

Hate crimes: The rise of 'corrective' rape in South Africa



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2. something intended to correct or improve.
 ment. 3. the act or process of punishing; reprobation.
 number or quantity added to or subtracted from a scientific or
 mathematical calculation or observation to increase its accu-
 racy. —**cor'rectional** adj.
correctitude (kə'rektɪ,tju:d) n. the quality of correctness,
 esp. conscious correctness in behaviour.
corrective (kə'rektɪv) adj. 1. tending or intended to correct.
 ~n. 2. something that tends or is intended to correct. —**cor-**
rectively adv.
Correggio (Italian kor'reddʒo) n. Antonio Allegri da
 (an'tɔ:njo al'le:gri da). 1494–1534, Italian painter, noted for his
 striking use of perspective and foreshortening.
Corregidor (kə'regɪdɔː) n. an island at the southern tip of
 Manila Bay, Philippines.

the Gulf of Rapallo (a inlet of the Ligurian Sea):
 scene of the signing of two treaties after World War I. Pop.:
 26 713 (1971).
Rapa Nui ('rɑ:pɑ: 'nu:ɪ) n. another name for Easter Island.
rape¹ (reɪp) n. 1. the offence of forcing a person, esp. a
 woman, to submit to sexual intercourse against that person's
 will. See also **statutory rape**. 2. the act of despoiling a
 country in warfare; rapine. 3. any violation or abuse: *the*
rape of justice. 4. *Archaic*. abduction: *the rape of the Sabine*
women. ~vb. (mainly tr.) 5. to commit rape upon (a
 person). 6. (also intr.) to plunder or despoil (a place) in war.
 7. *Archaic*. to carry off by force; abduct. [C14: from Latin
rapere to seize]
rape² (reɪp) n. a Eurasian cruciferous plant, *Brassica napus*,
 that is cultivated for its seeds, which yield a useful oil, and as a
 fodder plant. Also called *colza*, *cole*. [C14: from Latin
rāpum turpe]

Foreword

South Africa's transition to democracy and its constitutional and human rights framework have been a source of hope and inspiration to millions inside and outside the country. But as the country deals with the challenge of translating promise into reality, it is confronted by a number of challenges and fault lines, among them the prevalence of gender-based violence.

This ActionAid report describes some of the most shocking violence that continues to be perpetrated – including instances of 'corrective' rape, where men rape women in order to 'cure' them of their lesbianism. It is a matter of great disquiet that 15 years into democracy these kinds of attacks continue to happen.

Our new constitutional order is based on the powerful principle that recognises the inherent worth and dignity of each person – violence against women on the basis of their sexual orientation violates that principle and threatens the promising, exciting, but fragile human rights system we have put in place.

