

VIOLENCE AGAINST WOMEN IN SOUTH AFRICA

**A RESOURCE FOR
JOURNALISTS**



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In partnership with:

the National Network on Violence Against Women, the Institute for the Advancement of Journalism, the Commission on Gender Equality and Women's Media Watch.

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Media reports are influential. They shape understandings of particular crimes and also affect attitudes towards both the survivors and perpetrators of violence. Not only do these attitudes impact upon the treatment of women by the general public, and the nature of the assistance offered to abused women by members of the criminal justice system and the health sector, but they also influence the politicians who legislate around these issues and the parents and teachers raising the next generation.

For women who've been raped or abused, media coverage of how women have lived through, and survived similar experiences may provide the impetus to leave an abusive relationship, or speak out for the first time about an experience of rape or child abuse. When these stories are accompanied by the contact numbers of local organisations dealing with the issue, it's often the first time women are made aware of such services.

This is why the media is an essential part of the solution to the problem of violence against women in South Africa. It can reflect women's experiences in all their diverse forms, direct people to find help, raise public awareness, and encourage a critical, informed understanding of the problem. Poor coverage can endorse existing perceptions that perpetuate violence against women and can further victimise the survivors.

A number of journalists are already actively contributing to the challenge of ending violence against women. But their efforts are hampered by a number of constraints which often ensure that the story written or developed, is not the story ultimately printed or aired. Typically these constraints include deadlines, uninformed editors and sub-editors, limited access to sources of information, as well as the laws surrounding what may or may not be reported in relation to court cases and rape survivors. The pressure to sell newspapers and magazines or attract advertising revenue can lead to sensationalisation of stories.

In an effort to help journalists and newsroom decision-makers address all these challenges, this booklet provides facts, figures and information on violence against women, identifies pitfalls in current coverage, and provides guidelines to help improve coverage. For some, this may be new information, while for others it may be confirmation of what they already know and do.



An educational play on violence against women by the Alexandra men's group of ADAPT.

Section 1: Understanding Violence Against Women

The United Nations Declaration on the Elimination of Violence Against Women defines violence against women (VAW) as: "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 deprivation of liberty, whether in public or in private life".

Violence becomes gender-based whenever particular acts are directed predominantly at either women or men. The fact that women are much more likely than men to experience particular

Why should we take Violence Against Women seriously?

n Violence against women is internationally recognised as a major human rights violation (see page 7 and 8).

n It has severe physical and mental health consequences for the women involved.

n Relationships with families, relatives, friends and co-workers are affected. With domestic violence specifically, the violence often spills over and injures people caught in the cross-fire. Families, friends and co-workers may be hurt or killed in violent attacks by abusive partners.

n Children who witness violence in the home are affected:

n Many have been found to experience Post Traumatic Stress Disorder, similar to that observed in children who witness wars or detainees experiencing police torture and incarceration.

This disorder includes nightmares, bedwetting, depression, social withdrawal, aggression, mood swings, concentration problems and poor school performance.

n It teaches children that violence against women is acceptable and male children are at risk of perpetuating this behaviour when they grow up.

n It teaches children that violence is an acceptable way to resolve conflict or "get one's way". This contributes to broader violence in society at large.

n Some children flee violent homes, engage in destructive behaviour and live on the streets.

n Violence against women has significant economic consequences.

n It places a financial burden on the health, judicial and social welfare sectors.

n Many productive hours of work are lost as women recover from injuries or take time off work to seek help from the health sector, courts and welfare system.

The World Bank estimates that at a global level, the damage and costs to health from violence against women aged 15-44 years is comparable to that posed by other risk factors and diseases already high on the world agenda, including AIDS.

Gender violence, through its effects on a woman's ability to act in the world,

crimes is no accident, indicating that beliefs about maleness or femaleness, or the circumstances of being male or female, play a significant part in violence against women.

Acts of violence overwhelmingly experienced by South African women include:

- n sexual harassment;
- n rape;
- n domestic violence;
- n particular kinds of murder such as
 - n witch burnings;
 - n rape-murders;
 - n sexual serial killings;
 - n intimate femicide (murder by a husband or boyfriend);
- n forced prostitution, or trafficking, of women;
- n female genital mutilation/circumcision (less common).

Violence Against Women and human rights

Internationally, violence against women is regarded as a violation of human rights. In recognition of this, the UN General Assembly adopted the Declaration on the Elimination of Violence Against Women and also appointed a Special Rapporteur on Violence Against Women in 1994.

n The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), to which South Africa is a signatory, noted in 1992 that gender discrimination includes gender-based violence. It recommended that signatories to CEDAW provide effective legal measures to protect women against violence, take preventive measures to change attitudes, and provide services and assistance to women. The South African government must report regularly to the United Nations on the steps it has taken to improve the status of women.

n South Africa is also a signatory to the Southern African Development Community (SADC) Declaration on the Prevention and Eradication of Violence Against Women and Children.

n All departments in the South African government have agreed to implement the National Action Plan for the

Violence Against Women violates a number of clauses in the South African Constitution's Bill of Rights.

These include:

- n **Section 9:** the right to equality;
- n **Section 10:** the right to human dignity;
- n **Section 11:** the right to life;
- n **Section 12:** the right to freedom and security;
- n **Section 13:** the right not to be subjected to slavery, servitude and forced labour;
- n **Section 14:** the right to privacy (stalking contravenes this);
- n **Section 18:** the right to freedom of association (abusers often control who their partners see);
- n **Section 21:** the right to freedom of movement and residence (abusers often control their partners' movements; also women curtail their movements to avoid rape);
- n **Section 27:** the right to have access to health care, food, water and social security; (potentially this refers to State obligations to provide medical care to women infected by HIV/AIDS as a result of violence, as well as an obligation to assist women who have left their abusive partners and, as a result, have become destitute or unable to support themselves and their children);
- n **Section 34:** the right to have access to courts.

1.1 Domestic Violence in South Africa

Contrary to the view of the family as a haven of love and support, data from around the world suggest that girls and women are at greater risk of violence in their homes than anywhere else (*Violence Against Women: the Hidden Health Burden*, World Bank 1994).

No figures recording the number of domestic violence cases reported to the police exist, for the simple reason that "domestic violence" is not officially defined as a crime. Instead, incidents of domestic violence are included amongst other cases of common assault, attempted murder, or pointing a firearm. These are just a few of the charges in which domestic violence may be involved.

