

Address by Mr. Andries Nel, MP, Deputy Minister of Justice and Constitutional Development at a Conference on: "Africa Sharing Experiences and Solutions on Sexual and Gender Based Violence Management" held in Cape Town from 8 - 10 November 2009

Programme Director, Adv. Thoko Majokweni,
Acting National Director of Public Prosecutions, Adv. Mokotedi Mpshe, SC
Deputy National Director of Public Prosecutions, Dr Silas Ramaite, SC
Members of the Diplomatic Corps and in particular from the United States and Denmark,
The Mission Director of the US Agency for International Development, Dr. Carleene Dei
Representatives of the United Nations Children's Fund, Ms. Mahlati Pillai,
Representative of the International Advisory Group, Ms. Scholastica Kimaryo,
Traditional Leaders here present,
Attorneys General,
Esteemed delegates from Namibia, Swaziland, Lesotho, Malawi, Rwanda, Zambia, Mozambique,
Cape Verde, Mauritius and Ghana,
Distinguished guests,
Ladies and Gentlemen.

Molweni!
Goeie middag!
Sawubona!
Thobela!
Avuxeni!
Ndi masiari!
Good afternoon and welcome to South Africa!
Boa tarde. Sejam bem-vindos a Africa do Sul!
Bonjour. Soyez les bienvenus a l'Afrique du Sud!

In greeting you here today I wish also to convey the greetings and support of the Minister of Justice and Constitutional Development, Mr. Jeff Radebe and other members of the South African government.

In greeting you I would like to pay tribute to the brave women who have survived and to remember the countless women who have been lost to gender based violence.

I would also like to pay tribute to giants of our struggle such as Dora Tamana, Ray Alexander Simons and Liz Abrahams who lived and struggled in Cape Town. Their contribution to realising the vision of a united, non-racial, non-sexist, democratic and prosperous nation in which women are liberated will be forever be remembered. May their spirit guide us in our deliberations.

We are honoured to be with so many committed activists in the fight against gender based violence. You bring together in this room experiences drawn from your work in communities, non-governmental organisations, law enforcement agencies, in particular attorneys-general and directors of public prosecutions who are members of the African Prosecutors Association, government departments working in the fields of justice, correctional services, police, health,

education social development and finance and communication. You bring experiences drawn from work done in countries across our continent and the world.

This is a source of tremendous strength and inspiration. It demonstrates clearly that while sexual and gender-based violence know no borders, our struggle against these forms of violence also knows no borders.

I have reflected on the theme of this conference: "Africa Sharing Experiences and Solutions on Sexual and Gender Based Violence Management" and hope that this does not imply that this conference will be focussed only on the "management" of that which must be eradicated.

According to the United Nations violence against women is any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The definition is comprehensive and includes, sexual, physical, or emotional abuse by an intimate partner; physical or sexual abuse by family members or others; sexual harassment and abuse by authority figures (such as teachers, police officers or employers); trafficking for forced labour or sex; and such traditional practices as forced or child marriages, dowry-related violence; and honour killings, when women are murdered in the name of family honour. Systematic sexual abuse in conflict situations is another form of violence against women.

The 1995 Beijing Platform for Action expands on this definition, specifying that violence against women includes: violations of the rights of women in situations of armed conflict, including systematic rape, sexual slavery and forced pregnancy; forced sterilization, forced abortion, coerced or forced use of contraceptives; prenatal sex selection and female infanticide. It further recognizes the particular vulnerabilities of women belonging to minorities: the elderly and the displaced; indigenous, refugee and migrant communities; disabled; women living in impoverished rural or remote areas, or in detention.

It is important that we discuss sexual and gender-based violence in the broader context of unequal power relations in society and also the histories of our different societies, many of which still bear the scars of colonialism and apartheid.

The struggle to end violence against women in South Africa is central to our national liberation. South Africans cannot be free as long as women are vulnerable to abuse, rape and murder.

Violence against women must be fought at many levels. The unequal power relations between men and women in society and at home lies at the heart of this violence. These power relations are the result of social attitudes, certain cultural practices, unequal access to opportunities - like education and employment - and the close relationship in South Africa between gender oppression and oppression on the basis of race and class. The role of power relations explains also why children are also frequently victims of sexual and other violence, being relatively powerless and vulnerable.

It is necessary therefore to challenge social attitudes which makes the rights and needs of women subject to the will of men, whether their spouse or partner. The right of women to equality, to freedom and security of person, and to the other freedoms contained in the Bill of Rights, needs to be asserted and defended.