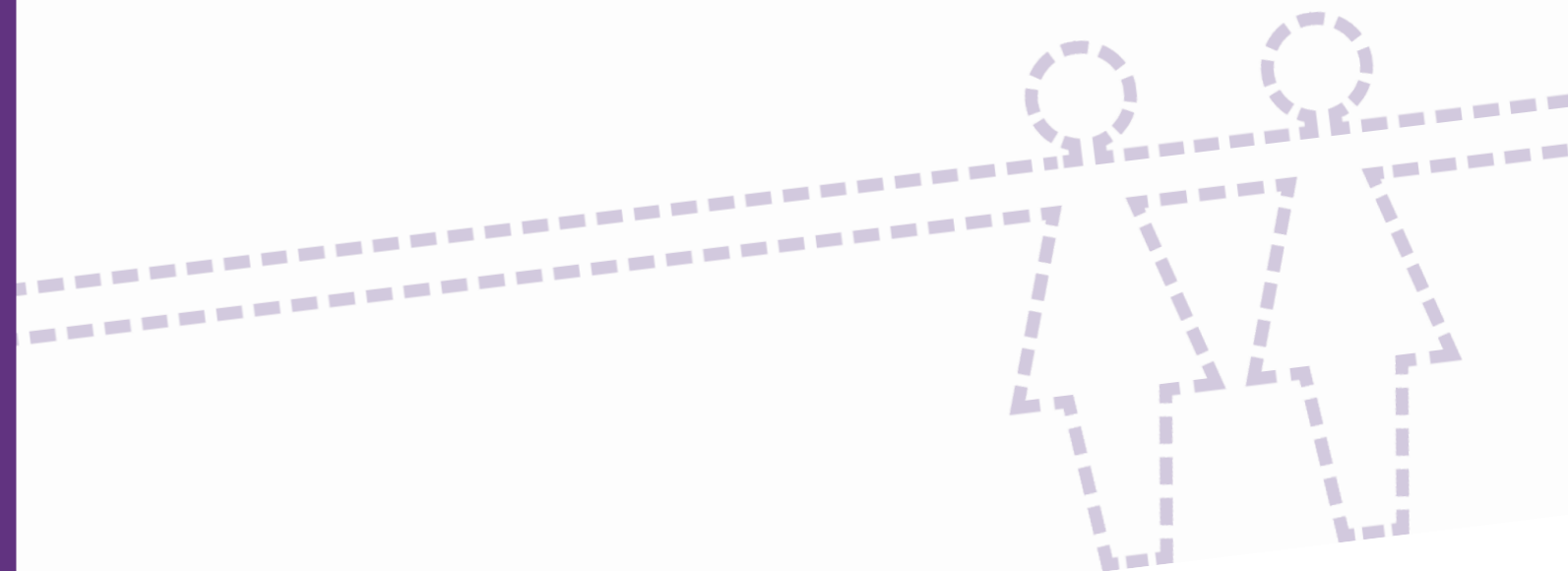
We all have a responsibility – institutions such as the South African Human Rights Commission, the police and justice system, civil society and each individual – to stand in defence of both the constitution and the rights of all. Hate crimes of this nature require decisive action and those responsible must be held to account. The criminal justice system needs to develop more effective strategies in this regard.

The many individuals who have come forward to share their stories in this report have done so partly in the hope that their testimony will move a society to action. One of those actions would be to ensure that hate crimes are recognised within the criminal justice system.

We should use this report as the basis for public education and law reform and ultimately to ensure that we advance the promise of the constitution in recognising the equal worth and dignity of each person.

Jody Kollapen

Chair, South African Human Rights Commission



Introduction

“Violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll on women’s lives, on their families, and on society as a whole. Most societies prohibit such violence — yet the reality is that too often, it is covered up or tacitly condoned.”

Ban Ki Moon, UN Secretary General.

“They tell me that they will kill me, they will rape me and after raping me I will become a girl. I will become a straight girl.”

Zakhe, 23, Soweto.

As we mark International Women’s Day 2009, across the world millions of women continue to be murdered, raped and assaulted with impunity. The UN estimates that at least one in every three women has been beaten, coerced into sex, or otherwise abused in her lifetime.¹

Violence crosses boundaries of class, race, age and sexual orientation. It causes injury and death, but also prevents women and girls from getting an education, accessing health care, earning a living, to participating in their communities and wider society.

In South Africa, no woman is safe from violence. There are an estimated 500,000 rapes, hundreds of murders and countless beatings carried out every year. Shockingly, it is estimated that almost half of all South African women will be raped during their lifetime.² And for every 25 men brought to trial for rape in South Africa, 24 walk free.³

This shameful record of male domination and violence has helped build an increasingly brutal and oppressive culture, in which women are forced to conform to gender stereotypes or suffer the consequences.

As part of this oppression, the country is now witnessing a backlash of crimes targeted specifically at lesbian women, who are perceived as representing a direct and specific threat to the status quo. This violence often takes the form of ‘corrective’ rape – a way of punishing and ‘curing’ women of their sexual orientation.

In early 2009 ActionAid carried out interviews with 15 survivors of these crimes and the organisations that work with them. They told us their own stories, and many more of friends who had died. It is their words that form the basis of this report.

