural areas have access and can participate in the campaign.



This year's campaign takes on a regional focus with training also having taken place in ten countries in the SADC region through the GEMSA (Gender and Media in Southern Africa) Network. Five of the cyber dialogues will be regional involving experts and decision-makers from the entire SADC region (see also Chapter four).

Concerns

Despite these efforts at more integrated and co-ordinated approaches, concerns about fragmentation persist.

The one stop centres described in detail in Chapter three are a case in point. Several different models have been tried by different agencies: the Thutuzela Centres by the National Prosecuting Authority (NPA); the VEP centres by the Department of Social Development (DSD); the Ikhaya leThemba centre by the Gauteng provincial government and the on-site hospital services partnership between GRIP and the Department of Health (DOH). Yet there appears to be little attempt to study which of these models is most effective; how they can work together, or what the long term game plan should be to ensure that all South African women, wherever they may be, have access to integrated services.

While at a superficial level there are cordial working relationships between government and NGOs, lack of consultation on substantive issues has emerged as a concern. For example, NGOs have not had access to the redrafted Sexual Offences Bill, despite the numerous amendments that have been made largely due to their advocacy efforts. The fact that government is only now going to consult with NGOs on the anti-rape strategy also points to weaknesses in consultative mechanisms.

A recurrent theme in this audit is that the problem of gender violence is not abating; resources are limited; and more effective responses are called for. Numerous sections point to the absence of proper audits of needs versus existing responses; as well as the identification of gaps leading to plans, allocation of responsibilities, targets, and indicators for measuring success.

Recommendations

- The single most important recommendation emerging from this audit is for a National Action Plan to End Gender Violence with specific targets, indicators, allocations of responsibility and a score card against which progress will be measured this time next year.
- As an input into such a plan, the 2005 cyber dialogues will initiate debate on all the recommendations made in this audit. The wall of commitments at all major centres, and on the GL website will garner commitments towards these action points, as well as add

any that emerge during the debates. These commitments will be summarised during the "Day of Commitment" on 9 December.
- Early in 2006 government should convene an Imbizo where all stakeholders can make an input into the draft action plan based on the outputs of the Sixteen Day campaign.
- The Plan should include the creation of a mechanism that brings together government and NGO gender justice coordinating mechanisms that meets regularly to track progress; *not just during Sixteen Day campaigns.*
- To work more efficiently, this structure should be divided into sub-committees addressing the different areas of concern, such as legislation, service delivery, public awareness, education and training etc.

Budgets

Key issues

The issue of resource allocations for ending gender violence has long been a sore point. In 1996, activists hailed the fast tracking of the Domestic Violence Act, only to bemoan the fact that it had not been properly costed.

A study carried out by the Gender Programme of the Centre for the Study of Violence and Reconciliation in 2002, commissioned by the Joint Monitoring Committee on the Quality of Life and Status of Women (JMCIQLSW) as part of the gender budget initiative found that:

- The Department of Justice had never considered how broadening the definition of relationships would increase the number of people applying for protection order. For example prior to the act the Alberton Court in Gauteng received 374 applications in 1999; by 2000 this had increased to 1696 applications.
- Court personnel said they lacked training, stationery, vehicles and facilities.
- The study could not identify specific sums of money for the implementation of the act.[28]

The 2002 annual report of the JMCIQLSW identified the need for a massive public education campaign on the act, following field visits that showed few women are aware of the legislation.

Partly in response to pressure from civil society, finance minister Trevor Manuel announced in the 2003 budget an allocation of R40 million to the criminal justice system specifically for fighting violence against women and children. The CSVR commented that for this money to be well spent, the act needs to be costed, indicators and benchmarks developed.

Cheryl Gillwald, then Deputy Minister of Justice, now Deputy Minister of Correctional services, said it's not only a case of throwing cash at the problem: *"I see the constant gap between vision and reality, all the time. All departments are under funded. There will never be enough money.*

"The issue of resource allocations for ending gender violence has long been a sore point."

[28] The CSVR study (forthcoming) is called "The budget appears to be less than required: Four government departments."

The DVA is more than money. It is about the will of people to deliver a service, the will to make it work. We need a culture change in the bureaucracy. Batho pele (the public service creed of people first) must mean something. (In a cross cutting area like gender justice) we need to allocate people responsibility, and then hold them accountable. The people we serve are patient to a fault. We need a mechanism from our side that says this is the minimum service level. The will to make things work together is critical because it energises the resources that are there. It makes every rand spent go ten times further."



Deputy Minister of Correctional Services, Cheryl Gillwald.

