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## Environmentalists under threat in South Africa

***Environmental activist Fikile Ntshangase was killed after her refusal to withdraw legal challenges to existing and future mining operations.***

By Katharina Rall

HRW (04.11.2020) - <https://bit.ly/2UhmuiD> - While shocking, the killing of environmental activist Fikile Ntshangase is not surprising. Environmental defenders such as Ntshangase have long faced threats for voicing their concerns about mining activity on nearby communities.

When, in 2018, I visited Somkhele, a town near a coal mine in KwaZulu-Natal, several community activists told me they had been threatened, physically attacked and their property damaged after speaking out about the health risks of coal mining. Two years later, on October 22, Ntshangase was gunned down in her home. No arrests have been made.

Ntshangase was a vice-chair of a subcommittee of the Mfolozi Community Environmental Justice Organisation (MCEJO), a community-based organisation formed to speak up for people affected by opencast mining. The group has brought legal challenges against a planned expansion of the nearby coal mine. Community members have publicly expressed concern about how the mine affects their health and livelihoods, and 19 families have resisted being displaced from their ancestral land for the mine expansion.

SA groups have raised concerns that Ntshangase's killing may have been related to her outspoken advocacy and refusal to withdraw the legal challenges to existing and future mining operations. Tendele Coal Mining, the company operating Somkhele coal mine, told us in 2019 that they were "aware of claims of attacks, yet upon investigation and consultation with police, the information could not be verified/substantiated".

Last week, Tendele condemned what it called a "senseless killing" and called for a prompt investigation, in a joint statement with local leaders.

SA is the world's seventh-largest coal producer. The absence of effective government oversight has allowed mining to harm the rights of communities across the country in various ways. It has depleted water supplies, polluted the air, soil and water, destroyed arable land and ecosystems, and often resulted in displacement and inappropriate grave relocation practices.

In a scathing report, the SA Human Rights Commission found that "the mining sector is riddled with challenges related to land, housing, water, [and] the environment."

People living in communities affected by mining activities across SA have mobilised to press the government and companies to respect and protect community members' rights from the potentially serious environmental, social, economic, and health-related harm of mining. In many cases, such activism has been met with harassment, intimidation, or violence.

In our 2019 report, published jointly with groundWork, the Centre for Environmental Rights, and Earthjustice, we documented how activists in mining-affected communities across the country have experienced threats, physical attacks or property damage that they believe is a consequence of their activism. Most of these cases had not been investigated by police, and the investigations into the killings or attacks we documented are moving very slowly.

One high-profile case is the killing of Sikhosiphi "Bazooka" Rhadebe at his home in Xolobeni, Eastern Cape, in March 2016. He and other community members had raised concerns about displacement and destruction of the environment from a titanium mine proposed by the Australian company Transworld Energy and Mineral Resources. No suspects have been arrested in his killing.

We also found that government officials or companies sometimes deliberately created or exploited community divisions or closed their eyes to intimidation and abuse between community members, to isolate or weaken critics. Tendele has sought to brand community members opposing its operations as anti-development or acting against the community interest, putting them at further risk of being attacked or threatened by those benefiting from the mine.

In March 2018, a community member from Somkhele told me: "The mine is not directly threatening people, but they will [intimidate] their employees by telling them that they will lose their jobs if the activism continues." Earlier that year, the company's management had circulated a memorandum to employees warning of layoffs, blaming "a few community members [who] ... choose to stand in the way of future development and huge economic and social investment and upliftment in the community."

In a statement issued four days after Ntshangase's killing, Tendele, along with local leaders, called for an investigation of the killing and cited concerns about the closure of the mine as a result of the pending court cases and resistance to relocations.

The SA police should ensure a prompt, effective, impartial investigation into Ntshangase's killing and ensure that those found responsible are brought to justice. Failure to do so, or failure to thoroughly examine the extent to which her environmental activism was a factor in her targeting, will exacerbate the climate of impunity that has perpetuated violence and intimidation against activists.

They should not have to endure threats and danger to their very lives for defending their right to breathe clean air, drink clean water, and live on their ancestral land.