“At school I was betrayed by my best friend. He told me to come to his house for a school assignment but when I got to the house we fought until he hit me so hard I collapsed, and then he raped me because he said I needed to stop being a lesbian. Afterwards I got pregnant and had a baby. The second time my soccer friends and I were kidnapped at gunpoint and they took us somewhere far away and did what they wanted with us for three days. We told the police but the case just disappeared. Nothing happened because they all thought I deserved it. These men are still walking free.”

Nomawabo, 30, Limpopo, South Africa.



Zakhe has been threatened with ‘corrective’ rape. Her friends Sizakele and Salome were raped and murdered in 2007.

ActionAid's work on women's rights

Achieving women's rights is ActionAid's overarching priority and is reflected throughout all our campaigning and programme work. We firmly believe that the eradication of poverty and injustice will be impossible without securing equality and rights for women.

In order to do this effectively, we must make a concerted effort to tackle violence against women. Together with our partner organisations around the world we campaign for changes in the law and demand access to justice; we provide services for survivors of violence and support programmes for women's empowerment.

As this report shows, too often women are targeted for sexual violence, one result of which is their increased likelihood of becoming infected with HIV. The intersection of violence against women and HIV is the focus of *Women Won't Wait*, an international coalition of which ActionAid is a member.

Sexual orientation and human rights

Human rights violations targeted at people because of their sexual orientation are a global phenomenon. They include sexual assault, rape, torture and murder, as well as denial of employment, education and other basic rights.

Discrimination against lesbian, gay, bisexual and transgender (LGBT) people is underpinned by *heteronormativity*. This is the idea, dominant in most societies, that heterosexuality is the only 'normal' sexual orientation, only sexual or marital relations between women and men are acceptable, and each sex has certain natural roles in life, so-called gender roles. In many places, women and men who transcend these norms or challenge these roles face discrimination and violence.

In 86 UN member states, homosexuality is illegal and in seven countries it is punishable by death.⁴ South Africa is one of the only countries in the world that explicitly prohibits discrimination on the basis of sexual orientation in its constitution, but many other countries guarantee the rights of LGBT people through law. However, as this report shows, for LGBT people to enjoy their rights, it is critical that they are promoted, protected and fulfilled by the state.

In December 2008, the UN issued a declaration on sexual orientation and gender identity. Sixty-six countries have signed the declaration, including six countries in Africa. The United States, India and South Africa are among the countries that have not yet signed.⁵

Nomawabo has survived brutal violence. She was raped by a school friend at age 15 then, when she was 17, abducted and attacked by a gang of men.



The problem

“Whilst we are mindful of the fact that hate crimes – especially of a sexual nature – are rife, it is not something that the South African government has prioritised as a specific project.”

Statement from South Africa’s National Prosecuting Authority, January 2009.

South Africa has one of the most progressive constitutions in the world, pledging equality for all citizens and protection from discrimination on the grounds of gender, race and sexual orientation. But these ideals are rarely translated into everyday practice.

The Equality Act, passed in 2000, specifically outlaws so-called ‘hate crimes’, where people are targeted purely because of their identification as part of a group. Although in theory this includes crimes on the basis of sexual orientation, in practice the only cases that have been brought to trial are on the basis of race and gender.

This failure to implement the promises of the constitution in defence of lesbians and gays, and a legal and criminal justice system that is largely unresponsive to the problem, means that attackers are rarely brought to justice.

And a culture of rape is already being passed down to younger generations of South African men. Last year a report by South Africa’s Human Rights Commission expressed alarm at the “growing phenomenon of ‘corrective’ rape” in schools across the country, with young boys believing that lesbian girls need to be raped in order to ‘correct’ their sexual orientation.⁶

Support groups now say that rape is fast becoming the most widespread hate crime against lesbian women in townships across South Africa.⁷ One Cape Town lesbian and gay support group says it is dealing with 10 new cases every week, with numbers rising fast.⁸

And it is black lesbians from townships – who lack sufficient support systems and are already disadvantaged by cultural, economic and social discrimination – who are particularly at risk. Gay rights group Triangle’s 2008 research revealed that, while 44% of white lesbians from the Western Cape lived in fear of sexual assault, 86% of their black counterparts felt the same.⁹

“Every day you feel like it’s a time-bomb waiting to go off, you don’t have freedom of movement, you don’t have your space to do as you please, you are always scared and your life always feels restricted. As women and as lesbians we need to be very aware that it is a fact of life that we are in danger, all women are in danger.”