She advocated a two-prong strategy: *"It's not only about new courts and specialised facilities. We have 40 sexual offences courts and we will add ten each year. But this can't be at the expense of courts generally. They must be an add on, and they must be sustainable. It is also about existing courts working. Right now the system is so patchy it is like a sieve. We have to make sure that the ordinary courts respond better in specialised situations, even if all they do is to refer to the specialised facilities."*[29]

Concerns about the lack of costing for the DVA led to the reluctance by the Justice Portfolio Committee to make specific provisions in the Sexual Offences Bill like the treatment and care clause that would oblige government to ensure an easily accessible, comprehensive package of treatment and care for survivors of sexual assault before this had been costed. Activists argued that the solution is to cost the provision: not to avoid it.

Action points 2004

The 2004 Sixteen Day cyber dialogues argued strongly for the reinstatement of the treatment clause; the proper costing of the Sexual Offences bill; budgetary allocations for this and for all strategies to end gender violence.

Progress

The treatment clause has been reinstated in the current draft of the Sexual Offences Bill, which suggests that the relevant departments have also accepted the need to cost this and to make adequate budgetary allocations.

While the 2005 Budget gave some consideration towards addressing gender inequality, it is largely gender blind. There was no mention of gender violence in the budget speech of 2005, but reference to the allocation of resources to finance safe and secure environments as well as increases in allocation to improving access to education and improving school buildings where learning takes place.[30]

[29] Interview, Ringing up the Changes, Gender in Southern African Politics expenditures on activities addressing violence against women."

[30] Source: Idasa (2005) Gender and Budget 2005.

Concerns

As Deputy Minister Cheryl Gillwald alluded to, the issue of budgets is closely linked to that of greater efficiency, which in turn links to better co-ordination and synergy. For example, although the Thutuzela Centres (of which there are only five) have proven to be among the best options for providing integrated services and securing high conviction rates, how realistic is it to argue for such facilities to be rolled out on the scale they are required, and if not what are the alternatives?

Should we not be working through the Department of health sexual offences policy to ensure that all health facilities are geared to address the problem, and that they are closely linked with Sexual Offences Courts? What about the GRIP model in Mpumalanga, where an NGO is stationed at busy hospitals to ensure that specialised services are rendered to survivors of gender violence, including access to the criminal justice system? What are the costs versus benefits of each of these approaches? How can delivery be speeded up in a cost effective way?

The other concern that emerges strongly in this audit is the fact that foreign funds to support the work of NGOs working in this field are drying up. Foreign donors cannot be expected to fund basic services like shelters. These resources must come from government. Although the DSD is geared to provide some support, this is often inadequate and sporadic. The scaling down of the work of many NGOs working in this sector and threats of well known support services like shelters closing down are ominous indeed at a time when an even more concerted campaign should be taking place to end gender violence.

Recommendations

- A key component of the National Action Plan to End Gender Violence should be a costing of each action, based on an assessment of needs, existing resources, gaps and the most efficient delivery methods. The costing should also indicate existing and possible sources of funds.
- As in the 2003 budget, government should make specific budgetary allocations for ending gender violence, and these should be disaggregated in a transparent manner.
- In particular, the DSD should state clearly what resources are available to support NGOs working in the gender justice sector; simplify application procedures and provide resources on the basis that allows for multi-year planning.
- The plan should include consideration of how spheres of government other than just national departments can be mobilised to provide resources as part of the plan. For example, as the key agency for service delivery, local government should play a far more active role in this regard.
- Foreign and local donors (particularly the private sector) should be invited to be partners in the National Action Plan workshop, which should assist them in channelling their support where is mot needed and where they can see multiplier effects.

“ Government should make specific budgetary allocations for ending gender violence.”

6 CHECKLIST FOR CHANGE



Photo: Colleen Lowe Morna

The SADC Addendum on Eradicating Violence Against Women and Children commits governments to:

- Ensure that all these measures are implemented in an integrated manner by all stakeholders;
- Allocate the necessary resources to ensure the implementation and sustainability of the above programmes.

The final chapter of this audit contains a summary of all the recommendations made throughout the book. The intention is that these recommendations will be turned into a draft action plan that will identify specific actions to be taken, by whom and when, and how progress can be measured.

The draft action plan will be displayed during the 2005 Sixteen Day campaign, and will be available on the Gender Links website; . Key stake holders will be asked to add to and modify the list of action points, as well as indicate what specific contribution they will make. These will be reviewed and summarised on December 9, where it will also be proposed that an *Imbizo* be convened early in the New Year to finalise this plan and put it into action in 2006. The "checklist for change" identified in this audit follows.