## **Why access to decent toilets could help reduce sexual violence in South Africa**

By Andrew Gibbs & Tarylee Reddy

The Conversation (17.09.2020) - <https://bit.ly/2EpjIDw> - South Africa has exceedingly high rates of rape of women and girls by non-partners. It's estimated that between 5% and 12% of women may have been raped by a man who is not a romantic partner. This, however, could be an underestimate. In earlier research, 21% of men reported perpetrating non-partner rape in their lifetime. Rape is a human rights violation. It also has a negative impact on the mental health and social wellbeing of women and girls.

An important but overlooked factor adding to the risk of rape by a non-partner is the issue of toilets.

Studies globally have made the link between the lack of adequate sanitation – particularly open defecation (outdoors) or shared community toilet facilities – and the increased risk of women and girls being raped. This can happen when women and girls walk during the day, and particularly at night, to use toilets. Poor maintenance of shared toilet facilities poses additional risks.

In South Africa, not everyone has a private secure toilet facility. A government survey in 2015 showed that access to private toilet facilities had improved. But a quarter (25.6%) of households only had access to shared toilets. Most shared toilets were within 200 metres of the household. But 6.1% of households reported having to go more than 200 metres to access toilets. Among those who had to use shared toilets, concerns included physical safety, poor lighting, lack of water to flush or wash hands, and poor infrastructure.

These challenges are particularly clear in communities where infrastructure has not kept pace with rapid growth. And it may be that women and girls who do not have private secure toilet facilities are more likely to be raped than those who do have decent facilities. We set out to examine whether this was the case.

### ***Link between toilet type and non-partner rape***

Our study was conducted in the South African provinces of KwaZulu-Natal and Gauteng. We looked at four health districts. In each of these four districts we identified communities with particular challenges related to HIV, where community partners work. We conducted a cross-sectional quantitative survey, designed to be representative of young women in these communities. The primary study was for a wider analysis exploring young women's vulnerability to HIV, and we re-purposed the data for our own analysis. Our analysis included 10,635 young women between the ages of 18 and 24, who were asked about their household's access to toilet facilities.

We found that only half of the women in our study had access to their own indoor toilets. A fifth had their own outside toilet (such as a pit latrine), and approximately one third of the women reported that they only had access to shared toilet facilities. In addition, a small proportion (0.6%) reported they had no access to any toilet facilities.

Overall, we found that one in 20 (5.7%) of the young women in our study had been a victim of non-partner sexual violence in the past year. The highest rate of past year non-partner sexual violence was observed in women who only had access to shared toilet facilities (7.2%) and those without any toilets (7.1%), compared to 5.5% and 4.8% in those with their own outdoor and indoor toilets.

After controlling for a variety of factors which may confound the association, including poverty, we observed that women who use shared toilets were at a 45% increased risk of past year non-partner sexual violence compared to those with their own indoor toilets. A similar increase in risk for past year non-partner rape was also seen for those with no toilets (43%), but because of the small numbers reporting this, it was not statistically significant.

Our findings importantly demonstrate that the lack of access to adequate private toilet facilities for young women and girls is increasing their risk of being raped by a non-partner.

Sustainable development goal 6, indicator 6.2, is specific about this: "By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations."

As our study showed, despite a growing number of young women and girls having access to sanitation, this is not safe for them.

### **Preventing non-partner sexual violence**

Addressing the significant public health and human rights burden of non-partner rape requires integrating these insights into urban planning, as well as focusing on social transformation. There needs to be continued effort by government and non-governmental organisations to address men's perpetration of rape, including improved policing, and holding men accountable for this.

Our study also highlights that improving access to sanitation facilities which are private and secure must be central to discussions on the prevention of sexual violence. Addressing the abhorrent level of non-partner rape in South Africa requires such a multi-sectoral approach, with those involved in urban upgrading and the provision of water and sanitation working closely with communities.

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## **In Pictures | Women protest against gender-based violence**

By Barry Christianson

New Frame (06.09.2019) - <https://bit.ly/2kszs5m> - Women's voices reverberated in fury as protesters honoured those who have been raped and murdered in South Africa, and demanded that the government take better action against perpetrators.

