

THE 2020 TSIETSI MASHININI MEMORIAL LECTURE: GENDER-BASED
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Dr. Olive Shisana Hon Professor (UCT)

Social Policy Special Advisor to the President

It is both an honour and a privilege to be delivering this fifth annual Tsietsi Mashinini Memorial Lecture, named for a hero of the liberation struggle. In this month of June, 44 years ago, Tsietsi Mashinini was at the forefront of a great struggle waged by the students of Soweto not just against an unjust system, but also as part of reclaiming their dignity.¹

We honour this human rights leader less than a month after witnessing in broad daylight and on camera, the disregard for Black life with the killing of George Floyd in the USA. His last words "I can't breathe" fell on the deaf ears of a racist who looked calm as he kept his knee on Floyd's neck.² In 2014 Eric Garner, another Black man died at the hands of the police as he pleaded "I can't breathe". Reverend Al Shapton, at the memorial service of George Floyd, put his finger on the pulse when he said, "Get your knee off our necks".³ These words resonate with the legacy of Mashinini. He dedicated his life to getting our oppressor's knee off our necks. And for far too long gender-based violence is a knee on our necks. I'm therefore extremely pleased that the organizers of this event chose gender-based violence as a theme for this year.

Gender-based violence in South Africa is a significant problem, and it is on the rise.⁴

¹ <https://www.sahistory.org.za/people/teboho-tsietsi-mashinini>

² <https://www.dailymail.co.uk/news/article-8374007/Hundreds-Black-Lives-Matter-activists-chanting-breathe-gather-Trafalgar-Square.html>

³ <https://www.washingtonpost.com/nation/2020/06/04/george-floyd-protests-live-updates/>

⁴ <https://www.saferspaces.org.za/understand/entry/gender-based-violence-in-south-africa>

President Ramaphosa has rightly called it a shame, and a stain on our national conscience.⁵

It is troubling to us all that twenty-six years since the end of apartheid and the 1995 Beijing Women's Platform (Stauffer, 2015), that we still have to deal with this knee on our neck.

What I hope to do in this lecture is to locate the phenomenon of gender-based violence within a global and domestic context, underline the factors fuelling it, and chart a way forward to eradicate it.

I have drawn on a substantial body of literature including expert studies in the field and legislative instruments and others.

This lecture is available in academic paper format on the gender-based violence website (www.gbvf.org.za), and I look forward to engaging with our viewers in the near future.

So, how grave is this problem? The answer is simple, it is very bad.

Researchers estimate the levels of South African women who have experienced sexual, and/or physical intimate partner violence in their lifetime at 25 to 38 per cent, with 31 per cent taking place in their most recent marriage or cohabiting relationship (Shai, & Sikweyiya, 2015).

That was in 2015. The numbers are by now far higher, no doubt.⁶

We should express our concern for the high prevalence of violence against lesbian, gay, bisexual, transgender, queer and intersex persons, including the terrible practice of so-called corrective rape.⁷

⁵ <http://www.thepresidency.gov.za/speeches/address-president-cyril-ramaphosa-launch-16-days-activism-no-violence-against-women-and>

⁶ <https://www.sanews.gov.za/south-africa/gender-based-violence-rise>

⁷ <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.840.1031&rep=rep1&type=pdf>

The United Nations defines it as physical, sexual or psychological harm to women, including threats of such acts, coercion or arbitrary deprivations of liberty within public or private life (Assembly, 1993).

Within a global context, an estimated 30 per cent of women aged 15 years and older who have had partners have experienced physical and/or sexual intimate partner violence in their lifetimes. Regional rates range from 16.3 per cent in East Asia to 65,6 per cent in sub-Saharan Africa (Palermo, Bleck, & Peterman, 2014).