Statistics generally underestimate the extent of domestic violence. Women may not reveal being abused for fear of further abuse, or as a result of social taboos which prohibit speaking about domestic violence. Some women's fear of other people's reactions to them, should they disclose being abused, may also keep women silent.



Estimates on the incidence of domestic violence and its impact:

- n One in two women (49%) attending a Community Health Centre in the Western Cape report experiencing past or current abuse by their partners or husbands. 84% of these women suffered significant physical or mental health consequences as a result. 64% of women report the use of weapons as part of the abusive assault. (UCT Women's Health Research Unit, Jacobs, 1998)
- n The Department of Justice estimates that one out of every four South African women is a survivor of domestic violence.(Submission to SALC, May 1999)
- n One in six women is regularly assaulted by her partner, according to the Advice Desk for Abused women. (Human Rights Watch, 1995)
- n At least one in four women is forced to flee a life-threatening situation in her home at some point in her life, according to the Advice Desk for Abused Women. (Human Rights Watch, 1995)
- n 43% of working men interviewed in a pilot study in Cape Town reported abusing their partners. (Medical Research Council: Women's Health Research: Abrahams, 1998)
- n A study of 83 women in the Western Cape found that 14% had experienced sexual assault at the hands of their partners. (Maconachie, et al 1994)
- n 60% of teenagers in a study in the Western Cape reported physical assault by male partners. (Maforah F, unpublished)
- n Violence by male partners is a consistent feature of teenage sexual relationships according to a qualitative study conducted in Khayelitsha, Cape Town. (Wood et al, in press)
- n Both Post Traumatic Stress Disorder and major depression were found to be more common in female patients with a history of domestic violence (35.3% and 48.2% respectively) than in those without (2.6% and 11.4%). (Marais et al, 1999)

(For additional information on violence in relationships please refer to the section on Rape and on Femicide.)

What's new about the Domestic Violence Act?

- n **It broadens the definition of domestic violence (see above).**
- n **It is not restricted to married couples.**
- n **It obliges the police to help the abused woman, including explaining her rights, finding her a safe place to stay and helping her get medical attention if necessary. Failure to comply will lead to disciplinary action.**
- n **It allows for more powers to arrest the abuser.**
- n **It includes provision for the abuser to continue to support the women and children financially.**
- n **Failure to comply with a Protection Order issued under this Act can lead to a sentence of up to five years in prison.**

Understanding Domestic Violence

Anger, conflicts, arguments and unhappiness have probably featured in all relationships at one time or another. But their presence does not automatically imply that the relationship is an abusive one. What sets abusive relationships apart is the function or purpose of the abuse within the relationship and its impact upon the abused person.

Domestic violence is aggression with a purpose: the control, intimidation and subjugation of one's intimate partner. It is also a pattern of behaviour whose repetition provokes fear - hence its success in achieving control. Abusive behaviour in relationships takes a variety of forms which include physical, emotional, psychological, sexual and economic.

According to the Domestic Violence Act of 1998, which provides South Africa with its first legal definition of domestic violence, domestic violence includes:

- n physical abuse;
- n sexual abuse;
- n emotional, verbal and psychological abuse
- n economic abuse (for example withholding money needed to survive or the confiscation of wages);
- n harassment;

- n stalking (following a woman everywhere she goes, or keeping her under surveillance);
- n damage to property;
- n entry into the complainant's home without consent, where the parties do not share the same home;
- n any other controlling or abusive behaviour where such conduct harms, or may cause imminent harm to the safety, health or well-being of the complainant.

Common misconceptions about domestic violence

Violence against wives or girlfriends has been sanctioned for centuries by our legal systems and many religions. As a result, domestic violence has come to seem 'normal', if not a man's right. Countless misconceptions exist which trivialise and justify domestic violence. For example:

Myth: *She provoked his abuse through her nagging or unreasonable demands.*

Fact: While these might be annoying, they do not excuse violence. After all, it is not acceptable to hit shop assistants, motorists, colleagues or anyone else, merely because they have annoyed us.

Myth: *Domestic violence is caused by alcohol or substance abuse.*

Fact: While drugs and alcohol can aggravate violent behaviour, they do not cause it. Many violent men abuse regardless of whether they are drunk or sober.

Myth: *Both partners are responsible for the abuse - it can't be blamed on the husband or boyfriend alone (or its variations: 'it takes two to tango - there are two sides to every story').*

Fact: Domestic violence occurs when an imbalance of power exists in a relationship. This imbalance is maintained by behaviour designed to control or exert power over the other, through emotional and physical abuse which undermines self-esteem and enforces subservience. For the person in the powerless position, almost anything they do - including trying to protect or defend themselves - can be interpreted as "provocation".

Myth: *Wives need to be "kept in line" by their husbands and should not try to "wear the pants" in the household.*

Fact: This myth reinforces unequal relationships and justifies the use of force to maintain inequality. It also suggests that women are children who need to be disciplined.

Myth: *Being the breadwinner entitles a man to behave as he likes in his own home.*

Fact: There is no justification for VAW. Besides, domestic violence happens to working women and to women who are often the only source of family income. Also, women who don't work contribute to the home in other indispensable ways.

Myth: *Women are financial parasites who exploit men economically - particularly in relation to maintenance claims.*

Fact: The vast majority of women applying for maintenance are desperately trying to ensure their children have the means to survive and have a chance in life.

Myth: *Men who commit violence in the home do so because they are stressed at work, through unemployment, poverty and other problems.*

Fact: Everyone experiences problems and feelings of powerlessness. It is not acceptable to take frustrations out on one's wife or girlfriend, nor to attempt to reassert one's self-esteem by exerting power over them.

Myth: *Men who beat their wives or girlfriends are provoked into a temporary loss of control and are not therefore responsible for their actions.*

Fact: These same men often control their actions when with other people and would never consider being violent with colleagues or friends. Because abusers may be respected and well-liked community members, people often disbelieve the abused woman.

Myth: *If it was so bad, the woman would just leave.*

Fact: There are many reasons why women find it difficult to leave abusive relationships. Many are financially dependent on the abuser and worry about the survival of their children. Many women stay in violent relationships for the sake of their children despite the fact that children are often better off in single parent households than in violent ones.