Laws and policies

The Sexual Offences Bill

- ✓ The most recent version of the Sexual Offences Bill should be made public.
- ✓ If the Bill is going back to Cabinet, parliament should once again allow for public consultation and participation around the Bill.
- ✓ The Bill should establish, as a legislative principle, the need for comprehensive and holistic health and counseling services for rape victims/survivors.
- ✓ Establish inter-sector co-ordinating frameworks that will encourage the Departments of Health, Social Development, Justice and Constitutional Development, Correctional Services and the SAPS to work in partnership with each other, as well as civil society at all levels, to draw up policies and guidelines around sexual offences, as well as monitor the implementation of such law and policies.
- ✓ Uphold as a policy priority the establishment of specialist sexual offences courts and health facilities.
- ✓ Set out through policies and instructions, procedures for ensuring that court and evidentiary processes do not further traumatise rape survivors.
- ✓ Establish as a principle the need to manage and treat sex offenders, particularly juvenile offenders.
- ✓ Once the contents of the Bill have been agreed upon through a process of public consultation, the Bill should be enacted as a matter of priority.
- ✓ The various government departments as well as civil society organisations tasked with the implementing Sexual Offences legislation should be adequately resourced to do so.

Trafficking

- ✓ Trafficking legislation should be passed by the time of the 2006 Sixteen Day campaign.
- ✓ The government and civil society should work with IOM in its public awareness campaign and develop indicators for monitoring the success of this.

Sexual harassment

- ✓ Publicise the NEDLAC Code of Good Practice on Sexual Harassment.
- ✓ Strengthen the African Regional Network Against Sexual Harassment.
- ✓ Ensure support for those who take up cases of sexual harassment.

The Children's Bill

- ✓ The Children's Bill should be enacted and resources designated for its implementation by the time of the 2006 Sixteen Day campaign.
- ✓ Government and civil society should publicise the provisions of the Act.

Services

Places of safety

- ✓ As part of the National Action Plan on Gender Violence proposed in this audit, there should be a needs assessment of shelter requirements, to establish how many are needed and where, and to develop realistic targets and indicators for achieving this.
- ✓ The audit should include an assessment of the costs of running such shelters as well as sources of finance, to determine realistic government subventions to NGOs that run such shelters.
- ✓ Government procedures for supporting NGOs that run such facilities should be simplified and made more transparent.
- ✓ Possibilities of funding from other spheres of government than just the Department of Social Development (DSD) should be explored, as in the case of Ikhaya leThemba which is being supported by the provincial government. In particular, given that shelters fit squarely within the realm of community concerns, local government should shoulder some of the responsibility for providing such facilities.
- ✓ The action plan for the effective provision of shelters that should flow from the audit should include linking shelters to skills development programmes and income generating, as well as second-stage housing projects.
- ✓ The Shelter Network, linking the various NGOs working in this sector should be revived, and form an effective partnership with the various government agencies that have a role to play in this area, including DSD, housing and local government. It should also be an effective NGO lobby for the sector.

Treatment and care

- ✓ The Department of Health (DOH) national audit on the availability of, and adherence to the PEP regimen, must be completed and publicised.
- ✓ The DOH should report on steps taken to implement the National Sexual Assault Policy, as well as how stronger synergies can be developed between this and the establishment of one-stop services for survivors of sexual assault.
- ✓ The DOH and NGOs should jointly mount a public awareness campaign on treatment and care for survivors of gender violence, including the importance of women who are survivors of sexual assault having immediate access to PEP.

One stop services

- ✓ As part of the National Action Plan to end Gender Violence proposed in this audit, agencies that provide one stop services should conduct a needs assessment and propose a comprehensive, cost effective strategy for ensuring that every survivor of gender violence is able to access the full set of services they require, wherever they are in the country.
- ✓ Based on this audit, meaningful targets and indicators should be developed for service delivery.
- ✓ Regular surveys should be conducted to establish the levels of service and customer satisfaction.

Sexual offences courts (SOCs)

- ✓ As part of the National Action Plan for Ending Gender Violence proposed in this audit, the NPA should undertake a needs analysis for SCOs, and establish realistic targets and indicators for achieving this, based on an assessment of cost effective options as well as linkages to one stop centres.
- ✓ The SOCs that are not blueprint compliant should become blueprint compliant.

The Victim empowerment policy (VEP)

- ✓ The VEP Policy should be approved by January 2006 and implemented during the course of next year.
- ✓ The DSD should ensure that the National Resource Directory is available and updated regularly and that the links on the website work.
- ✓ Vital services such as the toll free line should be supported on a long term basis by DSD to ensure sustainability.
- ✓ DSD should review its funding mechanisms to ensure transparency and sustainability in its dealings with NGOs that provide vital services.
- ✓ NGOs should ensure accountability in their dealings with the DSD.