*HRWF comment: This protest was sparked by the murder of Uyinene Mrwetyana, a student at the University of Cape Town (for more information click [here](#)). The following are statements from women at this protest. Click [here](#) to view their photos.*

**Khanyisile Welani, 17, from Nyanga East (centre) is a high school student at Rhodes High in Mowbray.**

Khanyisile is also the cousin of Uyinene Mrwetyana. "I'm here to protest against women being raped," she says. "I'm also a survivor and I'm here to stand for every woman who never had a word to speak out. I'm here to stand for every four or five-year-old child who isn't capable of standing up for themselves and saying, 'Enough is Enough!' The police are not doing anything. I'm here to stand for Uyinene."

**Bonita Barnes from Tafelsig in Mitchells Plain is studying human resources management at the Cape Peninsula University of Technology.**

"About a year and a half ago, a neighbour of mine, her daughter passed away," she explains. "She was raped and murdered by the guy who had a crush on her mom. So I felt obligated to be here on her behalf."

**Bukiwe Sidini from Langa is studying safety in society at Northlink College in Bellville.**

"I'm a woman who's concerned, a woman who does not feel safe anymore in a democratic society," she says. "I decided to come out here as a woman first because we're being violated so much. It needs to stop. It's been happening for years, but we haven't been speaking out and doing so much about it."

"But the time has come now for us to act and react as the youth, as the people that gives these votes to our government. We need to stand up today and we will not be deterred. We will not stop until we see change. We will come tomorrow and the day after. We will come until the government hears us. Until they do something that is tangible. Something we can see. Because currently we're not seeing anything."

"People rape children and at the end of the day, they still come out. Correctional services is not working right now. The rehabilitation process that they have in the justice system is not working. The person who raped Uyinene and killed her already had some other violations, so the justice system is not rehabilitating. So that's why we are here today."

**Jonique Pietersen is a student at Stellenbosch University.**

"Honestly, I don't want to leave my legacy knowing that I didn't make an impact," she says. "I'm not gonna stay silent anymore. This has been going on for way too long. So I actually went to the statue [of Louis Botha, outside Parliament in Cape Town]. I painted my hand red. That represents our blood that has been shed. I wanted to make my mark on the statue so it can be there and I know that I did something to make a change."

**Shanlen Ishmail from Elsies River works at a call centre while studying education part-time.**

"I'm here because I want justice for women," she says. "I have two little sisters, one goes to high school. They're definitely vulnerable and I am, too. And not just for my family but for everyone else. It's been going on for a while, we've been silent and it's just been escalating. So we are literally done being silent. It's close to home. We are all vulnerable. It's not happening because of what we wear, where we go ... It's happening any time, it's happening with people close to us. We can't trust anybody. It doesn't matter what we wear, it doesn't matter how old we are. Old people are getting raped, babies are getting raped. It's everywhere."

**Abigail Bolisiki from Gugulethu goes to Sans Souci Girls' High School in Newlands.**

"The most infuriating thing is that the men who are supposed to be protecting us, according to patriarchy, are the ones that are killing us," she says. "Why do we have to survive and not live? ... Why do we have to fight more than men for our space on this land, whereas men are entitled to their own space and way of living, and it has to always affect us because we are inferior to them? I won't say it has been a success because not all the rapists and perpetrators have been caught. When we fight we die, when we don't fight we die. So we might as well fight and die trying, so we know we did our part."

**Robin Jones, 21, works in the film industry.**

"What frustrates me is the fact that people are still not taking us seriously as a gender," she says. "We have to fight to have a voice and, still, people are disregarding it."

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## **The link between violence against women and children matters. Here's why**

By Shanaaz Mathews

AllAfrica.com (22.11.2018) - <https://bit.ly/2Q0OHun> - Nearly half of women across South Africa are subjected to violence by an intimate partner. This in turn negatively affects about one in four children. A child who is exposed to violence in the home also risks being abused and will, quite reasonably, fear for their own safety.

The country's government and civil society recently responded to the scourge of violence against women by hosting a summit to galvanise political support and develop solutions to end this sort of violence. Also recently, the [#TotalShutDown movement](#) embarked on protests across the country demanding an end to violence against women.

This focus is a critical step towards addressing South Africa's immense problem of gender based violence. But it's important for campaigners to recognise that the problems of violence against women and violence against children are deeply intertwined.

There's an increasing global recognition that violence against women and children often occur together in homes, and are driven by the same factors. For instance, young boys who witness their mothers being abused in the home or who are abused themselves are more likely to harm women and children later in life.