Gender-based violence is multi-faceted. It includes (Mpani, & Nsibande, 2015):

- battering, psychological abuse, marital rape, and femicide;
- sexual violence and harassment such as rape, unwanted sexual advances, child sexual abuse and forced marriage;
- female genital mutilation
- child marriage

In South Africa, as elsewhere, sexual violence far too often results in femicide.⁸

As a nation we recall with pain the women who have lost their lives after being sexually assaulted. We remember Anene Booysen, Precious Ramabulana, Uyinene Mrwetyana, Nthabiseng Rampai and others– all young women in their prime of life who were brutalized in the most unimaginable manner.⁹

The overall rate of femicide is 9.5 times higher than the global average.

There is a widespread view that the criminal justice system is inadequate and this leads women to fear that crime has somehow become normalized (Gordon, & Collins, 2013).

⁸https://www.researchgate.net/publication/273567425_INTIMATE_FEMICIDE_IN_SOUTH_AFRICA_COMPARIN_G_TWO_STUDIES_10_YEARS_APART

⁹ https://web.facebook.com/ACVVHeadOffice/posts/list-honouring-women-children-murdered-in-sa-recently-list-compiled-by-cindy-sep/2647511465288336/?_rdc=1&_rdr

To address this GBV, like with all problems, we have to get to the root of it (Department of Social Development, 2014).

In South Africa very specific historical factors are associated with gender-based violence, particularly at the family level. They warrant scrutiny (Stauffer, 2015).

And here, the shadow of our past looms large.

There was the migrant labour system that separated husbands and wives for eleven months in a year, breaking up families and resulting in men having wives and partners in both the rural and urban areas, causing conflict within families (Mazibuko, 2000)

There was influx control, that made it impossible for rural black women to stay in urban areas, as part of the drive to prevent a permanent black population living close to white people (Ogura, 1996).

It is undeniable that this context, of socio-economic, and race inequality being perpetuated again and again that has played no small role in driving sexual and gender-based violence (Stauffer, 2015).

This culture of violence did not die when apartheid ended, it is being felt day after day on our streets, in our schools, and in our homes.¹⁰

The Evidence Report on the Empowerment of Women and Girls draws on the notion of structural violence to demonstrate that gender, class, race and sexuality were normatively constructed and enforced (Mills, Shahrokh, & Wheeler, et al., 2015).

It has been suggested that within these constructs, toxic interpretations of masculinity arise, and the linkages between toxic masculinity and GBV are clear (Mills et al., 2015).

No discussion around gender-based violence would be complete without a critical examination of those behavioural aspects society expects men to display or achieve as a way of proving their manhood.¹¹ This is manifested in cases where male control

¹⁰ <https://www.oikoumene.org/en/get-involved/thursdays-in-black>

¹¹ <https://www.sida.se/contentassets/3a820dbd152f4fca98bacde8a8101e15/preventing-and-responding-to-gender-based-violence.pdf>

of women prevails, where male sexual entitlement is encouraged, where inequitable gender attitudes are normalized, and where the constant stereotyping of women in the media is not challenged (Shai, & Sikweyiya, 2015).

Let us consider the association between GBV and more traditional or conservative norms, particularly the ones that are primarily patriarchal (Saffitz as cited in Graaff, & Heinecken, 2017).

We are talking here about the persistent pigeon-holing of the man as the provider, something that features in masculinity expressions worldwide albeit practiced differently.

Numerous studies have highlighted a prevailing view that when it comes to the man as a provider, that there should be a form of *quid pro quo* access to women's bodies (Jewkes, Morrell, & Sikweyiya, et al., 2012).

In a number of African countries, the sexuality of married women is understood to be in the realm of the control of their husbands.¹²

For example, it has been observed in one study in Botswana that even a female who is a single parent is not allowed to have sexual relationship with any man other than the one with whom she has children (Ademiluka, 2018).

However, a man is free to have a concubine or second wife if he pleases (Ademiluka, 2018).

The double standard relating to sex before marriage plays into patriarchy. Young women are discouraged or forbidden from having sexual intercourse before marriage, while there is no such constraint directed at young men (Ademiluka, 2018).

Certain cultures conduct virginity tests (*ukuhlolwa*) on young girls yet there is no virginity testing for young men (South African Human Rights Commission, 2017).

