

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

**Date:** 10 April 2006

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

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

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

In his 2006 State of the Nation address, President Mbeki declared that South Africa had entered an Age of Hope. This is manifestly not the case for the one in two women who in one form or another experiences violence at the hands of her partner.<sup>1</sup> It is also not true for those women killed by their intimate partners. National figures for intimate femicide suggest that this most lethal form of domestic violence is prevalent in South Africa. In 1999 8.8 per 100 000 of the female population aged 14 years and older died at the hands of their partners - the highest rate ever reported in research anywhere in the world (Mathews et al, 2004). It is also not the case for *the many women and girls, boys and men who experience sexual violence. At present the true extent of sexual violence in South Africa is unknown. StatsSA found that one in two rape survivors reported being raped to the police (Hirschowitz, Worku and Orkin, 2000), while the Medical Research Council (MRC) found that one in nine women reported being raped (Jewkes and Abrahams, 2002). Both studies clearly find rape to be under-reported although their findings differ as to the extent of such under-reporting. On the basis of the above studies it can be extrapolated that the 55 114 rapes reported by the SAPS in their 2003/04 released data is more*

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

accurately calculated as falling somewhere between the region of 110 000 and 4950 000 actual rapes having taken place.

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

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

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

Yours sincerely



Lisa Vetten

On behalf of the "Get on the Bus" campaign

Fax number (011) 403-5650