

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: ZAF34753
Country: South Africa
Date: 24 April 2009

Keywords: South Africa – White South Africans – Employment – Women – State protection – Violence against women

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

- 1. To what extent do white people in South Africa face discrimination in relation to matters such as employment?**
- 2. Are there any reports of racially motivated violence directed towards white people?**
- 3. Please provide information on the situation for women in South Africa.**
- 4. What protection is available to people, especially women, who face violence, including racially motivated violence?**

RESPONSE

- 1. To what extent do white people in South Africa face discrimination in relation to matters such as employment?**

An RRT research response dated 21 June 2007 provides information regarding the question of discrimination of white South Africans in matters of employment, highlighting the South African government's affirmative action policies and Employment Equity Act. The response also highlights the following report from the Commission for Employment Equity:

The 2006-2007 annual report of South Africa's Commission for Employment Equity indicates that there had been a decrease in the percentage of Whites in top management and senior management positions between 2000 and 2006, and an increase in the percentage of Whites in professionally qualified management positions during that period. Overall, Whites still held the majority of jobs in these areas. The report notes that the percentage of Whites in top management positions "decreased by 4.0% from 78.9% in 2004 to 74.9% in 2006 and by 12.6% from 87.5%

in 2000 to 74.9% in 2006.” At the same time, “Black representation in all Top Management positions increased by 1.1% from 21.1% in 2004 to 22.6% in 2006 and increased by 9.5% from 12.7% in 2000 to 22.2% in 2006.” At senior management level, White representation fell by 3.5% between 2004 and 2006 to 70.9% and by 10.7% between 2000 and 2006. Black representation in senior management positions increased by 1.2% to 26.9% between 2004 and 2006, and increased by 8.4% between 2000 and 2006. The figures for all professionally qualified management positions show that the percentage of Whites increased by 13.3% to 62.2% between 2004 and 2006, and by 6.1% between 2000 and 2006. Black representation decreased by 14.7% to 36.5% between 2004 and 2006 and by 7.6% between 2000 and 2006. The report also indicates that “Blacks (i.e. Africans, Coloureds and Indians) represented 90% of all employees at the Unskilled level.” The report comments that “[t]he progress towards the achievement of employment equity continues to be woefully slow” (Commission for Employment Equity 2007, ‘Commission for Employment Equity Annual Report 2006 - 2007’, South African Department of Labour website, pp. 10 & 48-54 <http://www.labour.gov.za/reports/documents/annual-reports/employment-equity/2006-2007/> – Accessed 20 June 2007 – Attachment 1; RRT Country Research 2007, *Research Response ZAF31927*, 21 June – Attachment 2).

Information on affirmative action and the lack of representation of black South Africans in the workforce is provided in the US Department of State’s report on human rights practices for 2008:

The law requires employers with 50 or more employees to ensure that previously disadvantaged groups, legally defined as "Blacks" (including "Africans," "Colored," and "Asians," and collectively constituting more than 90 percent of the country's population) are represented adequately at all levels of the workforce. Notwithstanding the country's antidiscrimination legislation, however, the DOL 2007 Employment Equity Analysis reported that Blacks remained underrepresented, particularly at the professional and managerial levels. According to the report, only 22.2 percent of top management positions, and approximately 36.5 percent of professional positions, were held by Blacks, and Black women remained by far the most disadvantaged group in number and quality of management or skilled jobs. Employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action.

...The continued killings of mostly white farm owners by black assailants created concern among white farmers that they were being targeted for racial and political reasons, although studies showed perpetrators were generally common criminals motivated by financial gain. There also were reports that white employers abused and killed black farm laborers, and complaints that white employers received preferential treatment from the authorities (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – South Africa*, February, Section 5 – Attachment 3).

However, it appears that some white South Africans feel as though the government’s affirmative action plans, including the Employment Equity Act, discriminate against white people. For example, in a 2005 interview with a correspondent from *WorldNetDaily*, an MP from South Africa’s Freedom Front Plus Party (FF Plus) and a spokeswoman from Solidarity, a trade union made up of 80 percent Afrikaners, discussed the African National Congress’ affirmative action policy, arguing that it will result in increased racial discrimination against white people in South Africa.