Abusers often threaten that if the woman leaves, they will kill her or themselves or harm the children or her family. Abused women often have internalised the abusers' accusations that she is to blame. Abuse often happens in cycles during which there may be periods of apology and non-violence. Women desperately want to believe the abuser has changed or will do so. Also, many people put pressure on women to "make their marriages work" and look down on divorced women.

What are the barriers to dealing effectively with domestic violence?

- n Despite a political will to improve the situation by reforming the legislation, there has been inadequate transformation of the criminal justice system which is charged with implementing the new Domestic Violence Act. (The criminal justice system includes the police, courts and Department of Correctional Services)
- n Insufficient outrage about domestic violence and public support for abused women – therefore women continue to stay silent about what is happening to them and do not access services.
- n Societal reinforcement of gender roles that expect men to be in control and head of the household.
- n Few or no services (such as counselling, shelters, legal support or public education) are available to support women.
- n Limited to non-existent financial assistance to women who are financially dependent upon their partners. Even when they have left their partners, the limited effectiveness of the current Maintenance Act often keeps women poor, or still subject to their partner's control.

Solutions: what do we advocate?

- n The new Domestic Violence Act goes a long way to addressing the inadequacies of the 1993 Prevention of Family Violence Act. The expanded definition of domestic violence, as well as a more inclusive definition of who constitutes a victim of domestic violence, makes legal recourse much more accessible to women. However, it will only be possible to see whether these improvements translate into real change for women once the Act is promulgated (at the time of writing, guidelines for members of the criminal justice system are still in the process of being drafted). Training of all judicial system officials in gender sensitivity and in the Domestic Violence Act itself is essential for successful implementation.
- n Similarly, the new Maintenance Act also remedies some of the deficiencies of the current Act. The new Act has still to come into effect and is an interim measure until a more comprehensive law is developed.

- n More training for all criminal justice officials, who are often the first point of contact for women complainants.
- n Training for health sector workers to enable them to recognise and treat domestic violence, as well as to refer women for counselling and other forms of assistance.
- n More coverage of domestic violence by the media, which is very limited in comparison to the coverage given to rape.
- n More state funding of services such as shelters for women seeking safety.
- n More support services for women to be made available in poorly-resourced, particularly rural areas.
- n More public education on violence against women, including information on women's human as well as legal rights and how to access support. This includes information on the legislation around maintenance and the recognition of customary marriages.
- n School curricula to include gender violence prevention programmes.
- n Parents and caregivers to raise their children to view violence against women as unacceptable.
- n For all religions and faiths to condemn domestic violence, and to become actively involved in preventing and dealing with domestic violence.
- n For more men to take a strong stand in condemning the violence of other men.
- n For business to recognise the role they can play in addressing violence against women.
- n Stricter gun control legislation and implementation.

Legislation relevant to Domestic Violence:

- n **The Domestic Violence Act (no. 116 of 1998)**
- n **The Maintenance Act (no. 99 of 1998)**
- n **Recognition of Customary Marriages Act (no. 120 of 1998)**



1.2. Rape in South Africa

Figures for reported rape have increased significantly over at least the past decade. The increase is probably the result of both an increased willingness on the part of women to report rape, as well as a rise in the actual incidence of rape.

The number of reported rapes has increased faster than population growth over the past few years, according to the Central Statistic's latest report "Women and Men in SA" (Central Statistics, 1998:38).

Not all survivors report being raped. The SAPS claim that only 1 in 36 rapes is reported. Based on this 1 877 760 rapes occurred in 1997 (reported rapes = 52 160). This translates into 5 144 rapes per day, 214 rapes per hour, 3,6 rapes per minute. In other words, every 17 seconds a women is raped in South Africa.

- n A women is raped every 17 seconds in South Africa (SAPS, 1997).
- n One in two women in South Africa will be raped in her lifetime (Vogelman, 1991).
- n Between 1994 and 1996, the number of reported rapes per 100 000 of the population increased from 105 to 119.
- n In 1997, 52 160 rapes were reported to the police. Based on SAPS estimates that only 1 in 36 rapes are reported, close to 2 million women were raped in 1997 (SAPS).
- n In 1998, rape statistics dropped for the first time in seven years when 49 280 rapes were reported to the police (SAPS).
- n In 1993, only 16% of reported rapes led to convictions. Rape has the lowest conviction rate of all crimes of assault (Vetten, 1997).
- n During the period January 1997 to May 26th 1998, a total of 149 charges of rape were laid against members of the South African Police Service (*Mail & Guardian*: November 27 to December 3 1998).
- n Three out of every ten women in the South of Johannesburg experienced a severe form of sexual violence between 1998-99. Of these women, one in four was raped repeatedly; the rapists were most likely to be someone described as "domestic" or "family." (CIET Africa, 1999).
- n 28% of women in a study amongst urban youth were forced to have sex against their will, mostly by their male partners (Richter, 1996).
- n "Forced sex by partner" was the reason most frequently cited by school adolescents in the Eastern Cape for beginning sexual activity (28.4%) (Buga, 1996).
- n 28-30% of adolescents report their first sexual experience was forced (Richter, 1996; Buga, 1996; Maforah, unpublished).
- n 16% of young men interviewed by CIET Africa (1998) who knew somebody who was raped, believed that the survivor "enjoyed it" and "had asked for

Common misconceptions surrounding rape

As with Domestic Violence, numerous myths exist about rape which blame women instead of placing the responsibility for the rape on the rapist. These myths are often perpetuated in the way that rape incidents are reported.

Myth: *Only women who wear “provocative clothing” (eg. short skirts) get raped. Also, women who wear “provocative” clothing are asking to be raped.*

Fact: This implies that rape is a crime of lust provoked by the sight of women's bodies. Research with rapists indicates that their primary motives for committing rape include hatred, anger, a desire for power and a sense of entitlement to women's bodies.

Myth: *Rape cannot happen in a marriage or sexual relationship in which consent has previously been given.*

Fact: Any form of forced sex is rape regardless of whether consent was given on other occasions. Marital rape is against South African law.

Myth: *Rapists are always strangers.*

Fact: Rape is also committed by husbands, boyfriends, relatives, friends and acquaintances. More than half the survivors of rape in Johannesburg's southern metro region between 1998-99 knew their assailants (CIET Africa, 1999).