¹² <http://www.saflii.org/za/journals/AHRLJ/2014/10.html>

Another traditional practice that disadvantages women is the practice of *ukuthwala*, whereby a female is abducted for the purpose of marriage (Kheswa & Hoho as cited in Centre for the Study of Violence and Reconciliation, 2016).

While the practice can be conducted in an arranged manner, with all parties aware of the date and time of the abduction, it can also happen in a way that the female is ignorant of the arrangement (Kheswa & Hoho as cited in Centre for the Study of Violence and Reconciliation, 2016).

Today *Ukuthwala*, particularly in the Eastern Cape, increasingly involves the kidnapping, rape and forced marriage of minor girls as young as twelve years, by grown men old enough to be their grandfathers.¹³ This in part, fuels the practice of older men marrying much younger girls, a practice we call age-disparate sexual relationships. Often the girl is too young to be married and has no right to consent. She may even end up having an early unplanned and unwanted pregnancy that comes with consequent reproductive health problems.¹⁴

Then there is the superiority of giving birth to male children. Girls are considered expendable commodities that will ultimately be married out to other families. And women with no sons constantly fear losing their marriages and homesteads to other women (Ademiluka, 2018).

The preference of the boy child is by no means a uniquely African phenomenon (Rossi, & Rouanet, 2015).

It is also common in India and China, which creates an unbalanced sex-ratio in favour of males.¹⁵

Within the evolutionary psychology framework, a higher male-female sex ratio brings about competition among males for female mates. This may lead to sexual frustration and jealousy among men, contributing to sexual violence.¹⁶

¹³ https://www.justice.gov.za/docs/articles/2009_ukuthwala-kidnapping-girls.html

¹⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3777345/>

¹⁵ <https://www.washingtonpost.com/graphics/2018/world/too-many-men/>

¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3777345/>

Not all men engage in GBV.¹⁷ The question then is: Why do some men commit gender-based violence and not others?

There are studies suggesting there are specific factors causing some people to engage in violence.¹⁸ Experiencing or witnessing violence in childhood is thought to contribute to a person's probability of perpetrating violence themselves later in life (Malinosky-Rummell, & Hansen, 1993). The link between the two is not always as concrete or as robust as has been assumed (Stith, Rosen, & Middleton, et al., 2017).

Another plausible explanation is the causal relationship between violence and substance abuse (Graaff et al., 2017).

The association between GBV and substance abuse in South Africa is well-documented (Masiko, & Xinwa, 2017). Studies connecting alcohol consumption and intimate partner violence indicate that 45% of men and 20% of women were drinking during or prior to such episodes (Freeman, & Parry, 2006).

Of course, arguably, alcohol is just a catalyst of gender-based violence and the intention was always there (Martin, 1993).

That said and notwithstanding, the causality is something we can no longer afford to ignore, disregard or diminish¹⁹

In 2006 in South Africa, 70% of domestic violence cases were alcohol-related, and a fifth of perpetrators arrested for rape indicated that they were under the influence of alcohol at the time of the crime (Masiko, & Xinwa, 2017).

More recently, police records show that during the COVID-19 lockdown with alcohol sales being prohibited, gender-based violence decreased substantially. One note, for example, that rape decreased by 84% and domestic violence by 70.7% during the same periods in 2019 and 2020 (South African Police Service, 2020).

In addition, GBV resulting from the power relation skewed in favor of men has long been acknowledged as a significant determining factor of women's HIV risk within sub-

¹⁷ <http://menengage.org/wp-content/uploads/2014/01/MenEngage-Africa-Symposium-Case-Studies-1.pdf>

¹⁸ <https://www.nap.edu/read/5127/chapter/5#51>

¹⁹ <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-017-4349-x>

Saharan Africa, and in South Africa in particular (Campbell as cited in Pitpitpan, Kalichman, & Eaton, et al., 2013).

Firstly, violence in intimate relationships directed at women is linked with women's HIV status, with HIV infected women reporting a higher incidence of violence than uninfected women. (Catania, Binson, & Van Der Straten, et al., 1995).