FF Plus: Racial discrimination against whites will increase...A good example is affirmative action. All over the world affirmative action is used to protect minority groups, but in South Africa it is used to protect a majority group.

The whites are in the process to lose everything they built in SA. The ANC government is no different from that of Mugabe of Zimbabwe when it comes to whites. Mugabe took the white-owned farms; the ANC uses the words "land reform." Just yesterday, they started the process to expropriate the first white farm in SA. Mugabe nationalized the businesses in Zimbabwe; the ANC use the words "Black Economic Empowerment," or BEE. I call BEE "Black Elite Enrichment." Mugabe openly says that whites are not welcome in Zimbabwe; the ANC uses affirmative action to force whites to seek jobs overseas.

Solidarity: Whites feel alienated from not only the ANC, but also their country of birth. They feel like second-class citizens in their own country. Should the ANC continue on their path of not striking a balance between the rights of the majority and minorities, I foresee growing friction and alienation (LoBaido, A. C. 2005, 'South Africa's white: '2nd-class citizens', WND talks to Afrikaners fighting Marxist policies of ruling ANC', *WorldNetDaily*, 8 October,

http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=46727 – Accessed 21 April 2009 – Attachment 4).

An earlier article (2004) had accused the Freedom Front Plus Party of inciting racist emotions by objecting to the ANC government's Employment Equity Act on the grounds that it would discriminate against white South Africans:

Labour Minister Membathisi Mdladlana on Wednesday day slammed the Freedom Front Plus for claiming that white matriculants were being subjected to racial discrimination, describing this as a "dangerous racist campaign card".

This comes after the FF+ called on the government on Tuesday to stop subjecting white matriculants to affirmative action when they applied for their first jobs. The party called on the government to announce a cut-off date for affirmative action.

...“Parties like the Freedom Front should never be voted into power as they will continuously whip up racist emotions. To accuse the African National Congress government of discriminating against white matriculants is a very dangerous racist campaign card. The ANC will never, never discriminate against white children, but will ensure that the South African society is fully transformed,” he said in a statement.

“The enactment of the Employment Equity Act by the ANC government was necessitated by the need to redress the country's labour market backlog caused by the legacy of apartheid and other discriminatory laws and practices,” Mdladlana said.

“It's a known fact that our government inherited a country with disparities in the employment force and income within the national labour market.”

He said these disparities had for years disadvantaged the majority of black South Africans and could not be redressed by only repealing the discriminatory laws.

“The ANC government felt it necessary to legislate the Employment Equity Act so as to eliminate unfair discrimination in the workplace and also to ensure that its effects are redressed for the common promotion of the country's economy and efficiency in the workplace,” the minister said (‘No discrimination against white matrices’ 2004, *IOL Daily News*, 8 January

http://www.iol.co.za/index.php?click_id=13&art_id=vn20040108141836333C269784&set_id=1 – Accessed 21 April 2009 – Attachment 5).

A news article from 2006 reported a protest by white students in Pretoria who blackened their faces and registered with the South African department of labour in order to have a “better chance of gaining employment”. The students, who believe that they are discriminated against by the government based on their “lower status [as] whites in modern South Africa”, argued that they are unable to get a job in South Africa and that many white students are forced to leave the country in search of employment elsewhere. The students’ registration for employment as Africans was based on their beliefs that “[b]eing an African just gives you so much more privileges, and it has come to a point where if you are not an African, then you are treated as a second class citizen” (‘Racial discrimination against whites in South Africa’ 2006, Citizens Against Racism and Discrimination (CARD) website, 7 October <http://card.wordpress.com/2006/10/07/racial-discrimination-against-whites-in-south-africa/> - Accessed 21 April 2009 – Attachment 6).