In South Africa, as in many other places, social and cultural norms promote a gendered hierarchy: men are in a superior position over women and children. These social norms provide considerable space for men's violence towards women and children to be tolerated. They are manifested in expressions of masculinity, enforcement of gender norms and the way that children are disciplined.

### ***Intergenerational violence***

Evidence shows that men's use of violence and controlling behaviour towards an intimate partner often extends to physically punishing their children as a means of discipline. Importantly, research is now revealing that women who experience violence at the hands of a partner are more likely to use physical punishment to discipline their children. This further drives the cycle of intergenerational violence.

The impact of experiencing or witnessing violence as a child has wide-ranging and long lasting effects. When a child experiences violence at home, they learn to tolerate violence. They are also at an increased risk of suffering from poor mental health, engaging in drug and alcohol abuse and risky sexual behaviours, and contracting HIV. They are also more at risk of behavioural problems such as aggression, delinquency and poor social functioning.

It's also important to understand that children who have experienced violence are more likely to lack empathy towards others. That means they're more likely to perpetrate violence. It is this aspect of exposure to violence that drives its intergenerational

transmission. This has a direct impact on their relationships with intimate partners, as well as their ability to be emotionally responsive parents.

Growing up in violent households affects a child's sense of security, self-worth and how they relate to other children. In qualitative research I conducted among violent men, they spoke about having previously witnessed violence against their mother by a father or stepfather.

Many of the men described feeling scared for their own safety. They also felt powerless to protect their mother. It's important for society to respond to both problems in a coordinated way to reduce their burden simultaneously.

### ***Seeking solutions***

South Africa's response to both violence against women and children has, until now, been happening in silos. It's important that people start to join the dots. It makes sense to integrate approaches to both problems.

The evidence showing what works on joint programmes to address violence against women and violence against children is only starting to emerge in low and middle-income settings. Successful programmes are targeting multiple stakeholders, challenging social norms about gender relations and the use of violence. At the same time, such programmes are also supporting greater communication and shared decision making among family members.

South Africa has signed on to be a pathfinder country, as part of the United Nations' Global Partnership to end violence against children. In line with this commitment, the government is developing a programme of action to end violence against women and children.

If children are to reach their full potential and the cycle of intergenerational violence is to be broken, South Africa must consider collaborative solutions. Any programme of action must be aimed at preventing violence before it happens and providing an effective response and support to those affected by violence.

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## **Call for end to child marriages**

***A petition by close to 800 delegates to the Southern African Development Community's people's summit has called for an end to child marriages, among other issues.***

By Ndanki Kahiurika

The Namibian (21.08.2018) - <https://bit.ly/2N842Ux> - The petition was handed over to the new SADC chairperson, President Hage Geingob, at the last session of the 38th summit of heads of state and government last weekend.

Before the official handover, the petition was read out by Sofonea Shale at Ausspannplatz's Augustino Neto Square after a march by the delegates from the Windhoek Showgrounds.

Compiled after various sessions held on the sidelines of the SADC summit on Thursday, the petition called on the heads of state to ensure that traditional and religious leaders as well as members of parliament play a role in ending child marriages in their communities.

"Efforts to address child marriages must focus on grassroots initiatives recognising that child marriages are more prevalent in rural areas," read the petition.

Although Namibia does not have statistics on child marriages, civilians have spoken out about its occurrence in rural areas, including the Zambezi and Kunene regions.

Critics have spoken out against the olufuko festival, (a female initiation ceremony prevalent in northern Namibia for girls from the age of 13, to prepare them for marriage) which they feel has led to the objectification of women and encourages child marriages.

Gender equality minister Doreen Sioka also spoke out against child marriages in March this year during International Women's Day celebrations at the Zambezi region's capital, Katima Mulilo.

New Era quoted constitutional law expert Eva Jhala as saying sub-Saharan African countries have the highest prevalence of child marriages in the world, with almost 40% of children in some SADC countries being married off before they reach 18 years.

During 2016, the SADC parliamentary forum was reported to have adopted a model law on eradicating child marriages and protecting children who are already in the marriage.

The petition furthermore called for sustainable youth economic empowerment programmes and the diversification of subsidies to support rural women, as well as enacting legislation to end violence against women.

According to the petition, the SADC heads of state should look at securing land rights for women, expedite the implementation of gender-sensitive land reform programmes, and support the United Nations declaration on the rights of villagers and other people living in rural areas.

