

Gender and the Truth and Reconciliation Commission

A submission to the Truth and Reconciliation Commission

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May 1996

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A. INTRODUCTION

The Truth and Reconciliation Commission (TRC) will play an extremely significant role in shaping South Africa's collective understanding of our painful past. It will also have to deal with the individual victims, survivors and perpetrators who come before it and will have to consider important matters relating to reparation and rehabilitation. All South Africans will in one way or another be touched by the truth and reconciliation process. We will argue that by viewing our past through a gendered lens we gain a deeper understanding of how our particular history has shaped the lives of all South Africans.

A gendered approach requires that we look at the way society locates women and men in relation to all areas of their lives, such as the workplace, the domestic sphere and the civic life of the community. In South Africa, race, class and gender have together, but in different ways, structured social relationships. In this conceptualisation, women's experience cannot be understood in isolation from men's, but as a consequence of the interrelationship of women and men's roles and statuses in society generally. In the past and the present women have been and are subordinated to men. This constrains the full development of men as well as women. To transform this imbalance will require measures directed at restructuring all social relationships in all spheres of society.

It is with this understanding that we may be better able to construct a new society based on a human rights culture which allows all people, women and men, to contribute fully to society and develop to their full human potential.

This submission was initiated at a workshop held on the 19th March, 1996 at the University of the Witwatersrand. The workshop, entitled "Gender and the Truth and Reconciliation Commission" was called by the Centre for Applied Legal Studies to further develop a process of thought about the gender issues facing the Commission. A number of psychologists, lawyers, members of Non-Governmental Organisations, members of the Gauteng Legislature and representatives of the Commission were present. The workshop, while simply a collection of interested people, included representatives from each of the four regions of the TRC. The participants felt that the issues raised in the workshop should be placed before the TRC in a formal submission. We hope that this submission will be of assistance to the Commission in fulfilling its important role.

This submission is intended only as a starting point to aid the Commission in understanding how gender forms part of the truth and reconciliation process. We have explored some of the issues that need to be looked at further and we certainly do not believe that this is the final word on any aspect covered in the submission. We have drawn upon comparative literature in an endeavour to provide a framework within which to understand how gender has affected women's experience during the three decades that form the review period of the Truth and Reconciliation Commission. We have drawn upon the work of people who have written about their own or other people's experiences of human rights abuses. We have also interviewed a number of women whose experience we believed would be useful in helping us to draw out possible trends during the three decades which are the concern of the TRC. This framework will need to be further developed and refined as more evidence of this gendered experience becomes available in the course of the Commission's hearings.

The interviews we conducted were in-depth, where our informants gave of their time and spoke openly and frankly about their experiences. We wish to acknowledge the assistance given by all of these remarkable women whose insights provide the major substance of this submission.

We have focused on the experience of women alone and have not explored how gender structured the male experience of our past. We acknowledge that by not exploring how men's experience was gendered, we are omitting an important aspect of a gender analysis of our past. We have only looked at women's experience because we believe that it is women's voices that are most often ignored. Failure to approach the experience of human rights abuses through a

gendered lens will lead to the neglect of women's experience of abuse and torture, for these are often seen as a male preserve. We have already seen women in TRC hearings emphasise men's experiences of violence rather than their own. This distorts the reality which was that women too were direct victims of past abuses. While a gender analysis involves examining men and women's differing experiences we have chosen to focus on women's experiences lest they be omitted. We would urge that further studies be undertaken to explore male gender constructions in the experiences of our past.

