



Women's Month 2022

Men, their rights, and nothing more; women, their rights, and nothing less".
Susan B. Anthony

1. Introduction

August is Women's Month in South Africa and 9th August this year marked 66 years since women of all races marched to the Union Buildings in Pretoria to protest against the pass laws that had been introduced by the apartheid government. They marched for equality, dignity and respect. However, even as we celebrate Women's Month, women are still being sexually assaulted and abused by men, often the ones they know. Despite the numerous campaigns and interventions by government and civil society organisations around gender-based violence, high levels of sexual assault, rape and femicide still occur.¹

On 28th July 2022, eight women working on a music video production in Krugersdorp were brutally raped, allegedly by Zama Zamas, or artisanal miners.² Speaking at a press conference after meeting the victims and their families, Police Minister Bheki Cele said that a 19-year-old who was raped by only one man was "lucky".³ Furthermore, at a subsequent press conference the Minister commented that "he could not imagine a beautiful woman with a zama zama".⁴ On both occasions he articulated the kind of patriarchal views that dominate much of our social discourse and influence the behaviour of men.

2. Gender Based Violence/GBV

The acronym GBV has entered our national lexicon, which diminishes the impact of the term. "It

is good journalism practice to use acronyms sparingly, especially in headlines. They are jarring and unfamiliar to many readers. But, like ATM and SAPS, GBV has become instantly recognisable and is increasingly not spelled out."⁵ This compromises the severity of the issue and the terrible impact that it has on the lives of so many. "Despite heightened visibility and policy reform, societal attitudes and conduct have not shifted in equal measure in the decades since the term was included in the UN Declaration on the Elimination of all forms of Violence Against Women in 1993."⁶

Gender-based violence, already a global crisis before the pandemic, has intensified since the outbreak of COVID-19. Lockdowns and other mobility restrictions left many women trapped with their abusers, isolated from social contact and support networks. Furthermore, financial dependence limits many women's ability to leave abusive situations.⁷

The South African Human Rights Commission (SAHRC) reported in 2018 that Statistics South Africa (StatsSA) had estimated that 21% of women over the age of 18 years had experienced physical violence by a partner, while 6% of women had experienced sexual violence by a partner. However, it is widely believed that these numbers are inaccurate due to the fact that many cases of gender-based violence are not reported. The SAHRC found that "the high rates of violence against women, along with the systemic failures of the South African criminal justice system to hold perpetrators accountable,

suggest that in South Africa unequal power relationships and patriarchy continue to operate and to maintain gender hierarchies through essentialised notions of gender and physical and/or sexual violence”.⁸

3. Crimes against Women and Children

When Minister Cele presented the quarterly crime statistics for reported crimes for the period 1st January to 31st March 2022, he noted they were especially brutal for women and children. The statistics presented a number of worrying trends. Overall, there has been a 9.3% increase in reported crimes across the country, but this number masks the even more alarming spikes in violent crime, especially against women and children, with double-digit increases in these crimes.⁹ In total, sexual offences increased by 13.7% to 13 799 – the majority of the reported offences being rape. In the first three months of this year, 10 818 rapes took place, that is 137 rapes a day, or six rapes per hour. These distressing figures reflect only the rapes that are reported; there is significant under-reporting of rape and sexual violence. Almost half, 4 653, of these rapes took place at the home of the rape victim or the home of the rapist. When it comes to murder, 898 women were killed in South Africa in the first quarter of this year.¹⁰

More recently, the minister released the statistics for the second quarter of the year. While the murder rate was up, there was a decrease in sexual offences cases. Still, more than 9 500 rape cases were reported during the period under review,¹¹ about 500 fewer when compared to the same period last year. Rape cases declined in all provinces except the North West and Northern Cape. 3 780 of the rapes took place in the homes of the rapists or homes of the victims, while 1 546 people were raped in public places such as streets, parks and beaches.¹² The murder of women increased by 53.2% in comparison to the corresponding quarter last year, and the murder of children by 46.4%.¹³

Other violent crimes against women and children also rose sharply. There was an increase of 31.4% in the attempted murder of women and of 54.7% in assault with intent to cause grievous bodily harm. However, on a positive note, between April and June this year, 286 rapists were convicted through investigative work done by the police’s Family Violence, Child Protection

and Sexual Offences (FCS) unit.¹⁴ The Minister said that SAPS would continue to prioritize crimes constituting gender-based violence.