Phumla, Soweto, Johannesburg.

The victims

On Sunday 7 July 2007, the bodies of Sizakele Sigasa and Salome Massooa were found in a field in Meadowlands, close to the Johannesburg township where they both lived. The murders were particularly shocking because of the brutality of the attacks the women had been subjected to before their deaths. Both had been gang-raped and tortured before being tied with their underwear and shot, execution-style, through the head.

Sizakele was one of the first women in Meadowlands to live openly as a lesbian, and was a well-known gay and women’s rights activist and HIV campaigner. On the night of the murders, both women had been drinking in a local bar and, according to eyewitnesses, suffered homophobic abuse by a crowd of people when they left to go home.

Nearly two years after their deaths, no one has been brought to justice for the crime. Police initially detained and then released three men, while another suspect committed suicide before police arrived to make an arrest. The case is now effectively closed.

After their murder 27 gay and women’s rights and community groups, including ActionAid partners People Opposing Women Abuse (POWA) and the Treatment Action Campaign (TAC), joined together to form the 07-07-07 campaign, named to mark the date the women were murdered. The campaign calls for justice for Sizakele and Salome and all women being targeted for hate crimes.

“They were outside a bar, a crowd of people were abusing them and calling them tomboys, but Sizakele said ‘no we are not tomboys, we are lesbians’, then they left and we never saw them again.”

Tshidi, friend of Sizakele Sigasa, Soweto.

Despite police inaction, the coalition is demanding that the authorities re-examine the case and conduct a thorough and efficient investigation into the murder, rape and torture of the women. It is also calling on police to work with members of the Meadowlands community following claims that they still have not questioned witnesses who could have valuable information about what happened on the night of the murders.

As Carrie Shelver from POWA points out, “We know that there was more than one perpetrator in that murder and yet, despite that, the police did not pursue other leads.”¹⁰

In 2006 Zoliswa Nkonyana, a 19-year-old from Khayelitsha, Cape Town, was stoned to death by a mob outside her home. The trial of the men accused of her murder has now been postponed eight times, with the first witness finally taking the stand in December 2008.

The trial for the brutal rape and murder of Eudy Simelane, a 31-year-old former national soccer player from a township in Johannesburg, began last month.



Case study: Eudy and Pretty

“I met Eudy in primary school and we became the best of friends. Even then we could tell we were different from the other girls and we played in the same soccer team until we were 18 or 19.

Eudy was proud to be who she was. She was a national soccer player, she knew what she wanted from life. That she could be killed in that way, the brutality of it, I still find it hard to believe. It’s not a normal kind of murder where someone gets stabbed and that’s it. There was rape involved. There was ridicule. It’s a group of people saying, ‘so you think you’re a man, well we’ll see’. What kind of hatred could those people have had for her when she had done nothing but be herself?

Straight after I found out what happened to her, I went to the field where it all happened, where they raped and stabbed her. Her blood and her clothes were still everywhere but the police had just left it all there. I will never forget her dad on his hands and knees wiping up her blood with his hands.

After you see your friend raped and murdered like that you can’t help but feel scared all the time. Many times I have been beaten and insulted. There is the threat of rape every day. I used to try and fight them when they attacked us, but I realised it was pointless because I will never be strong enough physically. So I have decided to fight them in other ways. The work I am doing with [local organisation] the Gender Equality Project is trying to help lesbian and gay people in communities, make sure they are not neglected, that they feel free to be themselves. We run education programmes and try and work with the police so lesbians feel that they can report hate crimes and be taken seriously.”

**Pretty, 31, Kwa Thema township,
Johannesburg**

In February 2009 one man pled guilty to Eudy’s rape and murder and was jailed for 32 years. On sentencing the judge said that Eudy’s sexual orientation had “no significance” in her killing. The trial of a further three men pleading not guilty to rape, burglary and murder will start in July.