### ***Reactions on People's Summit***

Human rights activists and chief of one of the /Khomanin Traditional Authority factions, Rosa Namises, told The Namibian on the sidelines of the summit that she was happy about the summit as it serves as a platform where people can gather and exchange ideas.

A member of the Lesotho Rural Women's Assembly, Mamalefetsane Phakoe (52), said what stood out as most important for her is the call for funding towards agriculture.

Zambian nationals Eddie Musosa (28) and Misheck Muzungu (25) both felt that more could have been discussed on matters affecting the youth since it was the topic for the SADC summit.

Two other youngsters from Mozambique, Aida Nhavoto (29) and Elida Come (27) felt the people's summit served as a great platform to learn from one another on issues affecting SADC countries.

"It was an opportunity to amplify our work, and to network. I feel empowered, and I will share what I learnt when I get back home," said Nhavoto.

Her colleague, Come, said the issue of child marriages stood out the most for her as it is one of the headaches in their country.

## **The women of Waqf are claiming their right to pray in the mosque**

***What began as a means for women to form a spiritual community and pray their salaah in congregation during the holy month of Ramadan has exposed a deeply rooted patriarchy and toxic masculinity in the Johannesburg Muslim community.***

By Shaazia Ebrahim

The Daily Vox (06.06.2018) - <https://bit.ly/2JBBmW8> - A group of local women were, on Friday and again on Monday, rebuked for praying at Masjid Siratul-Jannah also known as the Gold Mosque in Ormonde, Johannesburg.

Many Johannesburg mosques don't have provision for women at all while others have small allocated areas that are often locked.

On Monday, a video showing a man trying to stop women from getting close to listening to the Quran being recited at the Gold Mosque went viral.

[See video](#)

Women were barred from praying in a section of the mosque that evening. A woman in the congregation, Sumaya Hendricks, posted a video of the incident on Facebook, which was recorded by Tazkiyyah Amra. Hendricks said a group of praying women were insulted and called "morons". In the video, a man is heard saying that women cannot be in view of men during prayers.

This was not the first time the women had been barred from prayer at the mosque.

The women claiming the space to pray have become known as the Women of Waqf (WOW). Shameelah Khan and her friend Noorjaan Allie decided at the beginning of Ramadan to pray at different Johannesburg mosques. "My friend and I decided we wanted to spend one night, every night, at a different mosque so we could get to know the different mosques in Johannesburg," Khan said in an interview with The Daily Vox. Both had previously lived in Cape Town and frequented the mosque regularly with friends. She speaks of the sense of community she felt there where the congregation would pray for those who were ill or writing exams.

The first mosque they attended was the Gold Mosque because they were aware that it had women's facilities. Khan, who grew up in the mosque where she attended Madressah (Islamic school) as a child, had never prayed there as an adult.

When they arrived at the mosque, they saw an older woman leaving frustrated because the women's facilities did not have a speaker for her to follow the taraweeh prayer in congregation. In the women's facility there was a sign saying that women are not allowed to use the speaker unless it is to hear adhan (call to prayer) because women need to pray alone.

Khan and Allie struggled to get a speaker that night but eventually managed to attain a small radio speaker to follow the taraweeh prayer. They prayed there for a week and a half and a few other women started joining them as well. The speaker had altered the dynamic and allowed women to pray taraweeh instead just wait for hours for their husbands.

The two decided to host a small iftaar on Friday, 31 May and distributed a poster asking women from the area to join and meet them. They tried to contact the mosque management but were brushed off.

Everything went awry when the mosque management caught wind of the iftaar. They were met with extremity and harsh demands where mosque authorities called this gathering bidah or an innovation in religious matters and said the women had not obtained permission to host an event.

Both Allie and Khan who furthered their Islamic Studies at the Medinah Institute in Cape Town knew this was not the way to respond. Besides, the men break their fasts there every evening.

The iftaar, with close to 30 women in attendance, went on smoothly until a man threatened the women to leave when they proceeded into the demarcated section for women, which has a separate entrance. "Under no circumstances", he said, "are women allowed to pray here unless they are travelling". He said he was to lock the back room which had signs put up that we had to leave after maghrib (sunset prayers).

