



Briefing Paper 331

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## Human Dignity and Gender-Based Violence

### 1. Introduction<sup>1</sup>

The early months of 2013 were marked by an appalling escalation of violence, rape, abuse and brutality. South Africans, who are generally inured against violence, were shocked out of complacency due to the increasing severity of these crimes, as well as the fact that many of the perpetrators were known to their victims. Although many of these crimes are gender-based and are directed against women, it is not the intention of this paper to demonize men, but rather to understand the social processes and fragmentation that have contributed to the present conjuncture. Furthermore, it seeks to understand how such an aberration can take place in a society where the dignity, corporal integrity, and equality of all are upheld in the Bill of Rights enshrined in the Constitution. Such an understanding would hopefully provide an indication of the kind of interventions required to arrest this pattern of violence and to restore human dignity and security to all. The complexity of violence as a social phenomenon with its many ramifications needs to be studied in order to be effectively countered.

### 2. What is Gender-Based Violence?

In 1993, the UN Declaration on the Elimination of Violence against Women offered the first official definition of the term 'Gender-based Violence'. "Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life."

Article 2(b) of the Declaration continues:

"Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."

Gender-based violence has become an umbrella term for any harm that is perpetrated against a person's will, and that results from power inequalities that are based on gender roles. Around the world, gender-based violence almost always has a greater negative impact on women and girls.<sup>2</sup> However, men do experience many of the abuses outlined above. For example, rape is common in South African prisons. Many of South Africa's gay, lesbian and transgender citizens experience gender based violence and discrimination based on their sexual orientation. 'Corrective rape' is common and frequently coupled with murder. Crimes associated with

gender are characteristically under reported, under policed and under prosecuted. Furthermore existing legislation is not sufficiently implemented. "In adulthood and even into old age, women continue to be at risk of specific forms of violence simply by virtue of being female. Most of their abusers are known to them – they are boyfriends, husbands and other family members, people from their community and, in the case of older adults, those specifically designated as caregivers".<sup>3</sup>

### 3. International Human Rights Instruments

The UN Declaration of Human Rights (1948) asserts for all the right to equality, dignity and bodily integrity. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) is the most authoritative UN instrument protecting women from abuse and discrimination. In its 1993 'Vienna Declaration' the World Conference on Human Rights stressed "the importance of working towards the elimination of violence against women in public and private life, the elimination of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice, and the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism."

The World Conference on Human Rights called upon the UN General Assembly to adopt the draft declaration on violence against women, and urged states to combat violence against women in accordance with its provisions: "Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response".

Furthermore, the Conference recognized that there was an "urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings." It affirmed "that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms," and expressed "deep

concern about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women".<sup>4</sup>

### 4. Patriarchy

Broadly, patriarchy refers to social organization marked by the supremacy of the father in the clan or family, and the legal dependence of wives and children. There is a clearly hierarchal social structure in which men exercise control, or a disproportionately large share of power, in all aspects of social intercourse. A recent study conducted by Gender Links between 2010 and 2012 found that "patriarchal norms and attitudes, including those that excuse or legitimate the use of violence, are driving the high rates of gender-based violence in South Africa".<sup>5</sup>

Peter Leonard argues that "understanding ourselves and changing ourselves are parts of a single process... such understanding and change requires us to direct our attention to the ensemble of social relations of which we are constituted." However, "the act of violence is seldom considered in its historical, social or economic context".<sup>6</sup> The interaction of the influence of the dominant order and individual biographies, coupled with each unique family culture, is vital to our understanding of gender-based violence. Our dominant social order remains profoundly one of patriarchy,<sup>7</sup> and many of our social institutions contribute toward the perpetuation of patriarchy. The three mainstream religions of Judaism, Christianity and Islam, as well as many traditional social customs, affirm the dominance of a patriarchal family/domestic structure which is very difficult to challenge or transform. While we may pass laws which seek to create greater equality, the private and more intimate spaces remain difficult to penetrate. Often, societal and familial collusion make meaningful interventions very difficult, and a lack of awareness regarding the meaning of the rights to equality and to corporal integrity make it almost impossible for women to assert and claim their rights. Male hegemony is such that it is assumed and accepted to be 'the way things are'.<sup>8</sup>

### 5. 'Patri-anarchy'

Masculinity consultant Mike Abrams describes the escalation of gender-based violence as one of 'patri-anarchy'. The term suggests out of control,

uncontainable, chaotic, unpredictable and confused. He argues that this is indicative of a traumatic past and an uncertain present. The cruel realities of much of the past continue to shape the present. South Africa bares the scars of colonial dispossession, the migrant labour system, apartheid discrimination, the violence of the border war, and the desperate armed struggle for freedom.