Myth: *Most rapists are psychopaths or "sick".*

Fact: US research finds that no more than 5% of rapists can be classified clinically insane (Scully, 1990).

Myth: *A woman was not really raped if she doesn't fight back.*

Fact: Many women don't fight back in order to protect themselves and stay alive. The shock of the attack may also leave women paralyzed with fear, and so unable to fight back.

Myth: *Women accuse men of rape to gain revenge.*

Fact: Approximately 2% of women lay false rape charges, which is about the same percentage for false reports of crimes generally. Unacceptable as this is, it does not justify disbelieving the other 98% of women who report being raped.

Myth: *If women do not report rape immediately, their story should not be trusted.*

Fact: Many women do not report immediately precisely because they fear being disbelieved. They may also be in too much shock as well as too intimidated (particularly if their lives have been threatened during the rape). Some women also do not immediately define their experience as rape when it does not fit stereotypical perceptions of what constitutes rape (as when they are raped by their boyfriends or husbands rather than by strangers).

Myth: *Unless the woman has physical injuries, she wasn't raped.*

Fact: Overwhelming fear and concern to stay alive, may force women into submitting to the rapist and not resisting him. There may be no injuries in these situations. Lack of physical injury does not mean that there has been no psychological or emotional "injury" caused to the woman. It is also important to note that not all injuries (bruises in particular) show up immediately.

Understanding secondary victimisation

If a rape survivor decides to report her rape, she will come into contact with the various arms of the criminal justice system such as the police, the district surgeon, prosecutor, interpreter and magistrate. The process of interacting with these systems and officials can be extremely traumatic when survivors are treated with suspicion, antagonism and insensitivity, and as objects, instead of as people in crisis. Because this treatment can exacerbate the sense of violation and powerlessness experienced during the rape attack, it is known as "secondary victimisation".

The media's treatment of a survivor's story, either through sensationalisation or by casting doubt on the facts, can also create a sense of secondary victimisation. Alternatively, media stories which treat survivors with respect, highlight acts of courage by rape survivors and which provide information about supportive services can go a long way to mitigating the effects of secondary victimisation.

Solutions: what do we advocate?

- n Training criminal justice officials to render a more sensitive service to survivors and to bring rapists to justice. The "National Guidelines" developed by the Justice Department in 1997 represented an important and exhaustive inter-sectoral attempt to develop protocols to sensitise criminal justice officials. The failure of government to mobilise the resources necessary to implement these guidelines has resulted in very little impact on service delivery.

Legislation relevant to rape:

n Criminal Law Amendment Act (no. 105 of 1997). This legislation sets out minimum sentences for rape.

n The South African Law Commission was in the process of reviewing the definition of rape at the time of going to press.

- n Rigorous investigation of rape cases.
- n Major attitude change in the broader community: Women are vulnerable to rape because blaming attitudes fail to protect women from the real dangers in, and outside, their homes. Women remain silent about their rape because they fear disbelief, ridicule or criticism. The role of media in changing public attitudes cannot be underestimated.
- n Public education to shift attitudes about women that perpetuate rape.
- n Public education to inform women of their legal rights, including that marital rape and rape within relationships is against the law.
- n Comprehensive sexual health education in schools. Education on violence against women must exist as an integral part of the contents.

Violence Against Women and HIV/AIDS

South Africa's high levels of sexual violence and women abuse make women more vulnerable to HIV/AIDS infection. The AIDS epidemic is spreading most rapidly among young women. In the 20 to 24 age group, HIV prevalence increased in just three years, from about 7% in 1992 to 21% in 1995, with one in five young mothers attending antenatal clinics infected with HIV (Karim, Medical Research Council, 1999).

Advocacy challenges in this area include:

- n Making PEP routinely available to rape survivors in the way that it is for health workers who sustain needle-prick injuries.
- n Making subsidised treatment available for rape survivors. The pharmaceutical companies must be challenged to reduce the costs of PEP drugs so that women can afford this treatment if they are raped.
- n Improving health services for women generally, as well as the treatment of all sexually transmitted diseases, a history of which increases the risk of HIV infection.
- n More research around treating and preventing HIV/AIDS. It is particularly important to develop barrier methods that women can use without their sexual partners being aware of them.

is greater during rape than during consensual sex.

There has been recent public debate in the media about post exposure prophylaxis (PEP) for rape survivors. It is believed that taking a cocktail of PEP drugs (including AZT, 3TC and Crixivan) within 24 hours of the rape can reduce the risk of HIV infection by 80% if taken for 28 days.

1.3. Femicide

Most murder victims in South Africa are men. But once one starts distinguishing between murders based on the circumstances in which they occur, as well as the relationship between perpetrator and victim, differences start emerging along gender lines.

Murders specifically targeted at women have been termed femicides. As with other types of violence, femicide may take different forms.

Rape and murder

Rape that ends in murder, or a series of murders involving sex (sexual serial-killing) are forms of femicide. Although some men and boys have been killed for sexual pleasure, and a very small minority of women have also taken part in sexual murders, these crimes are committed overwhelmingly by men, predominantly against women.

No figures are currently available documenting the incidence of

Myths about femicide

Myths about intimate femicide are similar to misconceptions about domestic violence. For instance:

Myth: *Women provoke men into killing them by having affairs, or nagging too much.*

Fact: This doesn't justify murder. In cases of domestic violence, murders are the culmination of a longstanding pattern of controlling behaviour.

Myth: *The man who kills his intimate female partner is a tragic, Othello-like figure; femicide is a crime of passion committed by a man who loves his intimate female partner very deeply.*

Fact: Femicide is motivated by the need to control and possess one's partner. This is not love.

Myth: *Men who kill their intimate female partners have suffered a temporary loss of control and are not responsible for their actions.*

Fact: These men are often involved in a pattern of abusive, controlling and deliberate behaviour that has nothing to do with a temporary loss of control.

WITCH BURNING

Accusations of witchcraft and witch-burning, which occur almost exclusively in the Northern Province, also predominantly affect women.