We do not intend to suggest that men were not also subjected to torture, nor, as the evidence which will be presented here will show, that men, like women, were not also subjected to sexual torture. Men and women experienced sexual torture: electric shocks to genitals, and to women's breasts were commonplace. Both men and women were brutally beaten; slammed against floors and walls; flung around on beams; deprived of sleep; forced to stand or to sit on imaginary chairs for hours; teargassed; held in solitary confinement for months on end and forced to endure days of endless interrogation and even killed. But the nature of these experiences, even the sexual aspects, were **felt differently**. Assaults on pregnant women, which led to miscarriage, body searches, vaginal examinations, were all assaults on the sexuality and sexual identity of women. Our intention is to show that gender was a key aspect in the power relations which pertained in detention and in prisons in South Africa. We wish to show that there was a keen awareness by the police of the nature of gender power relations, and how this could be used to threaten and engender fear in their victims. Tactics used against women changed considerably during the period under review, as we will show.

The submission begins by examining the reasons for developing a gender analysis of political violence. We then outline our historical analysis of women's role in resistance and their experience of repression and torture from the 1960s to the present. We then examine the three areas of the TRC's work ie: human rights violations, amnesty and reparations and rehabilitation. Within our examination of human rights violations we explore the gendered experiences of victims in a range of situations of political violence. Finally, we suggest that the findings of this report have certain practical implications for the TRC and we make certain proposals in this regard.

B. WHY GENDER ?

Gender refers to the social construction of masculinity and femininity, not to the sexual differences between men and women. The purpose of emphasising gender relationships is to highlight the particular manner in which women have been subordinated and oppressed through socially constructed differences. Indeed, gender differences have meant that South African men and women have often experienced our history in different ways. In South Africa, as in most societies in the world, women have been accorded identities which cast them in particular social roles which have restricted their civil and political status. Intersecting with gender are also race, class and other identities, such as ethnic and religious allegiances. These form the basis of the 'public-private' divide, which has given to men the role of civil and political representative of the household, to the exclusion of women.

Patriarchy refers to the social, political and economic system which provides men with unequal power and authority in relation to women in society. Patriarchy existed in pre-colonial societies, and interacted with colonialism to create specific forms of gender subordination in South Africa. Interlaced with the racial and class development of our country, patriarchy has wound its bonds around South African women. As with other forms of social and political control, dominance of women has often been enforced by violence. While apartheid defined blacks as secondary political and civil subjects, women were given an even further diminished social and legal status through both the customary and the common law and other social mechanisms. It is this social imbalance which has enabled men to devalue women and which can be linked to the prevalence of abusive and oppressive treatment of women and girls in our society.

Thus, within the exclusions of customary law, for instance, women were given a secondary status as minors, excluding women from rights of guardianship over children and the right to own property, amongst other things. The common law excluded white women from guardianship and various economic rights so that they, too, were treated as secondary citizens. Although specific advances were made in the first half of the twentieth century, for instance white women received the vote and were given property rights, it was not until the introduction of the equality clause in the new Constitution that all women in South Africa were given formal recognition as equal citizens. However, social norms have not advanced in line with the Constitution and women still find themselves politically and economically disadvantaged and remain the victims of violence and discrimination. Women-headed households are significantly poorer in all race groups. Women make up a disproportional section of the unemployed and are amongst the lowest paid in most industries. Incidents of rape and domestic violence are extremely high in South Africa. Women make up almost a third of the Parliament but a recent study has shown that their effective participation is much lower.

Our key concern in this paper is to show how gender is an integral component of social analysis. This will provide a fuller understanding of our past and will also enable the TRC to carefully consider the manner in which it conducts its functions. This will impact on the way in which we shape gender relations in our society in the future.

C. AN HISTORICAL ANALYSIS OF WOMEN'S EXPERIENCE OF REPRESSION, RESISTANCE AND TORTURE

The history and development of South Africa since colonial rule is the history of conquest and the institutionalising of racial discrimination and subordination. Less emphasised, but equally important, has been the way in which patriarchal power relations were integrated and used to bolster the power of the oppressors within indigenous communities. Patriarchy, that system of power and authority wielded by men throughout history, was embedded within the social fabric of apartheid in particular ways and meant that women and men from different racial, class and cultural backgrounds experienced life very differently. In this section we do not attempt a comparative analysis of the experience of women and men in a systematic manner. Rather we are concerned here to emphasise women's experience of the system where we believe it to have especially violated their rights during the last three decades. Some of these excesses were experienced equally by men but as we have explained, we have chosen to highlight women in this paper.