An article in *The Guardian* outlines the racial tension in South Africa, including accusations of racially-motivated crime committed by both black and white people; and highlights the feelings of white South Africans who “see themselves as victims amid rising crime, in particular the 20,000 murders a year, and then affirmative action laws that reserved 80% of most new jobs for black people and put an end to the virtual guarantee of university places for white students”

A generation after Mandela walked free, race sometimes seems as dominant an issue today as it was in the darkest years of apartheid.

...Recent incidents...have raised questions about how much has changed since apartheid ended. In January, a white teenage farm boy, Johan Nel, walked into the black settlement of Skielik in the north-west of the country and shot dead four people: a mother and the three-month-old baby on her back, a 10-year-old boy and a man. Community leaders said Nel's actions were a reflection of the deep-seated racism that still infects many rural areas. Last year, four affluent young white men were sent to prison having, as 16-year-old high school students, beaten a homeless black man to death in Pretoria. One of the four told the court that the killing wasn't racist because he would have done the same if the victim had not been black. The judge disagreed.

...The accusations are not all one way. A black journalists' organisation prompted a heated debate last week by barring white people from a briefing with the new ANC leader, Jacob Zuma, drawing accusations of a new kind of racial exclusivity. Even a new pledge to be recited in schools has been drawn into the racial debate after the last apartheid-era president, FW de Klerk, said that its lines "recognising the injustices of our past" and honouring those who "sacrificed for justice and freedom" will condemn white children to "perpetual moral inferiority".

...Large racial inequalities remain, with white people accounting for just 9% of the population but 45% of the country's income. But that has not stopped widespread talk of a new anti-white apartheid and questions about whether white people have a future in South Africa. Not long after Mandela came to power it was difficult to find white people who admitted to supporting apartheid as fear gave way to a degree of shame over past wrongs. But it wasn't long before many white people came to see themselves as victims amid rising crime, in particular the 20,000 murders a year, and

then affirmative action laws that reserved 80% of most new jobs for black people and put an end to the virtual guarantee of university places for white students.

The very name of the Transvaal Agricultural Union gives away its take on the new South Africa. The Transvaal ceased to exist as a country after the Boer war and as a province after apartheid but the group representing mostly white farmers clings to the name as a statement. The views of its general manager, Bennie van Zyl, are not representative of most white people but they are sufficiently widespread to give his organisation some political clout... "This government has a clampdown on whites. Because of affirmative action they are chasing away a lot of white people, white people with skills. They go out of the country. They don't hire the best man for the job. They appoint people who don't have the capacity. Now everything is so ideologically driven and politically driven, not economically driven. That is one of the big problems with Africa. Look at Zimbabwe. That's the African reality."

...Mbeki has done little to reassure white people. When he came to power in 1999, South Africa's president made clear that he saw things differently from Mandela and that race was a yardstick by which almost everything would be judged. "The defining parameter in our continuing struggle for national unity and reconciliation is the question of race," he says. "For many years to come, we will be able to measure the distance we have travelled towards the accomplishment of these objectives by the degree to which we have succeeded to close the great racial divides that continue to separate our communities." Kollapen says that Mbeki's shift of emphasis, from calming white fears to delivering better living standards and opportunities for black people, was viewed by many white people as a betrayal of Mandela's promise of reconciliation. "There was quite a distinct response from white people during the Mandela era and at the beginning of the Mbeki era. Some would cynically say that Mandela was the kind of president who made white people feel more secure and comfortable because of his strong focus on reconciliation. A Mbeki presidency was characterised by a strong need to deliver and to transform, which was why we saw programmes that pushed greater equity, and once you started talking greater equity, it meant making inroads into white people's interests," he says" (McGreal, C. 2008, 'There's racism, but not in public', *The Guardian*, 7 March <http://www.guardian.co.uk/world/2008/mar/07/southafrica.race> – Accessed 21 April 2009 – Attachment 7).

2. Are there any reports of racially motivated violence directed towards white people?

An RRT research response of 9 December 2008 provides detailed information regarding crime in South Africa, including the existence of crime against white South Africans, and incidences of rape against women in particular (RRT Research & Information 2008, *Research Response ZAF34001*, 9 December – Attachment 8).