Secondly, there are studies that show South African women who were HIV negative at baseline were more likely to contract HIV if they experienced violence from a male partner as opposed to women who did not (Jewkes, Dunkle, & Nduna, et al., 2010). This is a result of women disempowered to negotiate safe sex in relationships.

The socio-economic factors at play also carry weight (Kiss, Schraiber, & Heise, et al., 2012).

Lack of family and social support, low levels of education, and poor employment opportunities often prevent women from exiting abusive relationships, thus prolonging their risk of abuse (Counts, Brown, & Campbell, 1992).

One 1994 study found that men tend to use physical violence against wives if they have lower educational backgrounds and living in poverty (Hoffman, 1994)

Furthermore, intimate partner violence is also associated with so-called 'compensatory masculinity' where men compensate for economic shortcomings and exert themselves through violence (Peralta & Tuttle, as cited in Graaff et al., 2017).

I would like to turn now to the legal and regulatory context.

In many countries around the world, the law both implicitly and explicitly fails to address gender-based violence.²⁰

For example, approximately 127 countries do not criminalise rape within marriage (Ellsberg, Jansen, & Heise, et al., 2008). Another is the laws preventing women from working or running their own businesses.²¹ The 2018 Women, Business and the Law indicators show that 104 economies continue to have laws that deny women the

²⁰ <https://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/FINALREPORT.goodpractices.pdf>

²¹ <https://www.weforum.org/agenda/2018/08/104-countries-have-laws-that-prevent-women-from-working-in-some-jobs/>

opportunity to work in specific jobs; 59 economies have no laws pertaining to sexual harassment within the workplace; and in 18 economies, husbands can lawfully prevent their wives from working (World Bank Group, 2018).

South Africa has implemented a range of comprehensive and progressive policies, laws, and support systems to protect women and advance their status.²²

The Domestic Violence Act, the Employment Equity Act, the Sexual Offences Act, the Minimum Standards for Victims of Crime, the Service Charter, and the National Policy Statement for Victim Empowerment all are aimed at the elimination of GBV (Mills et al., 2015).

However, there is clearly a need for improvement, specifically with regards to improving women's economic prospects.²³

South African women, particularly black women, need support to overcome poverty, to access land and housing, to be considered when it comes to technology rollout and provision, to education and to employment (Mathonsi, 2011)

So, then, compatriots, to borrow Lenin's famous call: what is to be done?²⁴

Our success in combatting the HIV/Aids pandemic in the 2000's taught us the importance of having one national plan and a coordinated implementation strategy (Mills, et al., 2015).

It taught us about forging collaboration and consensus, and about building the social compacts. President Ramaphosa has spoken of this at length.²⁵

2019 marked a turning point of the country's response to GBV.²⁶ Civil society comprised of a cross-section of women from #TotalShutdown, African National

²² <http://www.women.gov.za/images/Final-National-Beijing-25-Report-2014-2019--Abridgeged-.pdf>

²³ <https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>

²⁴ <https://www.marxists.org/archive/lenin/works/1901/witbd/>

²⁵ <https://www.gov.za/speeches/president-cyril-ramaphosa-2020-state-nation-address-13-feb-2020-0000>

²⁶ <https://www.globalcitizen.org/en/content/south-africa-ramaphosa-7-pledges-tackle-violence/>

Congress and other organisations took to the streets expressing their frustration with the growing atrocities committed against women.²⁷ The #Totalshutdown women went to the Union Building and were met with a receptive President.²⁸

The acknowledgement by President Ramaphosa that the government's response to GBV was indeed inadequate and his willingness to champion the cause opened a window of opportunity to craft a new strategy.²⁹

From then on, government and civil society began to work together towards a common goal of ending gender-based violence.