Nevertheless, across the board opposition parties were scathing in their criticism. The EFF said that it “is also horrifying that almost 4 000 of these reported rapes took place inside the homes of the victims. Women are not safe on the streets, and they are not safe at home too, a grave indictment on the kind of society we have become. Any hopes of waging a fight against this type of crime are extinguished by the realization that there is no genuine commitment from the highest office in the land to fight against sexual crimes”.¹⁵ Pieter Groenewald of the Freedom Front Plus noted with dismay that “there has been an even greater spike in the figures when it comes to children, [especially] with assault with intent to cause grievous bodily harm”.¹⁶ The DA’s Andrew Whitfield sadly commented that “what is most horrifying is that these crime statistics prove that South Africa has become a gruesome war zone for women and children who are raped, murdered and maimed on a daily basis. Every time a woman or a child is violently attacked we lose a part of our soul as a nation. It tears away at our delicate social fabric and exposes the failures of our state and our society in the most graphic and devastating way”.¹⁷

4. The President’s Speech

President Cyril Ramaphosa told a Women’s Day celebration in Kwa-Zulu Natal that “this is not the South Africa for which the women of 1956 marched. They did not sacrifice to see the end of the slavery of apartheid, only for today’s women to live in prisons of fear. Earlier this year, we passed three important laws that will strengthen the fight against gender-based violence. These laws give greater protection to victims of domestic violence. The new laws empower the police to enter premises without a warrant and, if necessary, arrest a suspect. Police can also remove dangerous weapons from a suspect. Complainants will be able to apply for protection orders online. New provisions expand the scope of the National Register of Sex Offenders, and place a legal responsibility on us all to report any sexual offences committed against vulnerable persons. There are now far stricter conditions under which a suspect may be granted bail”.¹⁸

All of these measures are welcome and laudable,

but then the President went on to say somewhat benignly and patronisingly that “South Africans need to work very hard to lift women out of poverty and to levels equal to men in all sectors of society...we still need to uplift the women of our country to a level where they are equal to men.”¹⁹ Women do not need to be *uplifted*. Women have the same rights as men and these are enshrined in the Constitution. What is needed is for these rights to be upheld and protected.

Advocate Gerrie Nel, head of AfriForum’s private prosecution unit, who is acting on behalf of a victim of gender-based violence, argues that “the president’s speech on Women’s Day means nothing at all if the members of the SAPS fail to fulfil their basic duty. We argue that the SAPS has shamelessly abandoned our client on every one of her fundamental rights. We expect Commissioner Mawela to give us meaningful feedback on the investigation, as well as an explanation as to why the suspect has not yet been arrested. Our client’s life has been turned upside down, not only by the horrors of the crimes committed against her, but also [by] the continued failure of the police to arrest a violent, armed rapist”.²⁰

The Western Cape Community Safety Department has expressed concern over the number of gender-based violence related cases being thrown out of court as a result of dockets going missing. They have established a ‘court watching brief’ unit which found that “of the 193 court cases that were monitored between 1st April 2022 and the end of June 2022, a high percentage of those monitored were withdrawn due to the docket not being in court.”²¹ They go on to question why these dockets have been disappearing.

5. Challenges and Possible Solutions

Responding in a written parliamentary Q&A, Minister of Social Development Lindiwe Zulu said that the government has tried to address the shortage of social service workers by setting up the Social Work Scholarship Programme.²² However, beneficiaries of the programme have

not been placed in the Department of Social Development or in the Department of Basic Education (where they could be sent to schools where they are needed). Reasons for the failure to employ new graduates to vacant positions remain unclear; it is an indictment of the disorganization that permeates the provision of social services to the detriment of the most vulnerable.

Gender-based violence should be understood as the result of an interplay of individual, community, economic, cultural and religious factors interacting at different levels of society. Psycho-social and socio-economic stresses, including poverty and unemployment, undermine the social compact and engender an increasingly violent social discourse. Endemic service delivery protests are a sign of increasing dissatisfaction and alienation, which easily spills over into violence against the vulnerable. This may be fuelled by alcohol and substance abuse.

While solutions such as chemical castration have a popular appeal, they do not take into account the fact that sexual violence is not about sex but rather about power. Women can be penetrated by other means.

There is a desperate need to interrupt this endless and intergenerational cycle of violence. Jenna-Lee Strugnell argues that social media is an important tool in this regard.²³ It is estimated that 63% of men have access to and engage with social media. Identifying change agents can lead to the generation of content in a non-threatening way and provide men with the opportunity to speak out against gender-based violence; and in so doing, change the dominant narrative.