After performing maghrib, Khan and another woman asked the caretaker of the mosque to open a classroom for the ladies to finish eating and perform the evening prayers.

"We were sitting in utter darkness and we would not eat really, because we could not see. We said we would really like to be in a room with a [loudspeaker] so that we can read taraweeh and he said 'absolutely not'," Khan said to Voice of the Cape.

The women then sat in "a peaceful protest" in the courtyard of the mosque. Before the evening prayers were about to commence, a group of men approached them and demanded that the women not pray in congregation and leave the area. A man pushed a woman as she protected her daughter who was attempting to record the incident, Khan said.

"He charged at her and pushed the mother and one of the women and I tried to get him off of her and tried to calm the mom down, because at this point she was shaking," she said.

Another man eventually intervened and arranged for a room for the women to pray in where they completed the remainder of the evening prayers.

Khan said with both incidents she was so shocked at the way the men behaved at the mosque. "I'm still shocked because the men felt it was okay to lay their hands on us," Khan said. The worst part, she said, was that no one did anything.

"Men would stand back and know this is an act that is wrong and didn't take responsibility for it," she said.

When the Spur video went viral, and with the #MeToo campaign, men stood up to condemn their fellow men, she said. "In our Muslim community, we realise they are not vocal about gender-based violence even in the mosque space for women who want to pray," Khan said. She said this is deeply rooted in toxic masculinity and patriarchy.

Khan said mosque officials confirmed that the prayer room would be remain available to women after the incident on Friday, but on Sunday night the room was locked midway into evening prayers.

Khan and Allie were promised that they would be able to engage with mosque officials about the incident, but to date no communication has been received.

To pray at the mosque is sunnah, Khan said and the Prophet Muhammad (PBUH) did not ban women from mosque.

"We live in a critical time where women are not empowered because we are kept behind closed doors," Khan said. "The mosque is not just a place to pray, it's a place to grow spiritually. It has nothing to do with men really, they're just there. We really want to grow with each other," she added.

At the end of the day women just want respect and love from our communities, Khan said. All Khan and Allie want is for women to be treated equally and for men to respect women equally. "Women need respect for their voices, their bodies, what they have to say and their minds," she said.

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## **Legality of Muslim marriage a religious, human rights issue – divorcee**

AllAfrica (24.03.2017) - <http://bit.ly/2mSr74h> - For 20 years, Nasrin Hoosain\* was a supportive wife and mother. She left her studies and job opportunities to build her family, raise their children and support her husband as he climbed the career ladder.

When, after years of abuse and infidelity, he asked for a divorce, she was the one who faced an uncertain future, without financial stability and the risk of homelessness.

Muslim marriage - known as a nikah - is not legally recognised in South Africa, meaning Hoosain, like other muslim women, is not entitled by law to the assets accrued with her husband in the two decades of their union.

She joined dozens of women who lined up outside the Western Cape High Court this week, calling for nikahs to be declared legally valid. This would allow recourse for wives who can be left penniless when the marriage dissolves.

The class action is expected to be heard on August 28, three years after the Women's Legal Centre first brought its case.

It argues that once customary marriages were given full legal recognition, the historical basis for not recognising polygynous marriages fell away.

Legislation is therefore needed to recognise Muslim marriages, the WLC says.

Muslim marriages allow for up to four wives, but come with the responsibility of providing equally to each spouse. It is not commonly practiced because of the difficulty in maintaining this, research has found.

The non-profit legal centre contends that legal protection has been denied to Muslim women 16 years after the Constitution came into force. This had resulted in widespread oppression and gender discrimination in areas such as divorce, the duties of support, parental rights and responsibilities, and inheritance.

For Hoosain, the end of her marriage meant starting over after years of living a financially comfortable life.

### **'Soul destroying'**

She had been a student when she tied the knot, and dropped out of university to see to their home after having their first born.

"I was a full time mom - a cook, a doctor, a nurse and a taxi driver, all in one," she said.

Hoosain put her own prospects on hold to "build a successful family", despite facing ill-treatment from her husband at home.

When he asked her for a Talaq - which in Islamic terms is a divorce prompted by the man as a formal repudiation of his wife - she didn't put up a fight.

For three months, her husband was forced to maintain her, but once the process was finalised, she was without an income.

"As a wife, I gave such a lot of myself to him over the years. All I got in return was a 'thank you, ma'am, for your services rendered; off you go," Hoosain recalls.