The partnership between government, civil society and development partners in South Africa, led to the formulation of the GBV Emergency Response Action Plan in mid-2019.³⁰ It was followed this year by the government's approval of National Strategic Plan to combat gender-based violence.³¹

The plan comprises of the following interventions:

- Access to justice for victims and survivors – Pillar 3 Justice, Safety and Protection
- Change norms and behaviour through high-level prevention efforts – Pillar 2 Prevention and rebuilding social cohesion
- Respond to victims and survivors of GBV-Pillar 4 Response, Care, Support and Healing
- Strengthen accountability and architecture to respond to the scourge of GBVF adequately – Pillar 1 Accountability, Coordination and Leadership

²⁷ <https://www.unwomen.org/en/news/stories/2018/8/news-in-south-africa-women-call-for-totalshutdown-of-gender-based-violence>

²⁸ <https://www.news24.com/news24/SouthAfrica/News/ramaphosa-personally-addresses-totalshutdown-protesters-promises-gender-summit-20180801>

²⁹ <https://www.gov.za/speeches/president-cyril-ramaphosa-address-nation-public-and-gender-based-violence-5-sep-2019-0000>

³⁰ <https://www.gov.za/speeches/gbvf-committee-identifies-key-actions-24-oct-2019-0000>

³¹ <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf>

- Prioritise interventions that facilitate economic opportunities for addressing women's economic vulnerability- Pillar 5 Economic Power.

We are still in the early days, and the NSP was only released in April.³² The population-based survey on gender-based violence that will be undertaken soon will provide critical information on:

- Firstly the extent of the problem nationally, provincially and locally,
- Secondly, the drivers of GBV,
- And lastly but most importantly, the needs of women and girls.

This will enable us to ensure budgets are based on the needs identified by the survey. It is crucial to have credible and reliable data to ensure monitoring and evaluation.³³

We are determined to effect change at a societal level, and that is why there will be programmes in schools, workplaces, religious institutions as well as households.³⁴

We are also determined to be focused. Key will be prevention interventions that prioritise challenging toxic masculinities and exploring alternative methods of expressing manliness.

This is also an opportunity to engage with sexual orientation and gender identity issues as other vital factors driving specific forms of GBV, as well as developing interventions for the protection of children.

In tandem with all of these, we have to address the specific themes highlighted in the 2016 White Paper on Safety and Security on strengthening the criminal justice system, early intervention to prevent violence and crime, victim support, safety through effective and integrated service delivery, and active public and community participation (Institute for Security Studies., 2019).

³² <https://www.samrc.ac.za/reports/national-strategic-plan-gender-based-violence-femicide>

³³ http://www.endvawnow.org/uploads/browser/files/me_asset_english_nov_2011_final.pdf

³⁴ <https://www.justice.gov.za/vg/gbv/NSP-GBVF-FINAL-DOC-04-05.pdf>

Ladies and Gentlemen,

It is clear that we have a long way to go to end gender-based violence.³⁵

Our success rests on state and society working in sync and implementing evidence-based interventions (Mills, et al., 2015).

To be effective we must learn continuously from emerging strategies and practises from those working on the ground, as GBV continues to mutate into different forms (Okafor, Odeyemi, & Dolapo, 2014).

In doing so, we will have to remain ever-cognisant of the need to factor the financial and economic inclusion of women into all our planning, because this is key to women's independence and agency.³⁶

Our country is privileged, to have political will at the highest level, from our President, our Cabinet, and our government leaders.³⁷

As we commemorate Tsietsi Mashinini's legacy, let us march forward to end GVB inspired by the words of Rev Al Shapton. To the perpetrators of GBV we say: "Take your knee off our necks".³⁸ We must march forward heeding the wise words of Tsietsi Mashinini, who at the age of 19 years, implored the students as they were to embark on the heroic march of 1976, "Stay disciplined, no violence".³⁹

I Thank you

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³⁵ <https://www.gcis.gov.za/insight-newsletter-issue-28>

³⁶ <http://www.women.gov.za/images/Womens-Financial-Inclusion-Framework-WFIF.pdf>

³⁷ <https://www.gcis.gov.za/newsroom/media-releases/statement-cabinet-meeting-4-september-2019>

³⁸ <https://www.nytimes.com/2020/06/05/opinion/george-floyd-protests.html>

³⁹ <https://www.sowetanlive.co.za/news/2010-06-16-tsietsi-cool-and-defiant/>

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