- n Of the 228 people killed in witchcraft-related incidents between April 1994 - April 1995, two thirds were women. (The Commission on Gender Equality: National Conference on Witchcraft Violence, 1998)
- n The majority of those killed were between fifty and sixty years of age. (The Commission on Gender Equality: National Conference on Witchcraft Violence, 1998)

Legislation relevant to femicide:

- n **The Suppression of Witchcraft Act (no. 3 1957).**
- n **Criminal Procedure Amendment Act (no. 105 of 1997).**

Solutions: what are we advocating?

- n Training for members of the criminal justice system around the investigation and prosecution of cases of intimate femicide.
- n Training for members of the judiciary around domestic violence and intimate femicide.
- n Training of health workers to detect, refer, and deal with cases of domestic violence so that femicide can be prevented.
- n All solutions as advocated for domestic violence.
- n Stricter gun legislation and implementation.
- n Raising public awareness around the powers of the Domestic Violence Act, including the Protection Order and the provision for confiscation by police of both illegal and legal firearms in cases of domestic violence.
- n Community education around the causes of lightning, disease and illness, to prevent witchcraft accusations.
- n The development of conflict resolution mechanisms that can be used to intervene in witchcraft accusations.
- n Counselling for survivors of witchcraft violence.

Common misconceptions about sexual harassment

Myth: *Women invite sexual harassment by their behaviour or dress.*

Myth: *Women who object have no sense of humour, or are prudish about sex.*

Myth: *Sexual harassment doesn't hurt anyone.*

Myth: *A firm "no" is enough to discourage any man.*

Myth: *Women often make false claims of sexual harassment.*

Myth: *Sexual harassment does not apply to all cultures. It is a Western idea.*

Myth: *Perpetrators are motivated by some bizarre lust or love for their victims.*

This includes coercing someone sexually in order to:

- n get a job;
- n keep a job;
- n be promoted;
- n enjoy favourable working conditions;
- n pass exams.

A definition of sexual harassment also includes the concept of "hostile environment" harassment. This refers to situations where the harassing behaviour creates an unwelcome, poisoned environment that is unpleasant (if not unbearable) to be in.

Sexual harassment can take verbal, physical and non-verbal forms. It can include suggestive gestures or jokes as well as the display of pornographic material in the workplace. At its worst,

Legislation relevant to Sexual Harassment:

- n **The Labour Relations Act (no. 66 of 1995).**
- n **The NEDLAC Code of Good Practice on the Handling of Sexual Harassment Cases.**

Solutions: what are we advocating?

- n Work environments and learning institutions must adopt and enforce comprehensive sexual harassment policies and procedures.
- n Policy development needs to be accompanied by education and training. Education - in combination with timely, consistent interventions when cases arise - is considered effective in preventing sexual harassment (or its recurrence).
- n Monitoring the use and implementation of sexual harassment policies to gauge their effectiveness.
- n Sexual harassment should be recognised as a form of workplace injury and duly compensated as such.
- n More public awareness needs to be raised by the media around sexual harassment.

Section 2: How the media is dealing with VAW

In 1998 the Media Monitoring Project (MMP) analysed newspaper coverage of violence against women. These were some of their findings:

- n The most common sources of information and opinions in news reports about violence against women are drawn from the police or court cases.
- n Most media coverage of VAW focuses on the "criminal" aspect of a particular incident. Very rarely does the media focus on the experience or the rights of the survivor.
- n Violence against women gets far less media coverage than other human rights violations.
- n Journalists rarely follow up on cases of violence against women.
- n Rape received the most coverage of violence against women (55% of all coverage over the seven-week period surveyed). Domestic violence and other forms of violence against women remain largely hidden.
- n Women still tend to be portrayed as victims. Women are continually represented as passive and in need of protection.
- n Single-source stories still predominate.
- n Stories on violence against women tend to be reported as summaries in crime round-ups, not as features.

Violence Against Women who are marginalised

While women in general are largely absent from media reports, some groups of women are even more invisible than others. According to Women's Media Watch, these include:

- n Black women - in an analysis of newspaper reports carried by *The Star*, *The Citizen* and the *Sowetan* in 1993 and 1994, 53% of reports were devoted to the murders of white women and only 31% to the murders of black women. This despite the fact that far greater numbers of black women are murdered. (Vetten, 1995)
- n Women with disabilities.
- n Rural women.
- n Elderly women.
- n Lesbians – who are prey to homophobes who beat or rape them "to teach them a lesson" or to "show them what a real man feels like".
- n Girls and women living on the streets.
- n Sex workers - frequently raped or robbed by men posing as clients, or

Triple oppression: as black, as women, as victims of violence

On 9 August 1998, Vuyiswa Pani was gang-raped and killed in A Section, Khayelitsha. A bottle was used as a tool for penetration, her breasts were cut and her skull was crushed with a rock.

Most people only heard about it on *Cape at 6* TV the following evening, 10 August. But even then, the focus was on the methods used by the community to express its outrage rather than on the violent attack. This was echoed in a short *Cape Times* article on 11 August entitled "Rape suspect's friends beaten by locals".

The outrage in the community was also expressed in marches to local police stations (one of which was addressed by the then Deputy Minister of Justice, Dr Manto Tshabalala-Msimang) which were ignored by the media.

On 25 November, after a long silence throughout the court case, the Pani family approached *Rape Crisis* to raise awareness of the case so that the accused would not get bail.

An interview with *Rape Crisis* took place on Cape at 6 TV, but there was still no press coverage – even though the organisation wrote to both the *Cape Times* and *Argus*.

The focus of the media seemed to be entirely on the community taking the law into their own hands. They completely ignored the issue of the woman's suffering.

The suspects were released the following day, except for one who was later released on R500 bail. This was not reported in the media.

This, and other experiences, make people feel that white women receive a lot more attention and sympathy from the media when they are victims of violence. The media is not sensitive enough to incidents of violence in the black community. They fail to report it in a way that makes it sound as real and shocking as crimes against white women.

The media needs to make more effort to find out what is happening in our community, and to report on it sensitively.

Bulelwa Mshumpela

Rape Crisis, Khayelitsha

What one survivor says about media coverage of her case

In October 1998 Rapport carried an article entitled ' 'Sekspartytjie' eindig in die hof' ('orgy' ends in court). The case involved a young woman raped by four men acquainted with her. This is how she describes the effect of the article on her life:

"I was crying because it didn't happen like that and nobody heard my story...The newspaper reports were full of inaccuracies and lies. Everyone believed me in the beginning and then when the "sekspartytjie" story came out they started to doubt me. My ex-boyfriend told me it was my fault.