The eradication of sexual and gender-based violence will require fundamental social change: fundamental changes in the socio-economic conditions under which the majority of people in our country and continent live, fundamental changes to patriarchal attitudes that characterise our societies. Without such fundamental social change the interventions by our criminal justice system will have limited effect.

In his State of the Nation Address earlier this year President Jacob Zuma outlined government's programme of action to achieve five areas that have been identified as national priorities: 1. Fighting crime and corruption; 2. Education; 3. Creating work; 4. Rural development and food security; 5. Health.

He emphasised that the realisation of these goals will require collective effort and that working together we can do more!

We believe that these priorities are mutually dependent and re-enforcing and will contribute to the fundamental change required to help eradicate sexual and gender-based violence.

An adequately fed girl-child will be a healthier girl-child. A healthier girl-child will find it easier to learn. An educated girl-child will find it easier to find work when she grows up. An employed woman will be less dependent on potential perpetrators of gender-based violence. An educated woman will have greater access to the criminal justice system. A girl-child growing up in a developed rural area will have easier access to all to the above.

But we also know that at the root of gender-based violence lies not only socio-economic conditions but also deeply engrained patriarchal attitudes that will require many years of concerted struggle by men and women to uproot.

It is essential that we recognise sexual and gender-based violence as crime and, therefore, as part of government's number one priority of fighting crime and the causes of crime.

We are overhauling the criminal justice system to ensure that the levels of crime are drastically reduced and that corruption is stamped out.

We are working to establish a new modernised, efficient and transformed criminal justice system with the capacity for fighting and reducing crime in real terms. We are creating greater integration and coordination between the police, the judiciary and the correctional services. We are mobilising communities to participate in combating crime through the establishing street committees and community courts.

If our criminal justice system fails to combat violence against women and children it would have failed. We cannot claim victory in the fight against crime if we cannot claim victory in this battle.

Violence against women has received the most consistent and profound government attention albeit with limited resources. Most available resources have gone towards implementing the Domestic Violence Act, 1998 (Act 116 of 1998), combating sexual offences, raising public awareness, building capacity amongst service providers and perfecting an integrated response to this social scourge.

Government has taken action to address constitutional and human rights violations against women and the girl-child through adopting multi-sectoral strategies and establishing strong

partnerships and alliances with civil society, private sector, donor community and other stakeholders.

The integrated, multi-sectoral approach of government in addressing violence against women includes some of the following measures:

- The 365 Day National Plan of Action to End Gender Violence;
- An annual 16 Days Activism Campaign on No Violence against Women and Children;
- The involvement of men and boys as partners in fighting violence against women and in changing attitudes and the behaviour of boys and men;
- The establishment of Equality Courts and dedicated Sexual Offences Courts;
- The Victim empowerment programmes and the Thuthuzela Care Centres as 24 hour one-stop centres where victims have access to services such as the police, counselling, doctors, court preparation and prosecution.

Legislation has recently been approved by cabinet to combat trafficking in women and children as well as a bill combatting harassment that will extend the protection offered by the Domestic Violence Act.

Nonetheless, violence against women and girls continues unabated and continues to pose a serious challenge for government. In South Africa, violence against women remains unacceptably high and the social conditions and mindsets that perpetuate this evil remain entrenched.

In 2000, following a Cabinet instruction, government formed the Inter-departmental Management Team to develop an anti-rape strategy. It is an intersectoral initiative, led by the Department of Justice and constitutional Development (DoJ & CD) through the National Prosecuting Authority. The team's aim is to develop an integrated and sustainable anti-rape strategy.

The roll out of 54 dedicated sexual offences courts and 17 TCCs affirms the SA governments commitment to address gender based violence. Although law enforcement agencies present opportunities to prevent and respond to violence, this needs to be supplemented by work in all other spheres of life: in homes, religious communities, media, schools, and workplaces. We must create a safe society, systems that can be responsive to violence when it occurs, and a social context that clearly and consistently rejects any form of gender based violence.

The theme of this conference is: "Africa sharing experiences and solutions on sexual and gender- based violence management."

South Africa hosted the first Gender Justice in Africa Colloquium (GJIAC) on the 23-26 of November 2006. This was followed by Ethiopia in 2008. We expect Zambia to host the third colloquium. These colloquia have given us an insight into various intervention models in sexual and gender based violence on the continent. The first colloquium focused on the Thuthuzela Care Centre model as one of the best practices in the management of sexual offences. The second focused on the examination of traditional practices utilized as a means to prevent sexual and gender based violence.