While the cases of Eudy and Zoliswa represent the best chance of bringing any perpetrators of hate crimes against lesbians to justice, there are hundreds of other cases of women suffering the same crimes as Sizakele, Salome, Zoliswa and Eudy that continue to go unheard.



The park in Kwa Thema where Eudy was found murdered.

Pretty was best friends with Eudy, who was brutally murdered because of her sexual orientation.



Why is it happening?

“When asking why women are being raped and murdered in such high numbers in South Africa you have to look at the increasingly macho culture, which seeks to oppress women and sees them as merely sexual beings. So when there is a lesbian woman she is an absolute affront to this kind of masculinity.”

Carrie Shelver, POWA.

“This guy he wanted to go out with my girlfriend so one day he picked me up with a crew of his gangster friends, they took me off the street and to an abandoned place where they beat me with a spanner and did whatever they wanted... All the time they were telling me this is what happens when a woman pretends to be a man.”

Tshidi, 31, Cape Town.



Increasing culture of misogyny and violence

It is estimated that a woman is raped every 26 seconds in South Africa.¹¹ In a survey carried out by national support organisation CIET, almost 20% of men, when asked about their attitudes to rape, said they believed a survivor enjoyed the experience and ‘asked for it’.¹²

‘Corrective’ rape survivors interviewed by ActionAid say that verbal abuse before and during the rape focused on being “taught a lesson” and being “shown how to be real women and what a real man tasted like”.¹³ In other words, women who choose not to identify as heterosexual are being victimised for being ‘abnormal’ – for daring to step outside the boundaries of what their families, communities and wider society prescribe for them.¹⁴

Tshidi (right) and Pumeza have been a couple for two years. Both women have been attacked and intimidated.

Failures of the criminal justice system

“We’ve had to go into hiding because we feared for our lives in my township. My girlfriend had to come to Cape Town from Johannesburg because of the violence she suffered there, then here in Cape Town men broke into our house, they shot at us, we were threatened every day. We feel like criminals and cowards because we have run away but I don’t think we’d be alive now if we’d stayed there.”

Pumeza, 32, Khayelitsha, Cape Town.

In a poll of survivors of homophobic hate crimes in the Western Cape, 66% of women said they did not report their attack because they would not be taken seriously. Of these, 25% said they feared exposing their sexual orientation to the police and 22% said they were afraid of being abused.¹⁵ As one woman explained, “When a lesbian woman is raped, her family and people in the street say she deserved it and her rapist showed her how to be a woman. It’s easier to keep quiet.”

Those women who do seek justice from the criminal justice system are being let down. Only one in five reported rapes ends up in court, with just over 4% of these cases resulting in a conviction.¹⁶ There have been 31 recorded murders of lesbian women since 1998 – to date there has been just one conviction for these crimes.

Women’s rights groups such as POWA and TAC report that it is usual for cases to be delayed multiple times before they are heard by a judge, with cases failing because of sub-standard investigation and insufficient preparation.

It’s also worth noting that the law on hate crime is narrowly interpreted by the courts as only applying on the basis of race and gender. If they take it into account at all, judges will only consider sexual orientation as an aggravating factor when sentencing. They will not take it into account as part of the evidence. What this means practically is that the National Prosecuting Authority and the police do not record hate crimes on the basis of sexual orientation or collect evidence on this aspect of the case. Few or no resources are put into tackling this kind of crime.

The 07-07-07 campaign want ‘corrective’ rape recognised as a hate crime against lesbian women. They want sexual orientation to be acknowledged as an aggravating factor in these cases and the constitutional court to strengthen the Equality Act in this area.

Furthermore, the campaign is calling for sexual orientation to be specifically recognised as grounds for protection in a proposed new Prohibition of Hate Speech Bill.¹⁷

“Here in South Africa you have judges sending women to jail for stealing a loaf of bread to feed her baby, but men who gang rape women, who murder lesbians, who beat their wives to death, they walk the streets as free men.”

Tshidi, 31, Cape Town.