Furthermore, the new South Africa in much of its processes and institutions remains untransformed. The economy remains reliant on migrant labour, the hostel system endures, and working conditions on the mines have not improved sufficiently. The geography of the country is dominated by informal settlements where service delivery is poor and living conditions are often dehumanizing.<sup>9</sup> Many men continue to feel powerless. Furthermore, unemployment is high and many young men have little expectation of finding work, and consequently have lot of time on their hands.<sup>10</sup> "It is the human condition to want to be active in society, to create value and meet human needs. All over the world more and more people are excluded from productive economic activity. This is particularly true of present day South Africa. It is acutely true for young South Africans".<sup>11</sup>

It is clear that many men continue to live in the context of social exclusion. "It should be emphasized that the physical conditions which cause psychological alienation are determined, in the first instance, by factors of social alienation, such as the lack of control over basic decision-making mechanisms in most people's professional and community lives".<sup>12</sup>

## 6. Increase in Gender-Based Violence

The escalation and prevalence of crimes against women and children has reached the point that it effectively seems 'normative'. Furthermore, the violence and crime directed at women and children is committed by people they know, in places where they should be safe – home, family, school, church and community. Amnesty International observes that "violence against women is the greatest human rights scandal of our times. From birth to death, in times of peace as well as war, women face discrimination and violence at the hands of the state, the community and the family. Violence in the family is endemic all over the world; the overwhelming majority of victims are women and girls."<sup>13</sup>

Furthermore, while research indicates that gender-based violence is *more* prevalent in poorer communities, it is in fact pervasive, in that it is not peculiar to any socio-economic class, race, age-group, religious belief or political persuasion. Silen-Perez emphasizes that "domestic violence is a pattern of behaviour designed to exert power and control over a person in an intimate relationship by using *coercive behaviour*, including intimidation, threats as well as harmful and/or harassing conduct. Domestic violence includes manifold abuses such as physical, sexual, emotional and/or psychological and spiritual".<sup>14</sup>

Disproportionate power in relationships leads to women being abused, assaulted, raped and killed. It happens in different contexts throughout our society, from the gang rape and disembowelment of Bredasdorp teenager Anene Booysen, to the 'corrective rape' of lesbian Dudu Zozo and the torture and rape of Ina Bonnette at the hands of her former husband. "The imbalance in power relations in such instances is easier to define, perhaps because of the extreme forms of violence involved. But when women do not protest or fight back, do not report the incidents to the police because they are intimidated by the personality they are up against, or simply surrender to what their superiors want, it is much more difficult to contend with and define as abuse".<sup>15</sup>

Complicity by law enforcement authorities is common. Presently, a police officer in Mamelodi stands accused of raping a 13-year-old girl, the third time he has been accused of raping an underage girl!<sup>16</sup> This is a horrifying indication of the failure of law enforcement to act. Acts of omission and acts of commission are closely related, and discourage victims from approaching law enforcement authorities where they frequently experience secondary victimization.

Last year the Parliamentary Portfolio Committee on Police took the SAPS to task over its failure to act in cases of domestic violence. Furthermore, the police's own audit reflected that very few police stations kept a register of reports of incidents of domestic violence, which is obligatory in terms of the Domestic Violence Act, and that many police officers were unaware of the need to do so.<sup>17</sup>

Economically, women often endure abuse out of economic necessity. Some have been prohibited from seeking employment, which renders them penniless should they leave. There are very few

shelters that are able or willing to take mothers with young children, especially children over the age of five. This effectively means that mothers in situations of domestic abuse of any kind who do not have family or friends that can provide accommodation, have nowhere to go. This has other consequences in that it divides families and may lead to older children being found in need of care and thus placed in either foster or institutional care.<sup>18</sup>

## 7. The Normalization of Gender-Based Violence

The continuing prevalence of violence has led to the normalization of violence as socially acceptable behaviour to be imitated. Popular culture plays an important role in determining what is considered as normative, and normal, behaviour. For example, research indicates that misogynous rap music has an effect on sexual aggression against women.<sup>19</sup> The insulting language we use is littered with words referring to the genitalia of women; and the word rape is now used to describe almost anything onerous. Such use subtracts from the seriousness of the meaning of the word, and by implication, of the act itself. Furthermore, the 'culture of entitlement', which pervades much of our socio-political discourse, extends to the domination of women expressed and conducted in the sexual sphere.