The Thuthuzela Care Centres are another critical intervention by the South African Government. The Care Centres provide an integrated approach to victims: legal, social, and medical assistance is accessible at each centre. Through our partnership with the governments of Denmark and the United States of America, we have been able to provide this support to thousands of victims of gender based violence. As a result of the logic and success of the Care Centres, South Africa proposes the introduction of this model in 10 African countries. Both the Danish and US governments have made funds available for us to pursue this important and necessary initiative.

16 DAYS TO HIGHLIGHT 365 DAYS OF ACTIVISM

In two weeks, we will be embark on the 16 Days of Activism for No Violence Against Women and Children, an international campaign that takes place annually from 25 November to 10 December.

The day that marks the start of the campaign, 25 November, was declared International Day for No Violence Against Women at the first Feminist Encuentro for Latin America and the Caribbean held in Bogota, Colombia in 1981. This day was chosen to commemorate the death of the Mirabal sisters in 1960 by the dictatorship of Rafael Trujillo in the Dominican Republic. The day was officially recognised by the United Nations in 1999 as the International Day for the Elimination of Violence against Women.

During this period we will also commemorate International HIV and AIDS Day (on 1 December), International Day for People Living with Disabilities (on 3 December) and International Human Rights Day (on 10 December.)

We have said that these must be 16 days to highlight 365 of action against violence against women and children.

The main objectives of this campaign are to:

- * Create awareness about negative impact of gender-based violence and child- directed abuse;
- * Educate every member of society about the scourge of violence against women and children;
- * Challenge the perpetrators of these crimes to change their behaviour;
- * Inform women, children and men of information and services available to them on gender-based violence;
- * Encourage society to speak out and not to remain silent about gender-based violence; and
- * Inform communities about alcohol and substance abuse and the impact gender-based violence has on the infection rate of HIV and AIDS.
- * Stress the importance of partnerships between government and civil society in eradicating women and child abuse.
- * Involve men and boys as crucial role-players in the eradication of violence against women and children.
- * Provide victims and survivors of violence with information about legislative services and other mechanisms put in place by the government to ameliorate the impact of violence on their lives.
- * Raise funds for non-governmental and community-based organisations working with victims and survivors of violence.

We urge and encourage all of us to actively support this Campaign through these measures:

- * wearing the white ribbon during the 16-day period to symbolise that we will never commit or condone violence against women and children,
- * volunteer in support of NGOs and community groups that support abused women and children,
- * volunteer our time to help plant a garden at a shelter or join an organisation as a counsellor,
- * encourage silent women victims to challenge abuse and ensure that they get help, and
- * join our local policing forum (CPF) to help bring effective crime prevention.

In conclusion,

We wish to thank the National Prosecuting Authority, the United Nations Children's Fund and the Embassies of the United States of America and the Kingdom of Denmark for their role in the organisation of this conference and for being with us shoulder to shoulder in the trenches of the fight against gender based violence.

We would like to thank the United States Agency for International Development and the Danish Government for their consistent and continued support for our Thuthuzela Care Centres.

It is significant that the United States is commemorating 15 years of the Violence Against Women Act (VAWA), enacted by the U.S. Congress in 1994. This Act is a comprehensive legislative package focused on violence against women. It recognises the devastating consequences that violence has on women, families, and society as a whole and acknowledges the need for specialized responses to address unique barriers that prevent victims from seeking assistance from the justice system. Its provisions have been further strengthened by the Violence Against Women Act of 2000 (VAWA 2000).

In proclaiming October National Domestic Violence Awareness Month US President Barack Obama said: "Domestic violence touches the lives of Americans of all ages, leaving a devastating impact on women, men, and children of every background and circumstance. A family's home becomes a place of fear, hopelessness, and desperation when a woman is battered by her partner, a child witnesses the abuse of a loved one, or a senior is victimized by family members."

He went on to say that, "During this month, we rededicate ourselves to breaking the cycle of violence. By providing young people with education about healthy relationships, and by changing attitudes that support violence, we recognize that domestic violence can be prevented. We must build the capacity of our Nation's victim service providers to reach and serve those in need. We urge community leaders to raise awareness and bring attention to this quiet crisis. Together, we must ensure that, in America, no victim of domestic violence ever struggles alone."

Let us also say that working together we will ensure that in Africa, no victim of domestic violence ever struggles alone. Let us say that, working together and struggling together, side by side, we will will emerge victorious in the struggle against sexual and gender-based violence.

On behalf of the Ministry as well as the Department of Justice and Constitutional Development I wish you well in your deliberations and hope that when we meet next we will be celebrating these victories.

With that I declare this conference open.

I thank you very much

Baie dankie

Ngiyabonga

Ke a leboga

Inkomu

Ndi a livhuwa

Muito obrigado

Merci beaucoup