My best friend also said I was just trying to get attention. Even my father felt that he should believe the newspaper more than me. My father felt like people thought badly of him as a result and so he is thinking bad of me also. He still feels hurt inside and feels that it's my fault.

Everyone was talking about the newspaper and said I was a slut. I couldn't believe how suddenly everyone went from believing me to believing

the newspaper. When I saw the newspaper and saw the photo of the guys who had raped me laughing, I could see that they thought it was a big joke.

I would have liked the press to ask me what happened. The media shouldn't have made me the guilty one. I am a woman of 18. How am I supposed to protect myself from four guys? I tried. The media never reported that I had tried to protect myself with a gas spray which the guys took away.

They said there was no medical evidence. I saw a doctor afterwards twice and the bruises only came up later and so the second time I got a doctor's letter that confirmed injuries when they became visible.

I was called the 'Cape Town girl' which in Humansdorp means a girl with loose morals. Humansdorp is very small, everyone knows everyone. Everyone knows that I'm 18, that my parents are divorced, that my mother lives in Vredenburg, they know I've got red hair so that was enough for people to know that it was me.*

When I walk in the street I feel like everyone looks at me and knows. I feel like I have to wear protective clothes, long sleeves and long pants although it's so hot. I feel like everyone is going to try something with me because of the reports. They really changed my life and now people see me for the worse.

I haven't seen helpful stories about rape in the newspapers that can help me to deal with the experience. It wasn't easy to find out about help services. My mother and my psychologist helped but there was no information easily available. It would be good if newspapers would put the contact numbers of crisis organisations in with stories on rape."

**The woman's name was not mentioned in the article.*

Section 3: Improving coverage of VAW

This section concentrates on some practical suggestions for addressing the problems highlighted in the previous sections.

3.1. Suggestions for dealing with women who have experienced violence

- n **Speak to a range of women.** All women are not the same. They will not respond in the same way to being victimised, nor will they be victimised in identical ways. They will also not cope with their experiences in the same way. This means that there is no prototypical rape survivor or abused woman against whom all other women should be measured. As far as possible, try to speak to a range of women whose experiences reflect both this diversity of responses, as well as the diversity of women themselves (perhaps achieved by interviewing rural

Avoiding Burn-out

Dealing with people who have been victimised, and covering stories of cruelty and brutality can be emotionally draining and takes its toll. It may also increase your sense of vulnerability. Without you realising it, you may attempt to cope with these effects by avoiding the issue altogether, or becoming judgemental of survivors or victims; seeing them as weak or foolish and finding it impossible to sympathise with them in any way. This may translate into impatience, an unwillingness to listen and believe, and a brusque questioning style that may come across as blaming. Even if you haven't reached this level of burn-out, it is worth going for some form of periodic counselling. Alternatively, the creation of a supportive network of journalists within the newsroom willing to listen to you when you need to off-load may also be helpful - particularly if you're working in an environment that is not supportive or understanding of your efforts to approach issues around violence against women differently.

to hear my story as I told it and as I experienced it. To prevent this, inform the woman prior to interviewing her of the angle your story will take and allow her to decide whether she is comfortable with this approach. Also ask her to identify

which parts of her story she regards as most important and would like emphasised.

Other guidelines include:

- n The dignity of the woman is paramount. She has the right to be depicted as an individual human being and not reduced to a suffering victim or statistic. She should be treated with respect and dignity.
- n She has the right to privacy and confidentiality if she chooses.
- n She has the right to have her perspective reported either by herself, if she is willing, or if she is not, by organisations fighting for the rights of abused women.
- n Journalists should be aware that organisations do not have to divulge information about survivors of violence.

3.2. Guidelines for reporting on Violence Against Women

Sources

If we acknowledge and understand the way myths and stereotypes are developed through media representation, and try to generate alternatives, we can change the perception of women in the media.

- n *Use more than one source for your report*, wherever possible. This introduces a greater variety of opinions and allows for fairness in reporting.
- n *Use people opposed to violence against women as sources*, rather than relying solely on the police. The police version is important, but follow-up contact with survivors of violence will enrich your reporting and build public understanding of this issue. Wherever possible include the views of survivors themselves in a way that does not lead to further victimisation and suffering.
- n *Use different kinds of stories*. Crime round-ups and briefs are useful in providing an overview of violence against women, while feature stories which address the nature of violence against women will introduce new perspectives and understanding.

Language

The language in which stories are framed can play a significant role in influencing people's perceptions of violence against women. Describing someone guilty of sexual harassment as a "sex pest" for example, tends to trivialise and downplay the harassment as being nothing more than a bother or a nuisance. Harassers should be called harassers. Similarly, someone who kills his wife should be described as a murderer, not a person who has committed a "crime of passion".

Descriptions

Focussing on the physical appearance and attractiveness (or lack thereof) of women who have been sexually victimised can also play into a whole range of stereotypes about “dumb blondes”, and “blonde bombshells”. They may also inadvertently turn the woman into an object of titillation and reinforce the myth that sexual assaults are caused by lust or overwhelming sexual attraction. Descriptions of clothing worn by the survivor or victim may reinforce perceptions that the woman “asked to be raped”.

Victims vs survivors

Challenge the depiction of women as helpless victims by describing them as survivors. Such an approach emphasises women’s coping skills and their survival strategies; it also goes some way to challenging the notion that women who have been victimised are damaged for life and will never recover from the assaults perpetrated on them. Obviously women who have been killed can never, by any stretch of the imagination, be described as survivors.

Focus of the story

Analyse who is the focus of the story. Does the story focus on the survivor, or does it revolve around the perpetrator? For example, in the case of Makhaya Ntini, the experience of the rape survivor was totally marginalised. The media focus was on the perpetrator’s career being in jeopardy. If it is not possible to contact the woman to present her side of the story, contact an organisation instead who can provide information from a survivor’s perspective.

In cases of intimate femicide, there will be no woman around to provide her story; the version of her life likely to dominate court proceedings will be the one presented by her intimate male partner. As he is on trial for murder, his version is unlikely to flatter her. In this instance it is useful to speak to the woman’s family to present their memories and experiences of her.