## 8. Pervasive Sexism

The incidents outlined below do not pertain narrowly to gender-based violence. However, they are indicative of a pervasive and persistent sexism in our society. These incidents occurred recently and have attracted much attention in the media and evoked considerable public discussion

Insults regarding an individual's physical appearance are sometimes made in Parliament by those who should know better. Recently, the DA's Parliamentary leader, Lindiwe Mazibuko, bore the brunt of such insults. During a Parliamentary debate, the ANC's John Jeffrey declared: "While the Honourable Mazibuko may be a person of substantial weight, her stature is questionable." He later indicated that he would be withdrawing the remark, which he said was intended to be a pun. Nevertheless, the insult

made the list of the top ten sexist comments in politics on the UK site of the Guardian newspaper.<sup>20</sup>

Demonstrators protesting teachers' grievances recently carried 'flags', for want of a better word, displaying underwear purporting to be that of Minister of Education Angie Motshekga. Both these incidents may seem to be trivial, and the apologies offered were no doubt sincere, but they are a lesson that women of different political persuasions are equally the subject of sexist comments, caricatures and the like. Legitimate debate does not need to be cast in such undermining terms, which have no relevance except to remind us that sexism is alive and well and everywhere. At the same time, it is not only men who fall into the sexism trap: the MEC for Health in Mpumalanga, Candith Mashego-Dlamini, recently stated that she could not comment on the deaths of 23 young boys at initiation schools in that province as she was 'only a woman'.<sup>21</sup>

According to a report by [www.iol.co.za](http://www.iol.co.za), men's magazine FHM (For Him Magazine)<sup>22</sup> editorial assistant Montle Moorosi, commented on Facebook that he thought rape could be "quite fun, if it is executed in a in a romantic manner. Like saying 'I love you' before you slip a roofie [Rohypnol, a sedative] in her Earl Grey tea." This comment was made in response to FHM's features editor, Max Barashenkov's, Facebook status update: "I propose correctional rape and sterilization for any white person who twerks."<sup>23</sup>

Romance and control, coercion and domination are not associated in any way. Rape is not a game. Such a flippant attitude is indicative of the objectification of the female person and the consequent disregarding of women's right to corporal integrity. Furthermore, such attitudes disregard the dangers of any further consequences, such as pregnancy or HIV infection. This incident well illustrates the dangers of the social media, such as Facebook, Twitter and internet 'chat-rooms', which provide opportunities to give vent to prejudice of all kinds and in so doing threaten the vulnerable, and some instances encourage violence against them. Careless words do much to make evident and reinforce prejudice.

## 9. Corrective Rape

'Corrective rape' refers to the practice whereby men rape gay women, and those perceived to be so, in order to punish them for being lesbians and to 'correct' what such men consider to be a 'disordered' or 'abnormal' orientation or lifestyle. Such a rape may be perpetrated by one man, but gang rape by several men seems to be more common. Many of these brutal, cruel attacks result in the death of the victim. Interestingly, the term was coined in South Africa where it first gained currency.<sup>24</sup>

Corrective rape is in direct contravention of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was discussed above. The Convention requires signatories to modify the conduct of private citizens to ensure equality, safety and respect for all women. Gender differences which compromise the image of femininity which is perceived as 'correct' are not tolerated by many men and are regarded as a threat to their 'masculinity', which then translates into prejudice and potentially into violence.<sup>25</sup> Arguably, very little has been done thus far to 'modify the conduct of private citizens' in South Africa. The communities in which these atrocities take place often share similar sentiments, and this renders those of different sexual orientation particularly vulnerable. Ostracism is common. As Melanie Nathan desperately comments, "All the LGBTI<sup>26</sup> community asks, with each burial, is for an end to the violence, for education and outreach, for a focus by the police and the authorities on bringing perpetrators of these horrendous crimes to justice. The suffering is unbearable".<sup>27</sup> To be clear, it is not exclusively gay women who are victimized; similar acts against gay men do occur, but most crimes committed on the basis of sexual orientation are directed against women.