Attacks on white farm owners were identified as a problem in a 2008 report by Freedom House:

The state generally protects citizens from arbitrary deprivation of their property. However, some 80 percent of farmland is owned by white South Africans, who make up 14 percent of the population. As a result, thousands of black and colored farmworkers suffer from insecure tenure rights. Illegal squatting on white-owned farms is a serious problem, as are attacks on white owners. The government has vowed to transfer 30 percent of land to black owners by 2014 (Freedom House 2008, *Freedom in the World – South Africa*, 2 July

<http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7491> – Accessed 11 November 2008 – Attachment 9).

An article from *BBC News* in 2006 attributes some of the violence against white farm owners to grievances over land disputes and the government's land reform program of returning farmland that was previously seized under apartheid to black families:

The South African government has told white farmers that they risk losing their farms if they fail to agree a selling price within six months.

The Agriculture and Land Affairs Minister, Lulu Xingwana, said the deadline was necessary to speed up the transfer of farms to black people who were forcibly removed from their land under apartheid.

The transfers are part of a government programme to get 30% of farmland in black hands by 2014.

Land reform is one of the most emotive and politically charged issues in South Africa.

And returning land seized from black farmers during apartheid was one of the key promises made by the African National Congress when it came to power in 1994.

Slow progress

More than 10 years on, only 4% of land has been transferred and the government is under fire for going too slowly.

The problem, ministers say, is that it is taking too long to negotiate with white farmers over the price of land.

Now, for the first time, the government has set a time limit on talks - it will negotiate for six months and no more. After that, land could be expropriated.

The challenge for the ruling ANC is to keep the promises it has made while avoiding the violence that has surrounded land reform in neighbouring Zimbabwe - where it helped bring about the collapse of the country's highly profitable agricultural sector.

Difficult task

But it is a hugely complex process.

One problem is sorting out competing claims over the same piece of land.

Families removed from farms generations ago often do not have documents. Family trees have to be constructed to see who is entitled to a share.

And if black farmers are allocated land, but not given enough capital to develop it, then agricultural production could fall.

But whatever the short-term costs, advocates of land reform say the longer-term risks of political instability are much higher if the issue is not tackled faster.

Already, grievances over land have led to violence in some areas (Walker, R. 2006, 'White SA farmers in sale decline', *BBC News*, 13 August – Attachment 10).

However, the US Department of State 2008 human rights report indicates that violent crime committed against white farmers is more likely to have been motivated by financial gain than by race, as follows:

Killings and other violent crimes against white farmers and, on occasion, their families, continued in rural areas. Despite concern among the farmers that they were targeted for racial and political reasons, studies indicated that the perpetrators generally were common criminals motivated by financial gain. Unlike in previous years, SAPS incorporated farm attacks and killings into overall statistics of violence and homicide, rather than reporting them separately. The Freedom Front Plus, an Afrikaner minority political party, and farmers' unions criticized what they viewed as an inadequate government response to the scale and brutality of farm attacks (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – South Africa*, February, Section 1(a) – Attachment 3).

A 2002 article reported by *BBC News* highlights the disagreements among analysts regarding the motivations behind such attacks on white farmers, indicating that both race and economic prospects may be contributing factors.

Since the early 1990's there has also been an increase in violent attacks on white farmers.

A commission of enquiry set up by former president Nelson Mandela has failed to find the root cause of the attacks.

Criminologist Neels Moolman has said that the attacks are symptomatic of a deep hatred of Afrikaners and a desire to drive the white farmers off their land. Martin Schonteich, a senior crime analyst with the Institute for Security Studies, doesn't agree.

But he does believe that race plays a part: "Young black South Africans had high expectations of what democracy would bring. Jobs, a better quality of life. That hasn't happened.

"So there is a certain amount of disillusionment and anger against white people because they DO have wealth." (Dempster, C. 2002, 'S. Africa grapples with new racism', *BBC News*, 17 April <http://news.bbc.co.uk/2/hi/africa/1932930.stm> - Accessed 23 April 2009 - Attachment 11).