ActionAid partner TAC says there is also growing evidence that rape is contributing to increasing rates of HIV infection amongst black lesbian women. Services for survivors of sexual violence, such as access to post-exposure prophylaxis to prevent HIV transmission and emergency contraception, are woefully inadequate. Groups such as TAC and POWA that provide support to survivors, including counselling, healthcare and running preventative community education programmes, say they are struggling to meet demand for their services.

Case study: Phumla, Soweto, Johannesburg

"In South Africa there is no safe space for women, there is nowhere you can be safe from rape. 'Corrective' rape is a big problem here because if you're a lesbian in Soweto, guys see you as a threat and something that should be wiped off the face of the earth.

We get insults every day, beatings if we walk alone, you are constantly reminded that you are a bitch, that you deserve to be raped, they yell, if I rape you then you will go straight, that you will buy skirts and start to cook because you will have learned how to be a real woman.

Then there are others who believe that we are all virgins and so if they have sex with us, we are free from diseases. They believe that it is their right to have sex with any woman out there, straight or lesbian.

When it happened to me, 'corrective' rape felt like the worst kind of violence that someone could have inflicted on my person.

It happened when two lesbian friends and I were driving home from soccer practice with two guys we knew from the township. Instead of taking us home they took us to a place out of town and when they stopped the car we tried to get away but one of them was too fast for me. He grabbed me and dragged me into a house where there was another guy waiting. All the time they were telling me that I needed to be taught a lesson, that I wasn't a man I was a girl and that I needed to start acting like one. He said that out of all the lessons I would have in my life, this one is a classic. And it was a classic.

Afterwards I felt weak and I felt stupid. As lesbians we know we are in danger but we still let those guys drive us home. So I didn't report it to the police, because I felt like I couldn't.

I think the violence is getting worse. Just last December I knew of a lesbian couple in a bar near my home. They were out with boys who were their friends. At the end of the night her girlfriend was killed and she was raped. I believe this happens every day. The fact there is no justice means that people think they can get away with it because nobody cares."



Phumla in Soweto, Johannesburg.

"I blamed myself for the rape. I did not tell anyone, not my family or the friends with me that night."

Phumla (right) with her girlfriend Atarcia.

Conclusion

“I think the violence is getting worse. Women’s bodies have become warzones. If a man rapes a woman he is trying to destroy you, to totally annihilate you off the face of the planet. I want my work to reach as many young lesbians as possible because many women are now too scared to come out the closet. Having our own organisations is the only way we can defend ourselves. What we’re trying to say to other women is that if we work together we can start to change attitudes. But at the moment violence is an everyday reality we have to live with.”

Phumi Mtetwa, Director of the Gay and Lesbian Equality Project, Johannesburg.



“We feel like criminals and cowards because we have run away but I don’t think we’d be alive now if we’d stayed there.”

Pumeza

Violence against women is a crime. All women, regardless of their race or sexual orientation, have the right to live without fear and to be free from prejudice, discrimination and violence.

The wave of hate crimes against black lesbians in South Africa is part of an epidemic of violence against women sweeping the country, making a mockery of one of the world’s most progressive constitutions and putting millions of women’s lives and safety on the line.

On International Women’s Day 2009, ActionAid is calling for an end to South Africa’s war against women, with the following recommendations.

The South African government must:

- Uphold the South African constitution’s prohibition of discrimination against people on the basis of sexual orientation, including by tackling the rising tide of violence against lesbian women.
- Demonstrate its commitment to action in this area, by signing the UN’s declaration on sexual orientation and gender identity condemning violence, harassment, discrimination, exclusion, stigmatisation, and prejudice based on sexual orientation and gender identity.
- Bring all perpetrators of violence against women to justice.
- Make tackling sexual violence a national priority for the criminal justice system and allocate adequate resources for investigations, as well as appropriate training and incentives for the police and judiciary.
- Recognise hate crimes against lesbian and transgender women as a specific crime category supported by the necessary resources to investigate and bring these crimes to court.
- Include sexual orientation as grounds for protection against hate speech in the proposed Prohibition of Hate Speech Bill.
- Allocate resources for adequate services for survivors of sexual violence, including post-exposure prophylaxis to prevent HIV transmission and emergency contraception.
- Ensure specific HIV services are available and accessible to lesbian, gay, bisexual and transgender (LGBT) communities, including lesbian women.¹⁶
- Take action to tackle gender discrimination and violence against women, including economic empowerment measures and community education programmes.