Changing the dominant narrative is imperative. Community activist Lucinda Evans protests that government has failed the victims and survivors of gender-based violence. “If you rape a person... the person inside dies”²⁴

The brave women who marched in 1956 to assert the rights of women to equality, dignity and respect would weep.

Lois Law
Project Co-ordinator
lois@cplo.org.za

(Endnotes) – see overleaf

- ¹ <https://www.sahrc.org.za/home/21/files/SAHRC%20GBV%20Research%20Brief%20Publication.pdf>
- ² The xenophobic violence which followed these rapes is yet another sign of the violence and anger which dominates our social discourse.
- ³ <https://www.dailymaverick.co.za/article/2022-08-05-krugersdorp-victims-ordeal-i-closed-my-eyes-crying-moments-l>
- ⁴ <https://www.msn.com/en-za/news/other/cele-does-it-again-i-can-t-imagine-a-beautiful-woman-with-a-zama-zama/ar-AA10oPyj>
- ⁵ https://www.dailymaverick.co.za/opinionista/2020-10-26-the-damage-wrought-by-gbv-must-be-spelled-out/?tl_inbo
- ⁶ https://www.dailymaverick.co.za/opinionista/2020-10-26-the-damage-wrought-by-gbv-must-be-spelled-out/?tl_inbo
- ⁷ https://www.unwomen.org/en/hq-complex-page/covid-19-rebuilding-for-resilience/gender-based-violence?gclid=CjwKCAjwo_K
- ⁸ <https://www.sahrc.org.za/home/21/files/SAHRC%20GBV%20Research%20Brief%20Publication.pdf>
- ⁹ <https://genderlinks.org.za/news/south-africa-the-violent-crime-crisis-and-the-war-against-women/>
- ¹⁰ <https://genderlinks.org.za/news/south-africa-the-violent-crime-crisis-and-the-war-against-women/>
- ¹¹ https://ewn.co.za/2022/08/19/sa-murder-rate-has-gone-up-6-424-cases-recorded-between-april-and-june-2022?bid=64_8
- ¹² https://www.politicsweb.co.za/documents/crime-stats-show-sa-brutal-and-dangerous-for-women?utm_source=Politic
- ¹³ <https://www.sapeople.com/2022/08/19/latest-crime-stats-sa-is-a-war-zone-for-women-children-says-da/>
- ¹⁴ https://www.politicsweb.co.za/documents/crime-stats-show-sa-brutal-and-dangerous-for-women?utm_source=Politic
- ¹⁵ https://www.politicsweb.co.za/politics/crime-stats-paint-a-disheartening-picture--eff?utm_source=Politicsweb+Daily+H
- ¹⁶ https://www.politicsweb.co.za/politics/women-and-children-increasingly-victimised-in-sa--?utm_source=Politicsweb+
- ¹⁷ https://www.politicsweb.co.za/politics/south-africa-is-a-war-zone-for-women-and-children-?utm_source=Politicsweb+
- ¹⁸ <https://www.gov.za/speeches/president-cyril-ramaphosa-womens-day-2022-9-aug-2022-0000>
- ¹⁹ <https://www.gov.za/speeches/president-cyril-ramaphosa-womens-day-2022-9-aug-2022-0000>
- ²⁰ https://www.politicsweb.co.za/politics/another-victim-of-gbv-seemingly-abandoned-by-police?utm_source=Politicsweb+Daily
- ²¹ <https://ewn.co.za/2022/08/02/gbv-cases-being-thrown-out-of-court-due-to-missing-dockets-a-concern-for-wc-dept>
- ²² <https://businesstech.co.za/news/government/617521/critical-shortage-of-social-workers-in-south-africa-heres-how-much-they-get-paid/>
<https://businesstech.co.za/news/government/617521/critical-shortage-of-social-workers-in-south-africa-heres-how-much-they-get-paid/>
- ²³ 'Using social media to dismantle Gender Based Violence', Presentation by Jenna-Lee Strugnell of the Centre for Analytics and Social Change at ISS and HSF Webinar, 29th March 2022
- ²⁴ <https://ewn.co.za/2022/08/04/i-endured-pain-gbv-survivor-says-police-justice-system-failed-he>

This Briefing Paper, or parts thereof, may be reproduced with acknowledgement.