Legal Aid

- ✓ As part of the National Action Plan to end Gender Violence, the Legal Aid Board LAB should undertake a needs analysis of its services in relation to gender based violence and set realistic, time-bound targets for achieving this.
- ✓ Information should be made available in languages other than English, the Legal Aid Guide to be translated into at least two other official languages.
- ✓ Legal forms should be translated into other languages

Child headed households

- ✓ The DSD study on child-headed households should be completed by September 2006; widely distributed and used to set targets and indicators for supporting this sector.
- ✓ Statistics on child-headed households should be disaggregated by gender.

Social, cultural, education, training and awareness raising

Culture, tradition and the role of men

- ✓ Changing mindsets should be the overarching goal of the National Action Plan to End Gender Violence, and should be taken up by all politicians.
- ✓ Innovative ways must continue to be found for engaging with traditional authorities and men.
- ✓ The CGE's Gender Opinion Survey should be undertaken every five years, using the same indices, so that meaningful comparisons can be made, and targeted campaigns developed on the basis of this.

Schools

- ✓ As part of the National Action Plan to End Gender Violence the Department of Education (DOE) should put forward a clear strategy for ending violence in schools and for the strictest measures to be taken against educators who abuse pupils.

Gender sensitivity training for service providers

- ✓ As part of the National Action Plan for Ending Gender Violence, undertake an assessment of gender sensitivity training needs among law enforcement agencies and devise a clear plan, with targets, time frames and indicators for achieving this.

The media

- ✓ The media, and particularly the public broadcaster, should commit during the Sixteen Day campaign to develop gender policies that include targets and indicators for removing gender bias and ensuring gender balance in coverage.
- ✓ Monitoring of media coverage of gender violence by NGOs should be sustained and systematic, and be debated with the media, through the South African National Editors Forum (SANEF) on a regular basis.

Awareness raising

- ✓ The organisers of the campaign need to get into action mode, by securing commitments in 2005 to the action points identified in this audit, and the many others that will be raised during the cyber dialogues. By becoming effective watchdogs of transformation, rather than just advocates of change, the organisers of the campaign can contribute a missing link to this campaign: effective tracking, monitoring and evaluation.

Integrated approached and budgets

National Action Plan and Coordinating Structure

- ✓ The single most important recommendation emerging from this audit is for a National Action Plan to End Gender Violence with specific targets, indicators, allocations of responsibility and a score card against which progress will be measured this time next year.
- ✓ As an input into such a plan, the 2005 cyber dialogues will initiate debate on all the recommendations made in this audit. The wall of commitments at all major centres, and on the GL website will garner commitments towards these action points, as well as add any that emerge during the debates. These commitments will be summarised during the "Day of Commitment" on 9 December.
- ✓ Early in 2006 government should convene an Imbizo where all stakeholders can make an input into the draft action plan based on the outputs of the Sixteen Day Campaign.
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Correspondence and interviews

Correspondence with Samantha Waterhouse: National Working Group on the Sexual Offences Bill and Rape Crisis.
Correspondence with Joyce Maluleke, Head: Gender Directorate, Department of Justice and Constitutional Development.
Correspondence with Veli Nsibande, ADAPT Men's Programme Co-ordinator.
Correspondence with Patricia Khumalo, Sexual Harassment Education Project.
Correspondence with Carol Bower, Director: RAPCAN.
Correspondence with Phumeza Mufuni, SOCA Unit, NPA.
Correspondence with Jubes Vilakazi, Department of Education, Safety in Schools Project.
Interview (October 2005) Tsidi Kambule Head: DV Unit at SOCA NPA & Buyisiwe Nkala, State Advocate in Domestic Violence Section within the SOCA Unit at the NPA.
Interview with Dr Jean Benjamin: Deputy Minister Department of Social Development and Dr Malega Kganakga.



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The Sixteen Days of Activism On Gender Violence runs from the 25 November (International Day of No Violence Against Women) to 10 December each year. It includes: 1 December World Aids Day; 3 December International day for the disabled; 6 December Anniversary of the Montreal Massacre. Each year in South Africa this campaign has gained momentum as government and civil society join hands to expose the horror that still lurks in our newly democratic society. But what difference has the campaign made? This audit of the commitments made during the 2004 Cyber Dialogues that accompanied the campaign takes a hard look at whether we are doing enough to turn the high profile campaign into change where it really matters: the lives of women. It concludes that unless we commit ourselves to a National Action Plan to end Gender Violence, with targets, timeframes, indicators, clear roles and responsibilities, the campaign will become irrelevant.

gender links

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