Type of case highlighted

Examine the kind of case being focussed on. Reports tend to focus on stranger rape which reinforces the misconception that rape is primarily committed by strangers in public places. If stranger rape cases are the only cases police media liaison persons are providing information about, then it is important to challenge them on their selection and ask them to provide other kinds of cases as well such as rapes committed by husbands, boyfriends or neighbours. They should also be asked to provide information about domestic violence cases.

Police should not be treated as the only source of information. Organisations who deal with survivors should also be treated as sources. They may sometimes be in contact with women willing to speak to the media. Bear in mind though that many counselling agencies adopt an oath of confidentiality in relation to their counselling work and, as a matter of principle, will not ask clients to speak to journalists.

Looking for other angles

Antidotes to the 'woman-as-perpetual-victim' stories can be found in highlighting different aspects to the problem of violence against women.

These might include:

- n Actively searching for and reporting on cases that result in successful prosecutions.
- n Providing information around new legislation and simplifying it for the benefit of your audience.
- n Reporting on initiatives aimed at preventing violence against women and dealing with its aftermath.

General suggestions for reporting on violence against women

- n Highlight VAW as a fundamental human rights issue.
- n VAW should be recognised as equal to other crimes and treated as 'hard' rather than 'soft'.
- n The media has a public education function which includes reporting on positive role models for women and debunking

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myths around VAW.

- n News stories should include analysis and contextualisation of events.
- n Information about services for survivors of VAW should be made available to readers, listeners and viewers. A national toll-free helpline is available: 0800-150-150.
- n Perpetrators of violence should be named wherever legally possible.

Ways of improving coverage on a broader level

- n Gender sensitivity training for media workers and police media liaison staff.
- n Encouraging the media to develop more contacts in the field of violence against women.
- n Adopting the various guidelines and suggestions put forward

The effects of positive reporting

The healing power of stories about women who have left abusive relationships or have somehow recovered from abuse is enormous. Editors and journalists may not always be aware of the influence of this type of coverage, as most of these women are unlikely to write letters to the media telling them about their turning point.

One such example of this influence is an article by Lindsey Barnes which appeared in the *Cape Argus* in 1998. Entitled "Women who live - and die - in terror", it provided information about domestic violence, its causes and solutions, as well as details of the services available to those trapped in abusive situations. The journalist also interviewed five women for the story which illustrated the different forms domestic violence takes, as well as the range of survival strategies women adopt to cope with what is happening to them. Organisations providing support to abused women report that a number of women approached them for help after the article's appearance and often referred to it.

Working with editors

Editors are in the business of selling their particular media product, a fact which doesn't always predispose them to deviating from successful formulas. Still, journalists need to set up ongoing dialogues with their editors to discuss new approaches to dealing with violence and, on occasion to fight for their stories.

- n Find a news angle for the editor to justify why this particular story is right for your particular article or programme.
- n Suggest that the headlinewriters discuss headlines and captions with you first to ensure that they match your article. Don't take quotes out of context or endorse attitudes that perpetuate violence against women.

3.3 A brief guide to the law surrounding coverage of Violence Against Women

When reporting on violence against women, journalists are faced with a host of complex legal issues. Consequently, this brief summary of the law is not a substitute for legal advice. We have provided a bare guide in an attempt to raise awareness of the issues involved.

1. *DEFAMATION*

This is the publication of material which reduces the reputation of a person in his or her community. A person who has been defamed can apply to court for an interdict, sue for damages or demand an apology or retraction. However, the law recognises circumstances in which the publication of defamatory material is justified. These are:

- n Privilege or privileged occasion
- n Truth in the public interest
- n Fair comment

Privilege or privileged occasion exists where someone has a right or duty to make specific defamatory statements, and the people for whom the statements are published (e.g. the public) have a corresponding right to learn about them.

To be liable for defamation a person must also have acted intentionally. Circumstances which refute the presumption of intention are if the journalist was unaware that the defamatory publication is wrongful, or if the defamatory words are published as a joke and readers would have taken it that way.

The most significant change with regard to defamation has been the court's rejection of this rule of strict liability of the press in the *Bogoshi* judgement. In this judgement, the court accepted the defences of reasonableness and absence of negligence as being available to the media. Therefore today, if you can prove that you took all the steps you could to verify the information, that you were not negligent and that the material published was reasonable, you would have a good defence to a defamation suit

whether or not that information is true. The court in the Bogoshi judgement recognised the importance of balancing the rights of a free media against the rights of individuals.

2. *INVASION OF PRIVACY*

Journalists are often so concerned with whether or not material to be published is defamatory that they do not consider other rights which the law protects. The concept of privacy protects an individual's rights to dignity. Privacy would be infringed if personal facts were acquired either by intrusion - when an outsider acquires knowledge of private and personal facts relating to an individual contrary to their wishes - or disclosure to a third party.

The law recognises necessity and defence as justification grounds but for reporters, the most significant justification ground is public interest.

3. *CAN A PICTURE BE PUBLISHED OF A PERSON WHO HAS BEEN ARRESTED, CHARGED OR CONVICTED IN RESPECT OF A PARTICULAR CRIME ?*

According to the South African Police Services Act one cannot publish a photograph or sketch of a person without the written permission of the National or Provincial Commissioner. This covers someone:

- n who is suspected of having committed an offence and who is in custody pending a decision to institute or pending the commencement of criminal proceedings against him or her.
- n who is, or may reasonably be expected to be, witness in criminal proceedings and who is in custody pending the commencement of his or her testimony in such proceedings.

There is a strong argument, however, that publication of a "prior photograph or video footage" does not contravene the law. Also, the prohibition does not apply if the person is granted bail or released into someone's care.

Photographs may not be taken in a court building. Taking of such photographs would be punishable as a contempt of court.

According to the Correctional Services Act, it is an offence to publish or make a sketch or take a photograph of prisoners. However, according to this Act, it is not an offence to take a photo if the photo was taken at court or at premises adjacent to court and if the prisoner appeared in that court as an accused and if the photograph was taken at the time of such appearance. There is no reference in the law to "a trial", merely appearance at court. So presumably, although this point has not been specifically considered, the press can take and publish footage of an accused's pre-trial appearances. The Act specifies that it is not an offence to publish a photo taken prior to the arrest of the accused if that photo is published within 30 days after the conviction of the prisoner.