3. Please provide information on the situation for women in South Africa.

The RRT research response of 9 December 2008 mentioned above provides a brief overview of the status of women in South Africa, indicating a general level of discrimination against women (RRT Research & Information 2008, *Research Response ZAF34001*, 9 December – Attachment 8).

The US Department of State human rights report for 2008 describes sexual harassment and other forms of discrimination against women as a widespread problem in South Africa.

Rape, including spousal rape, is illegal but remained a serious problem. According to the 2007-08 SAPS annual report, the reported incidence of rape from April to

December 2007 decreased 8.8 percent from the comparable nine-month period in 2006. However, over 4,000 rapes were reported on average each month, alongside 750 additional cases per month of assault.

Further, the Medical Research Council estimated that only one in nine rapes was reported to SAPS, as in most cases the attackers were friends or family members of the victims, who therefore were afraid or reluctant to press charges. This estimate implies that half a million women suffered sexual violence. The NGO Treatment Action Campaign reported that one in three South African women would be raped in her lifetime.

A poor security climate and societal attitudes condoning sexual violence against women contributed to the problem. On February 17, Nwabisa Ngcukana was stripped and sexually assaulted by men at a taxi rank in KZN who claimed her attire was indecent; she was wearing a miniskirt. In April the Taylor Nelson Sofres Research Survey found 29 percent of black men nationwide believed a woman wearing revealing clothes was asking to be raped.

Although judges in rape cases generally followed statutory sentencing guidelines, women's advocacy groups criticized judges for using criteria such as the victim's behavior or relationship to the rapist as a basis for imposing lighter sentences. Allegations of rape, sexual assault, and sexual harassment of black and foreign female farm workers by farm owners, managers, and other farm workers were common.

In December 2007 parliament passed amendments to the Sexual Offences Act that broadened the physical definitions of rape and indecent assault, included males as victims, and restricted admission of victims' sexual histories as evidence in court in an effort to improve the government's capacity to punish perpetrators and protect victims. Victims' rights groups were critical, however, of the law's conditional provision of post-exposure prophylaxis only to victims who filed charges with SAPS or reported the alleged offenses to designated health establishments.

The government operated 64 sexual offenses courts throughout the country that included designated waiting rooms and counseling for victims. The NPA's Sexual Offences and Community Affairs Unit (SOCA) operated 20 Thuthuzela Care Centers (TCC), which specialized in rape care management and streamlined a network of existing investigative, prosecutorial, medical, and psychological services in the hospitals where they were located.

According to a 2008 study by SAPS and the Centre for the Study of Violence and Reconciliation, only 4.1 percent of reported cases resulted in convictions. One in every eight suspects was under the age of 17. In rape cases involving victims under the age of 16, one of every 10 cases resulted in a conviction.

Domestic violence was pervasive and included physical, sexual, emotional, and verbal abuse, as well as harassment and stalking by former partners. The Domestic Violence Act of 1998 defines victims of domestic violence (including persons who are not in legal or common-law marriages), facilitates the serving of protection orders on abusers, requires the police to take victims to a place of safety, and allows police to seize firearms at the scene and to arrest abusers without a warrant. Violating a protection order is punishable by a prison sentence of up to five years, or 20 years if additional criminal charges are brought.

According to NGOs, about one in four women were in abusive relationships, but few reported it. TCC counselors also alleged that doctors, police officers, and judges often treated abused women poorly.

The government financed 39 shelters for abused women, but more were needed, particularly in rural areas. The SAPS continued converting Child Protection Units to Family Violence, Child Protection, and Sexual Offences Units (FCS). FCS investigating officers and some other police officers received annual training in gender sensitivity. The government continued to conduct domestic violence awareness campaigns.

Prostitution is illegal but was widespread and practiced openly. Women were trafficked to, from, and within the country for exploitation in prostitution.

The law prohibits sexual harassment; however, sexual harassment remained a widespread problem. The government left enforcement primarily to employers, with criminal prosecution a rare secondary step at the initiative of the complainant. The Department of Labor (DOL) issued guidelines to employers on how to handle workplace complaints, which allowed for dismissal in some circumstances. Tougher punishments could be generated for assault, which carries a range of penalties depending on the severity of the act, but only if the complainants press charges.