As they did not have a civil union, her husband was not recognised as such in the eyes of the law.

He therefore did not legally have to split their assets accrued over the 20 years, or give her spousal support. She however refused to do the "normal thing" and move out of the house she helped him build.

"I had done my research, so I knew he couldn't force me to leave. Both of us had worked ourselves up, both of us had made sacrifices for what we had. I put my foot down and told my children that we couldn't be put out, showing them what our country's laws state and referring to passages in the Quran. Eventually he left, but not without a fight."

Hoosain has an English version of the religious text of Islam, marked with pink sticky notes, as well as South African law documents which she refers to, to substantiate her arguments.

Life has been difficult since her marriage dissolved, Hoosain admits, as she relies on her ex-husband for money to support their minor children.

She doesn't want to approach the courts for child maintenance, describing the process as "soul destroying".

### **Legal proceedings**

"So I am at his mercy. Whatever he decides to give is what I just have to take," she explains, resigned.

Her career prospects are limited as she does not have work experience, and her age, 40, also puts her at a disadvantage.

But unlike some of her Muslim friends who were forced to "take what their husbands offered to placate them, which is usually next to nothing", Hoosain has instituted legal proceedings to force him to cough up.

She declined to disclose the details of her case as it is still before the courts.

## **Fair religion**

Had her marriage been legally recognised, the traumatising reality of divorce would have been somewhat easier, Hoosain insists. The non-recognition of the union is against her human rights.

"It is unfair, discriminatory and prejudicial. We live in a secular country in which we are legally protected from any form of discrimination. Why are Muslim marriages excluded from that?"

The devout Muslim says her issue is not with the teachings of Islam, but with the cultural interpretation which is "not in line" with the Quran.

"Islam is a fair religion, which promotes equality. It even says in the Quran that in case of divorce, separate on equitable terms. This means it must be fair, just and equal.

"Why should a woman have to give up her lifestyle in the event of a divorce? Building what you have takes two people; why does only one get everything?"

Had she known what awaited her later, she would have insisted on a civil union, Hoosain admits.

## **'This is our fight'**

"You, as a woman, are not protected otherwise. This is both a religious and human rights issue. Islam teaches you to stand firm in what you believe is the truth; to fight oppression, injustice and tyranny. We can't just sit and take it.

"Women need to be respected. When men refuse to give you your fair share, it's a sign of disrespect. You give the best years of your life to your marriage and building a family [but have no recourse if the marriage dissolves]. It's unfair."

The recognition of customary marriages, which allows for more than one wife, should also extend to Muslims, she argues.

Polygamy is not common in Islam, Hoosain says, as the Quran teaches that you have to treat both equally, from physical assets to emotional support.

"It's allowed, but virtually impossible to maintain multiple wives equally," she says.

The class action is an important step toward protecting the rights of Muslim women, Hoosain believes.

"Our voices need to be heard; we are part of South African society. This is our fight so that our daughters can have a better life and not be left destitute in the event of divorce," she says.

Judges Siraj Desai, Gayaat Salie-Hlophe and Nolwazi Boqwana are expected to preside over the matter.

\*Not her real name

## **Study: More than half of Diepsloot men have raped or beaten a woman in the past year**

***Rape and physical abuse rates more than double those reported in national studies have been recorded in Diepsloot in northern Johannesburg***

By Mia Malan

Bhekisisa.org (29.11.2016) - <http://bit.ly/2gV1T25> - More than half, 56%, of men in Diepsloot in northern Johannesburg say they've either raped or beaten a woman in the past 12 months, according to results from the Sonke CHANGE trial, which were released on Monday. These figures are some of highest rates of violence against women ever recorded in South Africa: they are more than double those reported in national studies.

The Sonke CHANGE trial, a partnership between the University of the Witwatersrand (Wits) and gender activist organisation Sonke Gender Justice was conducted this year among 2 600 men in the township. The men were between the ages of 18 and 40 years with an average income of R1 500 a month. Only half had been employed in the three months before the study was conducted.

Of those men who had raped or beaten a woman, 60% said they had done so several times over the past year.

"These levels of violence represent a state of emergency for victims and survivors of this violence," the researchers said in a study summary.