The international community must:

- Recognise violence against women as the most widespread human rights violation and a key security issue.
- Prioritise and take steps to guarantee women’s security, by addressing violence against women in all its manifestations.

The UK government must:

- Ensure that the forthcoming UK government-wide strategy on tackling violence against women, announced in January 2009 by the Home Office, includes an action plan to address this issue at international level.¹⁹
- Ensure that DFID funding for its HIV programme in South Africa prioritises tackling gender discrimination and violence against women, as key drivers of the HIV pandemic.²⁰
- Through the Foreign and Commonwealth Office, as part of its recent ‘programme for promoting the human rights of LGBT people,²¹ work with the South African government towards recognition, effective investigation and prosecution of hate crime against LGBT people.
- Support civil society organisations in low and middle-income countries, including South Africa to challenge gender discrimination and empower women.

Endnotes

- 1 United Nations Development Fund for Women (UNIFEM) (2003) Not a Minute More: Ending Violence Against Women, New York. accessed at: www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/PDF_UNIFEM_Not_a_minute_more_2003.pdf
- 2 www.powa.co.za/Display.asp?ID=2. Accurate statistics on violence against women are notoriously hard to obtain in many countries, including South Africa. This is partly because there is a lack of commitment on the part of state agencies to invest in collecting accurate statistics. Under-reporting due to stigma and discrimination is also a problem
- 3 "Tracking Justice: The Attrition of Rape Cases through the Criminal Justice System in Gauteng", (2008), Tshwaranang Legal Advocacy Centre to End Violence Against Women (TLAC), Vetten, Lisa
- 4 www.ilga.org/statehomophobia/ILGA_State_Sponsored_Homophobia_2008.pdf
- 5 See www.droitslgbt2008.fr/documents?mode=download&id=2
- 6 "Report of the Public Hearing on School-based violence" (2008), South African human rights commission P9
- 7 "The Rose without Thorns: Stories of hate crimes against black lesbians in South African Townships", (2005) Forum for the Empowerment of Women
- 8 ActionAid interview with Vanessa Ludwig, director, Triangle Project, January 2009
- 9 "Levels of Empowerment Among LGBT People in the Western Cape, South Africa", (2006) Triangle Project & UCAP, P30
- 10 Interview conducted by ActionAid with Carrie Shelver, in January 2009
- 11 www.powa.co.za/Display.asp?ID=2
- 12 "1997-2000 Surveys on Sexual Violence" (2000), CIET, see: www.ciet.org/en/documents/projects_library_docs/2006224131250.pdf
- 13 Interviews conducted by ActionAid January 2009
- 14 "Levels of Empowerment Among LGBT People in the Western Cape, South Africa", (2006) Triangle Project & UCAP, P78
- 15 "Levels of Empowerment Among LGBT People in the Western Cape, South Africa", (2006) Triangle Project & UCAP, P78
- 16 "Tracking Justice: The Attrition of Rape Cases through the Criminal Justice System in Gauteng", (2008), Tshwaranang Legal Advocacy Centre to End Violence Against Women (TLAC), Vetten, Lisa
- 17 Hate speech can be defined as speech intended to degrade, intimate, incite violence or cause prejudice against a person or people based on their race, gender, age, ethnicity, nationality, religion, sexual orientation, political affiliation, occupation, appearance, or physical appearance
- 18 See www.iglhc.org/binary-data/ATTACHMENT/file/000/000/6-1.pdf
- 19 See www.endviolenceagainstwomen.org.uk/
- 20 For more detailed recommendations, see ActionAid UK's 'Ten ways DFID can prevent HIV and violence against women and girls'
- 21 See <https://fco-stage.fco.gov.uk/resources/en/pdf/3849543/human-rights-lgbt>



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