Discrimination against women remained a serious problem despite their equal rights under the law governing inheritance, divorce, and child custody. Women experienced economic discrimination in areas such as wages, extension of credit, and ownership of land. For example, township housing transfer schemes favored existing titleholders, who tended to be men.

Many rural areas were administered through traditional patrilineal authorities, such as a chief or a council of elders, who did not grant land tenure to women, a precondition for access to housing subsidies. A constitutional court ruling in June upholding a tribe's decision to allow Tinyiko Shilubana to succeed her father as chief was criticized by traditional authorities who said the verdict contravened African custom.

Women, particularly black women, typically had lower incomes and less job security than men. Most women were engaged in poorly paid domestic labor and microenterprises, which did not provide job security or benefits. The Department of Trade and Industry provided incentive grants to promote the development of small and medium-size businesses and microenterprises for women, young persons, and persons with disabilities.

According to the Businesswomen's Association 2008 census, the number of women in top leadership positions grew in recent years. Nevertheless, women held only 25.3 percent of executive-level and 14.3 percent of director-level positions. According to the presidency's Development Indicators Report for 2008, which cited 2006 data, women held only 27.4 percent of senior management and 21.6 percent of top management positions. The government's Labor Force Survey published in March indicated unemployment among women was higher than among men, at 26.7 percent versus 20 percent.

Female farm workers often experienced discrimination, and their access to housing often was dependent on their relationship to male farm workers. Female farm workers on maternity leave who could not obtain timely compensation via the Unemployment Insurance Fund often had no choice but to return to work shortly after giving birth, according to NGOs working with farm workers in Limpopo Province.

A number of governmental bodies, particularly the Gender Commission and the presidential Office of the Status of Women, and numerous NGOs monitored and promoted women's rights (US Department of State 2009, *Country Reports on Human Rights Practices for 2008- South Africa*, February, Section 5 – Attachment 3).

In addition, Human Rights Watch's World Report 2009 for South Africa described violence against women as unacceptably high, despite the introduction in December 2007 of the Sexual Offences Act.

Violence against women, including rape and domestic violence, remained unacceptably high. The so-called Sexual Offences Act—officially titled the Criminal Law (Sexual Offences and Related Matters) Amendment Act, No. 32 of 2007—finally came into effect on December 16, 2007. It amends the common law definition of rape to include men and boys and no longer focuses only on penetrative offenses. It provides additional protective measures for child victims of sexual offenses and adults with mental disabilities (Human Rights Watch 2009, *World Report- South Africa*, January – Attachment 12).

Human Rights Watch has also described the status of women's rights in a 2008 review of South Africa, indicating that while strong women's organisations are in existence, women continue to experience disadvantage in areas of employment and income. In addition, women experience high levels of gender-based violence. The report contains the following information:

Strong women's organizations in South Africa continue to challenge the patriarchal attitudes that persist in society and to pressure the Government to address gender-based abuses and discrimination. At the 2007 Women's Parliament, South Africa's deputy president acknowledged the need for Government to create partnerships with civil society to expedite the implementation of the country's progressive legislation. South Africa has a strong policy framework to promote gender equality, but women continue to be disadvantaged relative to men in job opportunities, income levels and basic safety, and to suffer extremely high levels of gender-based violence (Human Rights Watch 2008, 'Universal periodic review of South Africa', HRW website, 7 April http://hrw.org/english/docs/2008/04/11/global18513_txt.htm - Accessed 15 April 2008 – Attachment 13).

4. What protection is available to people, especially women, who face violence, including racially motivated violence?

The RRT research response dated 9 December 2008 cited earlier provides information on the current level of police corruption in South Africa (RRT Research & Information 2008, *Research Response ZAF34001*, 9 December – Attachment 8).