## 10. The Rape of Infants and Young Children

Dr Amelia Kleijn, who has conducted research through interviews with convicted child rapists, concludes that "one of the findings from my study concerns the appalling maltreatment received by all the respondents - including corporal punishment. As children, the respondents were subjected to frequent and severe beatings with animal hide whips (called *sjamboks* in South Africa), fan belts, broomsticks, school rulers and blackboard dusters, shoes, handbags, and adults' fists and feet. The respondents' mothers most

often administered this 'punishment', as well as older male relatives, community members, and school teachers".<sup>28</sup> It is not clear whether or not such mothers were single parents, but this research serves to illustrate that violence and abuse are not sole preserve of men. Nurture in such households is manifestly absent, and there are few positive male role models.

The brutality of such an up-bringing plays a potentially determinant role in the development of people who later rape infants and small children. Offenders typically exhibit poor impulse control and low self-esteem, and have few ego strengths; they have difficulties in forming positive interpersonal relationships. They may exhibit signs of antisocial behavior and/or borderline personality disorder, and consequently experience "no remorse, empathy or concern for their victims". Kleijn continues that "whilst the aetiology of, and pathways to" sexual offending are complex, the risk factors associated with the long term consequences of physical punishment cannot be overlooked."<sup>29</sup> This points to the importance of the socialization of children and the education of parents in appropriate ways of disciplining children; these should be seen as important social interventions which would encourage respect for the corporal integrity of all.

## 11. Conclusion

This paper is in no way a comprehensive account of the extent, variety and consequences of gender-based violence. However, the following observations are apposite.

The search for a male identity, self-esteem and acknowledgement often leads to participation in gangs and to a sub-culture of violence which tends to include gender-based violence.<sup>30</sup> The experience of various interventions in Medellin, Colombia is instructive. The facilitators advocated that a conceptual focus on masculinities was needed in order to understand "why some male youths negotiated a pathway to manhood without joining a gang, arguing that two factors are central: family support in developing a moral rejection of gangs during childhood, and these youth's subsequent ability to form socialisation spaces away from the street corner. These factors helped them circumvent the influence of ...the gang male role model system."<sup>31</sup> The introduction of South Africa's Child Justice Act, which includes the innovative

'diversion process' when dealing with juvenile offenders, thus circumventing imprisonment, might go some way to helping local youth to avoid the 'gang male role models' that they inevitably encounter in prison.

Furthermore, there are policies and legislation that, if properly implemented, would do much to address the epidemic of gender-based violence. These include the recently-published White Paper on the Family; the amending of the various lacunae in the Sexual Offences Act; and proposed amendments to the Domestic Violence Act. All the aforesaid are also relevant to the intersectoral Children's Act. These are all vital tools that must be used.

Finally, "Advocacy programmes must be targeted at changing women's and men's attitudes towards gender relations. Engaging men and youth in the fight to reduce levels of gender-based violence cannot be underrated."<sup>32</sup> This would do much to retard brutality and to restore and promote the humanity, equality and dignity of all. As pioneering gender activist Susan B. Anthony asserted, "Men and their rights and nothing more; women and their rights and nothing less".<sup>33</sup>

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<sup>1</sup> On 18<sup>th</sup> April this year the CPLO together with NICRO and the Goedgeacht Forum for Social Reflection held a Roundtable Discussion focusing on the above. The Roundtable was addressed by Mike Abrams of Hands On; Carol Bower from Linali Consulting; Arina Smit from NICRO and Desmond Lesejane from Sonke Gender Justice.

<sup>2</sup> HHRI-Gender based violence.htm

<sup>3</sup> <http://brokendreams.wordpress.com/2006/08/19/defining-violence-against-women/>

<sup>4</sup> UN Declaration on the Elimination of Violence Against Women, 1993

<sup>5</sup> SA Info, 5<sup>th</sup> December 2012

<sup>6</sup> Leonard, P. Personality and Ideology: Critical Texts in Social Work and the Welfare State, Macmillan Press, 1984

<sup>7</sup> As in the above definition.

<sup>8</sup> Much of the psychosocial and political debate and analysis of the 1970s and 1980s focused on what constituted the greatest oppression of women – class, race or gender. It is clear that the most enduring of these is that of gender.

