



We must act on the lessons learned during the Zuma rape trial.

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On March 5th a day before the Jacob Zuma rape trial resumed a fellow gender activist and friend of ours was raped in her home. On Monday the judge in the Zuma trial issued his verdict and found that the prosecution had not proven beyond reasonable doubt that the former Deputy President. In reaching that verdict, he publicly rebuked the police for their shoddy investigation.

For our friend there is no resolution to her case. The trauma inflicted upon her persists. For her and countless other rape survivors, the sleepless nights, the intermittent panic attacks whenever she is alone, the terror and hyper-vigilance on the streets and in the taxi on the way home and the devastating depression continue to gnaw at her sense of self and at the convictions that inspired her activism.

When the rapist broke in through her door and held a knife to her throat she did all she could to convince him to wear a condom. She finds some solace in the fact that she was able to persuade him to try and put a condom on-until, drunk and violent, he broke it. He then raped her. She is in her mid-twenties. It is the fourth time she has been sexually assaulted.

Fortunately, as a gender activist, she knew about the importance of post exposure prophylaxis and was lucky enough to live near one of the few health service sites in Gauteng that stocks it. Almost exactly two months later and after taking her course of PEP she still is not certain of her HIV status. She'll have to wait until the window period closes before she knows for sure.

The two male police who arrived on the scene informed her that no women police were available despite existing policy that there should be and made little effort to secure forensic evidence. When she was taken to the sexual assault unit in Braamfontein there were no counsellors available to debrief her. Instead, a well meaning doctor told her how much worse it could have been and described in detail the ordeal of a gang rape survivor who had been brought to the centre earlier in the evening.

In the weeks following her rape she made repeated calls to the police and got no response at all-no call back, no additional questioning, nothing. And that despite the fact that the rapist had stolen and used her phone and in the process left a clear trail for the police, had they taken action. It turns out her investigating officer has over 60 cases at the moment, more than half of them children. Most of her colleagues are carrying even larger caseloads. They earn very little and are themselves often struggling with the after-effects of repeated exposure to stories of trauma and dehumanizing brutality. With that many cases, they are able to attend court cases but do almost no investigation.

Almost two months to the day since she was raped, our colleague has still heard nothing about her case. In all likelihood, her case will remain unsolved and the criminal justice system will send a silent message to the man who raped her and to many others like him that they can rape and brutalize women with impunity.

Whatever we may think of the outcome of the Zuma trial, the trial itself and the public debates it has generated have offered us important lessons about rape in South Africa. As a country, we have to act on

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these lessons. Failure to do so makes a mockery of our constitution-especially Section 12, subsection 2 of the bill of rights which states that “Everyone has the right to bodily and psychological integrity, which includes the right to security in and control over their body”.

What have we learned? We have learned-or, more accurately, been reminded-that sexual violence is endemic and that very little is done to stop it. Like our colleague, the complainant in the Zuma case reports having been raped throughout her childhood. In neither case were the perpetrators held to account. In the case of the Zuma trial, this history of sexual abuse at the hands of much older men was cynically used to suggest that the complainant “cries rape” after supposedly engaging in consensual men.

It seems we still do not understand our own statutory rape laws. The Zuma rape case and the acquittal in the rape case against Orlando Pirates soccer star Bernard Vilikazi for having sex with a 15 year-old tell us we have lots of work to do to ensure that the Criminal Justice System complies with the countries statutory rape laws.

We have learned that our court rooms often serve to further brutalize women. A colleague reports that after watching news coverage of the trial her 15 year-old daughter told her that she would choose not to report rape rather than be subjected to the humiliating questions the Zuma complainant was forced to answer.

We have learned that men's violence against women is still explained away by crude victim blaming. Story after story in the media has shown us that women are still blamed for being raped if they do not forcibly resist, if they show their knees, if they talk about sex, if they have been previously raped, if they visit the house of a man after certain hours and if they don't have a boyfriend. Similar arguments, of course, are not made to blame victims of carjackings for having their windows open or victims of break-ins for not closing their curtains. What explains this double standard? Put simply, sexism.

Zuma's claims that sex between he and the complainant was consensual should sound alarm bells about men's understanding of what constitutes sexual consent and their sense of entitlement to women's bodies. In workshops across the country, we have heard many men argue that sexual consent is established when a woman gives her cell phone number, accepts a drink, dances closely, or comes back to their house. These definitions of consent then provide men with a convenient justification for not respecting women's right to say no to sex.

To address this, we need to educate young and adult men about about the difference between consensual sex and date rape and make sure that men understand that women have the right to say no to sex--no matter what the relationship and no matter what signs they may think indicated an interest in sex. Most importantly, though, we need to create a society that encourages men to respect women.

Zuma's testimony should also serve to remind us that men who have multiple concurrent sexual partners and practice unsafe sex place themselves and all of their partners at risk and drive the rapid spread of HIV infection. To slow the spread of HIV and AIDS we will have to challenge the ways in which some men equate manhood with sexual conquest and risk taking. Uganda's much heralded HIV prevention strategy owed its success in large part to a “zero grazing” campaign aimed at men.

Two years ago on International Women's Day Kofi Annan said, “We must encourage men to replace risk-taking with taking responsibility”. The Zuma trial has reinforced the urgency of that call.

This week the Sexual Offences Bill is likely to go before Parliament. As a result of the Zuma trial and as a result of what we have learned from our friend's ordeal, it is clear that this bill needs to be passed urgently. Despite prior commitments from senior government officials that it would be tabled, it has languished since

1998. It must be passed immediately. The Zuma trial has shown us that it must include provisions that protect rape survivors from further traumatising in courts-whether on the stands or in the nearby streets.

To be meaningful, the new act must also include clear provisions for additional resources. The Criminal Justice System will need additional specialized sexual assault police with decent pay to be able to do their job properly and to avoid the kind of rebuke they received today. Rape survivors in every community across the country need easy access to fully staffed specialized sexual assault centres with easy access to PEP. The public needs swift and committed investigations to hold perpetrators accountable and to deter additional assaults. Without a commitment from the treasury to pay for these services, the law will be severely compromised.

In that same speech, two years ago Kofi Annan said, “Across all levels of society, we need to see a deep social revolution that transforms relationships between women and men”. To achieve this, we must act on the lessons we have learned over the course of the last few months--no matter what verdict is issued today.

As men, we believe many other men also care deeply about women in their lives affected by rape or the threat of rape. We believe many men know that violence against women is wrong and would like to see it stop. We call especially on men, including men in parliament and government, to find the courage to act on their convictions and to take action to end the violence some men commit in our names.

Bafana Khumalo and Dean Peacock are Co-Directors of the Sonke Gender Justice Project-a new NGO that works to promote gender equality and address the gendered dimensions of HIV and AIDS.