The RRT research response of 21 June 2007 as previously mentioned contains information about South Africa's laws against discrimination, including laws against discrimination in employment such as the Employment Equity Act of 1998. This response also provides information regarding the level of protection provided by authorities in response to violent crime, including information on whether white South Africans are denied police protection (RRT Country Research 2007, *Research Response ZAF31927*, 21 June – Attachment 2).

No specific information was found among the sources consulted regarding protection for women against racially-motivated violence.

In regards to protection for women more generally, the following Oxfam briefing paper outlines South Africa's gender policies and institutions, however indicates that the existence of these policies does not necessarily translate into protection for women in everyday life:

South Africa has put in place an elaborate and sophisticated national gender machinery comprising of the Office on the Status of Women and Gender Focal Points in the Executive; the Joint Committee on the Improvement of Quality of Life and Status of Women, and an independent statutory body (the Commission on Gender Equality). The country's efforts to promote gender equality are loosely governed by the National Gender Policy on Gender Equality and Women's Empowerment (2000). On the whole, there is a positive legislative, policy, and institutional framework with regard to gender equality.

However, serious gaps remain between legal equality, elaborate policies, and institutions on the one hand, and the day-to-day reality of many women on the other. Systemic inequalities and discrimination persist in social structures, practices, and attitudes. This impairs the capacity of women to fully enjoy the rights enshrined in the legal framework (Oxfam GB 2008, 'Popularising and Implementing the Africa Women's Protocol in Mozambique and South Africa', Oxfam Briefing Paper, February, pp. 10-11

http://www.ciaonet.org/pbei/oxfam/0003414/f_0003414_2518.pdf - Accessed 22 April 2009 – Attachment 14).

In a 2008 report on South Africa, the UK Home office describes widespread domestic violence against women and the availability of protection by the authorities, including an outline of the operations and effectiveness of the South African Police Service, who it claims remain "focused on wealthy residential and business areas":

2.5 The South African Police Service (SAPS) under the Department of Safety and Security, has primary responsibility for internal security. The South African National Defence Force (SANDF), under the Department of Defence, is responsible for external security, but also has domestic security responsibilities. In 2007, the SAPS continued its major restructuring and transformation from a primary public order security force to a more accountable, community service oriented police force. However, it remained ill-equipped, overworked, and poorly trained. Although the SAPS has made efforts to improve its coverage in poorer areas, in 2007 the majority of police resources and law enforcement attention reportedly remained focused on wealthy residential and business areas. To address problems of crime and misconduct, the SAPS has provided its officers with comprehensive training in corruption prevention, human rights, and ethics, and with access to social workers, psychologists, and chaplains to enhance social, spiritual, and psychological well-being. The Independent Complaints Directorate (ICD) investigates reports of police misconduct and crime. In 2007, the ICD received 1,787 allegations of criminal offences committed by police and 2,760 complaints of misconduct, representing an 8% increase in allegations of criminal offences and a 3% decline in complaints of misconduct compared to the previous year. During the 2006-07 reporting period at least 12 officers were found guilty of murder and sentenced to imprisonment

...3.7 Women victims of domestic violence

3.7.1 Some female applicants may apply for asylum or make a human rights claim based on the grounds that they are the victims of domestic violence and are unable to seek protection from the authorities.

3.7.2 Treatment. Domestic violence is reportedly widespread in South Africa and includes physical, sexual, emotional, and verbal abuse, as well as harassment and stalking by former partners. Police officials reported to parliament that between July 2006 and June 2007, police recorded 88,784 incidents of ‘domestic violence’ in terms of the 1988 Domestic Violence Act. However, Rape and other forms of gender-based violence continue to be under-reported. According to NGOs, an estimated 25% of women are in abusive relationships, but few report it.

3.7.3 Sufficiency of protection. The 1988 Domestic Violence Act defines victims of domestic violence (including persons who are not in legal or common-law marriages), facilitates the serving of protection orders on abusers, requires the police to take victims to a place of safety, and allows police to seize firearms at the scene and to arrest abusers without a warrant. Violating a protection order is punishable by a prison sentence of up to five years, or twenty years if additional criminal charges are brought. The Department of Justice reported that over 63,000 protection orders were issued by the courts between April 2006 and March 2007.