"They experience serious long-term physical and psychological harm. They experience ongoing fear of repeat victimisation, with little reason to believe that perpetrators will be apprehended or held accountable or that potential perpetrators will be deterred from using violence against them."

South African Police Service reports show that of the 500 sexual assault cases reported in Diepsloot since 2013, there has been just one conviction, according to the researchers.

Abigail Hatcher, one of the lead researchers from Wits, told Bhekisisa: "If you think that 56% of men used violence against women, and because most of them did so more than once, it is likely that at least half of women in Diepsloot are experiencing it annually.

"But because most of the perpetrators have enacted violence towards a woman more than once, it is possible that they enact violence towards more than one woman at the same time. We estimate that we need care services and shelters for about 60% of the female population in Diepsloot. But except for a small organisation, Green Door, there are zero shelters."

Green Door consists of three donated Wendy houses; the organisation does not receive any funding. It has only one part-time, volunteer counsellor.

According to South Africa's 2011 census, 138 000 people live in Diepsloot, about 12 000 people per square kilometre. But residents and organisations in the township say this number is a gross underestimation: most estimate the population to be closer to half a million. If that is true, and if half the population consists of women, about 150 000 (60%) could be in need of care and shelter services.

On Wednesday, Bhekisisa will be launching a cellphone app in Diepsloot to make it easier for victims of gender-based violence to know where to find help.

The app is being launched in partnership with Green Door, Sonke Gender Justice, social enterprise organisation Afrika Tikkun, Lawyers Against Abuse and the South African Depression and Anxiety Group.

Users dial \*134\*403# from their cellphone, which notifies a server to send a series of three menus asking the user where they are in Diepsloot and what sort of help they need. An SMS is then sent to the user with the phone numbers and addresses of the organisations in Diepsloot that help victims of gender-based violence, as well as the numbers of the police and ambulance services.

The Sonke CHANGE trial found that the most significant cause of men's violence towards women in the township was "inequitable and harmful gender norms that grant men a sense of permission to use violence against women".

For instance, one out of three men in the survey believe wives should not be able to refuse sex, more than half expect their partner to agree to sex when the man wants it and most believe they have the right to control the clothes a woman wears, the friends she sees or where she goes.

Controlling a partner doubled the odds that men used violence in the past year.

### ***A troubled past, a troubled future***

Childhood trauma was closely associated with men becoming abusers: 85% of the men who had raped or beaten a woman had been physically or sexually abused themselves as children. Men who had experienced child abuse were five times more likely to use violence against a woman.

"Children exposed to this violence in the home and community are far more likely to themselves become involved in violence later in life — boys as perpetrators and girls as victims — and are at increased risk of experiencing a host of other social problems, including psychological distress, alcohol abuse, poor school performance and increased involvement in crime, including interpersonal violence," the researchers said.

Men with signs of depression were three times as likely to be violent towards women; 49.8% of men were found to have probable depression and 50.3% probable post-traumatic stress disorder.

Yet, the Sonke CHANGE trial researchers pointed out that "there are no public mental health services available in Diepsloot to address the mental health consequences of such widespread exposure to generalised violence".

According to Brown Lekekela, who runs Green Door, the two local clinics don't stock rape kits and there is no nearby government hospital that offers rape counselling services.

The nearest Thuthuzela Care Centre — a one-stop, government-run service offering rape care — is at Tembisa Hospital about 30km away. "This means rape victims are forced to travel long distances to access post-rape care or to attend court cases," the researchers said.

The only other available counselling services are those offered by the police and non-governmental organisations. The Gauteng health department had not responded to questions about the lack of services at the time of publication.

Alcohol plays a huge part in exacerbating violence against women. Problem drinking — binge or frequent drinking that interferes with daily life — increased men's abuse of

women by 50%. Three-quarters of the men in the study reported problem drinking. That rate is about six and a half times higher than the national alcohol abuse rate of 11.4%, as reported by the South African Stress and Health survey published in the South African Medical Journal in 2009.

The survey showed that men who had a matric qualification, were older than the average participant age of 27 and were employed, were less likely to be violent towards women. Having food security, which is when a household has access to the food needed for a healthy life for all its members, reduced the odds of violence by 40%.

Hatcher said: "When men feel active and productive, and when they're able to have certainty in their lives about their daily needs, they're likely to use violence less to prove their manhood."