<sup>9</sup> The sanitation crisis leaps to mind. While the conduct of some of those protesting may seem somewhat dramatic and distasteful, it certainly serves to illustrate the nature of this form of structural violence in all its smelly and unsanitary reality.

<sup>10</sup> It should be noted that once a child attains the age of majority, which is 18, the social grant is withdrawn which means that the household income declines and that unemployed young people are therefore not contributing to the household income in anyway. Such younger people have plenty of time to contemplate the lack of service delivery, the difficulties in accessing tertiary education, and the temptations around substance abuse and petty crime.

<sup>11</sup> 'Citizen Charter Encourages Active Citizen Engagement', Polity 29<sup>th</sup> May 2013. The introduction of a youth wage as a solution to the chronic incidence of youth unemployment has been strenuously opposed by the trade unions as a threat to the job security of other employees whose wages are higher.

<sup>12</sup> Salmi, Jamil, 'Violence and Democratic Society: New approaches to Human Rights', Zed Books 1993

<sup>13</sup> Amnesty International

<sup>14</sup> <http://thefaceofpatriarchy.wikispaces.com/Domestic++Violence> 2006

<sup>15</sup> 'Power and Women Abuse: South Africa's Unspoken Disgrace', Rangeni Munusamy in the Daily Maverick, 2 August 2013

<sup>16</sup> News 24, 29<sup>th</sup> May 2013

<sup>17</sup> Researcher's own notes of the report by the Department of Police to the PPC on Police

<sup>18</sup> The Mater Domini Home, a Cape Town shelter for women in pregnancy crisis or suffering abuse is one of the very few homes prepared to accommodate children who are no longer infants or toddlers. This means that mothers are not separated from their older children, which is in line with both the Children's Act and the White Paper on the Family.

<sup>19</sup> 'The Influence of Misogynous Rap Music on Sexual Aggression Against Women', Baronagon, C and Gordon, C and Hall, N in Psychology of Women Quarterly, No. 19 1995

<sup>20</sup> <http://www.iol.co.za/news/politics/politicians-take-insults-to-new-level-1>.

<sup>21</sup> Sizwe Palma, Nehawu spokesperson, said: "23 people have died, lives have been lost, families have lost their loved ones, and yet the only thing that the MEC could offer was that there's nothing she could do because of tradition and culture! It's unacceptable... The laws and the human rights in this country are more important than any other religion, any other culture or any other tradition for that matter". 18<sup>th</sup> May 2013

<sup>22</sup> FHM South Africa's website describes it as a 'men's lifestyle magazine about everything that's sexy, funny, useful and relevant to South African guys'.

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<sup>23</sup> [www.iol.com](http://www.iol.com) Moorosi and Barashenkov were suspended by FHM Editor, Brendan Cooper, for making these comments

<sup>24</sup> The practice was highlighted in 2008 after the brutal death of Eudy Simelane, who was raped, stabbed 25 times and robbed before being murdered

<sup>25</sup> Such men may have had their advances rebuffed.

<sup>26</sup> LGBTI is the acronym for 'Lesbian, Gay, Bisexual, Trans-gendered and Inter-sex' people.

<sup>27</sup> Melanie Nathan is a lawyer, mediator, equality activist and writer on LGBTI issues.

<sup>28</sup> PhD. Summary: Parenting and "baby rapists" by Dr A Kleijn Version: April 2013

<sup>29</sup> Kleijn, A. 'Demographic Profile on Child Rapists', PhD thesis, Wits University 2010

<sup>30</sup> A newspaper earlier this year reported on an interview conducted with a juvenile and recently recruited gang member who had a tattoo asserting his membership of a particular gang. The article quoted him as saying that he would "get his next tattoo when he was in prison". This suggests that participation in a gang while in prison is seen as aspirational. Prison and the fraternity of the gang of which he belongs during his sentence are romanticized. He would command respect after his release from prison.

<sup>31</sup> Baird, A, 'Negotiating Pathways to Manhood: Rejecting Gangs and Violence in the Medellin Periphery' in Journal of Conflictology' Vol. 3 Issue 1 2012 May 20

<sup>32</sup> HHRI - Gender based violence files/Study reveals extent of gender violence - SouthAfrica.info.htm#.

<sup>33</sup> Susan B Anthony (1820-1906) was an American civil rights activist and also fought for the extension of suffrage to women.