3.7.4 In 2007, the Government financed 39 shelters for abused women and continued to conduct domestic violence awareness campaigns. However, women experiencing violence have reported inadequate responses from some police officials. While some police facilitate women’s access to protection orders, others reportedly refer complaints back to families, fail to seize dangerous weapons, or refuse to take any steps unless the complainant lays criminal charges first (UK Home Office 2008, *Operational guidance note: South Africa*, December – Attachment 15).

Amnesty International indicates that police effectiveness in responding to gender-based violence declined following “the disbandment of the Family Violence, Child Protection and Sexual Offences specialized units”, and the Department of Justice’s suspension of “further development of specialized sexual offences courts despite their higher conviction rates in rape trials” (Amnesty International 2008, *Amnesty International Report 2008 – The State of the World’s Human Rights*, May, Part 2, p. 274 – Attachment 16).

Internet Sources:

Government Information & Reports

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

International News & Politics

BBC News website <http://news.bbc.co.uk>

The Guardian website <http://www.guardian.co.uk>

WorldNetDaily website <http://www.worldnetdaily.com>

IOL Daily News website <http://www.iol.co.za>

Region Specific Links

South African Department of Labour website <http://www.labour.gov.za/index.jsp>

All Africa website <http://allafrica.com>

Topic Specific Links

Citizens Against Racism and Discrimination (CARD) website

<http://card.wordpress.com>

Search Engines

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. Commission for Employment Equity 2007, 'Commission for Employment Equity Annual Report 2006 - 2007', South African Department of Labour website <http://www.labour.gov.za/reports/documents/annual-reports/employment-equity/2006-2007/> – Accessed 20 June 2007.
2. RRT Country Research 2007, *Research Response ZAF31927*, 21 June.
3. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – South Africa*, February.
4. LoBaido, A. C. 2005, 'South Africa's white: '2nd-class citizens', WND talks to Afrikaners fighting Marxist policies of ruling ANC', *WorldNetDaily*, 8 October http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=46727 – Accessed 21 April 2009.
5. 'No discrimination against white matrices' 2004, *IOL Daily News*, 8 January http://www.iol.co.za/index.php?click_id=13&art_id=vn20040108141836333C269784&set_id=1 – Accessed 21 April 2009.
6. 'Racial discrimination against whites in South Africa' 2006, Citizens Against Racism and Discrimination (CARD) website, 7 October <http://card.wordpress.com/2006/10/07/racial-discrimination-against-whites-in-south-africa/> - Accessed 21 April 2009.
7. McGreal, C. 2008, 'There's racism, but not in public', *The Guardian*, 7 March <http://www.guardian.co.uk/world/2008/mar/07/southafrica.race> - Accessed 21 April 2009.
8. RRT Research & Information 2008, *Research Response ZAF34001*, 9 December.
9. Freedom House 2008, *Freedom in the World – South Africa*, 2 July <http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7491> – Accessed 11 November 2008.

10. Walker, R. 2006, 'White SA farmers in sale decline', *BBC News*, 13 August. (CISNET South Africa CX159845)
11. Dempster, C. 2002, 'S. Africa grapples with new racism', *BBC News*, 17 April <http://news.bbc.co.uk/2/hi/africa/1932930.stm> - Accessed 23 April 2009.
12. Human Rights Watch 2009, *World Report- South Africa*, January.
13. Human Rights Watch 2008, 'Universal periodic review of South Africa', HRW website, 7 April http://hrw.org/english/docs/2008/04/11/global18513_txt.htm - Accessed 15 April 2008.
14. Oxfam GB 2008, 'Popularising and Implementing the Africa Women's Protocol in Mozambique and South Africa', Oxfam Briefing Paper, February, pp. 10-11 http://www.ciaonet.org/pbei/oxfam/0003414/f_0003414_2518.pdf - Accessed 22 April 2009.
15. UK Home Office 2008, *Operational guidance note: South Africa*, December.
16. Amnesty International 2008, *Amnesty International Report 2008 – The State of the World's Human Rights*, May.