NOTE: Although these provisions remain on the statute books, they are not always strictly enforced. Certain courts, most notably the Constitutional Court, have allowed photographs to be taken to record proceedings. However, journalists are advised to be cautious in this regard.

4. COURT REPORTING

It is a principle of justice in South African law that trials take place in an open court and all proceedings may be reported upon, provided that they are held in open court.

4.1 Court document

Court documents are strictly available to the parties involved in the litigation or people who are interested in the litigation. Reporters do not have a personal interest and cannot demand access to files. However, once a matter is completed the public should have access to all case files. The general rule when covering court proceedings is that everyone is entitled to publish a fair account of the judicial proceedings. As stated earlier (see section on defamation), the media can publish contents of trials as long as they are reported accurately, and as long as it is a good faith report on court proceedings and not just an excuse to publish unlawful material.

The best way for a journalist to be sure of the accuracy of his or her facts is to be present throughout the trial. Pleadings and other documents should always be read as well as charge sheets

in criminal cases and all relevant documentation in the court file.

4.2 Children

Special care should be taken when reporting on matters involving children, particularly where a child is an accused or witness in a criminal trial. Any information about proceedings in a Children's Court which threatens to reveal the identity of anyone under 18 years involved in those proceedings may not be published without special permission.

It is an offense to publish information which reveals the identity of an accused under the age of 18 years or a witness at criminal proceedings who is under 18 years old without the express permission of the judge or magistrate.

4.3 Proceedings involving indecency

In criminal proceedings involving indecency, the court may order that the proceedings be held "in camera". If this happens, the identity of the complainant may be not be revealed except with the authorisation of the presiding officer. No information at all may be published relating to a charge of indecency until the

Codes of conduct relevant to journalists:

Journalists should be aware of the provisions contained in the codes of the following:

- n **Independent Broadcasting Authority Act.**
- n **The Broadcasting Complaints Commission of South Africa.**
- n **The Press Ombudsman.**

Journalists or publishers or whatever nature may be held in contempt of court if they publish matter which is prejudicial to pending proceedings. This is the essence of the sub judice rule. This rule is used and often abused by authorities to avoid answering questions and dealing with issues. It is important therefore to know when matter will qualify as sub judice. The courts have held that the test to be applied is "whether the statement or document in issue tends to prejudice or interfere with the administration of justice in a pending proceeding." One has to look at the possible effect of a particular statement by the media on the mind of a member of a jury, were a jury to decide to the matter. Even though this country no longer utilises the jury system, the rule still applies. However, its applicability is

not always clear and the impact of the Bill of Rights, in particular the clause guaranteeing freedom of expression, is yet to be tested.

Accurately reporting the bare facts of a crime or a matter before the court usually does not amount to contempt of court. But reporting on alleged facts which depend on the testimony of a particular person, and which may or may not be true, may be found to be in contempt. Ultimately it all depends upon whether the reporting is likely to interfere with a fair trial and what must be avoided is reporting in a way that prejudices the issues.

With regard to this rule it is important for journalists to know when proceedings are pending. It is generally accepted that proceedings are pending until all appeal hearings are completed and the time within which any appeal may be noted has expired. In practice, the danger of contempt proceedings at the appeal stage is reduced.

Section 4: VAW resource list

The following websites are useful sources of information, legislation, statistics and action on violence against women:

<http://www.womensnet.org.za> (links with local and international websites on VAW)
<http://www.saps.co.za>
<http://www.statssa.gov.za>
<http://www.nedlac.org.za>
<http://www.polity.org.za/govdocs/legislation>
<http://www.soulcity.org.za>

Contacts in VAW sector

Journalists should use the following list as a starting point. Organisational numbers are provided in event of people moving on after going to print. The information is accurate as of July 1999. For expertise in specific provinces please get contacts directly from the provincial offices of the NNVAW (see page 46).

Domestic Violence

Mmabatho Ramagoshi	NNVAW*	(012) 348-1231/2/3	082 9023250
Langi Mathekg	POWA	(011) 642-4345	083 4785788

VAW & the Law

Rashida Manjoo		(031) 202-6923	
Lebo Malepe	Tshwaranang Legal Advocacy Centre	(011) 403-4267/70	082 7712891

Rape

Carol Bower	Rape Crisis	(021) 447-1467	083 2225155
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Sexual Harassment

Pat Khumalo	SHEP	(011) 403-0541	
Jennifer Wilson	NEDLAC	(011) 482-2511	082 4951341

VAW & Human Rights

Nthabiseng Sepanya	POWA	(011) 642-4345	082 4634848
Helene Combrinck	Gender Project Community Law Centre	(021) 959-2353	083 4409871

Maintenance Law

Lebo Malepe	Tshwaranang	(011) 403-4267/70	082 7712891
Ndivhuho Sekoba			083 6370204
Portia Mnisi		(011) 491-5112	

* For full names of organisations please see page 46.

Customary Law

Rashida Manjoo		(031) 202-6923	
Lebo Malepe	Tshwaranang	(011) 403-4267/70	082
7712891			
Liesl Gerntholtz	CGE	(011) 403-7182	

Femicide

Lisa Vetten	CSV	(011) 403-5650	082
8226725			

VAW and Mental Health

Eileen Maleka		(011) 642-2344	
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Witchburning

Pinkie Mbowweni	CGE	(011) 403-7182	083
2738425			
Daisy Makofane		(015) 268-3391	083
7576569			

Sex Trafficking

Anne Mayne	International Coalition	(021) 686-0244	083
6794311			
	Against Trafficking in Women		

VAW & Sex Workers

Jill Slown	SWEAT	(021) 448-7875	
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VAW & the Media

Gabrielle Le Roux	Women's Media Watch	(021) 461-0368	
Palesa Makgetha	POWA	(011) 642-4345	083
4544830			
Lisa Vetten	TWN		082
8226725			

Virginity Testing

Futhi Zikalala	CGE	(031) 305-2105	083
4774033			

VAW & Disability

Hendrietta Bogopane	DPSA		082
2006370			
	DWDP		082
8974683			

VAW & HIV /AIDS

Cynthia Nhlapo	Dept of Health	(011) 355-3865	
Bronwyn Pithey	Rape Crisis	(021) 471-467	083
2225157			

Notes

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