This section explains how women's experience of apartheid repression changed during the 1960s, 1970s and 1980s as the nature and scale of organised popular opposition grew. The early 1960s saw the end of open, constitutional opposition and the espousal of armed struggle. The end of the decade witnessed the emergence of a new black consciousness movement driven by a generation of intellectuals educated within apartheid's Bantu education system. This included numbers of women journalists, teachers, and doctors, amongst others. In the 1970s, an independent trade union movement grew from massive strikes in 1973, which included large sectors dominated by women workers. The 1976 Soweto riots drew school children into the growing mass opposition to apartheid. A tidal wave of young people, women as well as men, left the country for the camps of the country's guerilla armies based in exile. By the 1980s, international condemnation of apartheid coincided with the emergence of a broad front of internally organised opponents of the apartheid regime. Amongst them were independent regional women's organisations, whose objectives embraced national liberation together with the eradication of gender discrimination.

The 1960s.

Apartheid, as with earlier forms of domination and control, was founded on and reinforced by violence. The period from 1960, the era which forms the starting point for the Truth and Reconciliation Commission, has been described by Deborah Posel, as the second phase of apartheid, a period which entrenched the notion of 'Separate Development'. During this period women found themselves in a less secure position than men in relation to opportunities for employment, in relation to security of tenure or access to housing. Influx control limited women's mobility more than men's. Forced removals constituted one element of the fulfilment of apartheid, another was the creation of 'ethnic homelands', which provided the context for the development of a collaborative bureaucratic elite, surrogates of the apartheid state. This was a period which had devastating consequences upon the lives of black people. Whole communities were uprooted from land which many of them owned and were dumped in inhospitable environments without adequate infrastructure.

Families were torn apart and impoverished as migrant labour regulations prevented women from joining working husbands in the towns. Women were left in rural areas dependent upon remittances from their migrant husbands. Rural women were prevented from seeking work independently in the urban areas, or from joining their husbands. Single sex hostels in these areas made it impossible for rural wives and husbands to maintain family life. Children often lived with grandparents and seldom saw their parents. Women in urban areas, with permanent rights of settlement, were prevented from obtaining housing on their own account. Single women, heads of families, and widows were the subject of considerable abuse by both the state and by members of their own extended families. Many a widow was forced out of her home within weeks of her husband's death because of the law, to spend the rest of her life as an exploited 'tenant' in someone else's backyard. Often she was simply "endorsed out" to a rural settlement. Her basic human rights to security and freedom of movement, to freedom from want, were violated by apartheid law.

The 1960s were a period of intense repression, following the vitality of protest movements to the pass laws and to the introduction of Bantu Education and apartheid. The period benefitted from a global economic resurgence. At the same time, influx control was a major focus of government policy. Endorsements out of urban areas became widespread - between January 1959 and March 1962, 7 280 women and 18 931 men were returned to the homelands from the Cape Peninsula alone, an area where the Coloured Labour Preference policy was rigidly enforced. The African National Congress and the Pan African Congress were both banned after the Sharpeville massacre in March 1960, events which significantly altered the scale of public opposition to state controls. Eight women, ten children and fifty one men were killed at Sharpeville. A state of emergency was declared during which more than 10 000 people were detained.

It seems clear that methods of interrogation changed after the State of Emergency. Mass arrests had given people a chance to consolidate their collective identity into a community of opposition. The state developed strategies aimed at undermining the possibilities for coherent and collective action. In particular, more sophisticated and psychological methods of interrogation were developed. With the introduction of new measures in 1963 which allowed for 90 days detention without trial, a new, more sinister era opened for detainees. In 1965, this was increased to 180 days detention. The Terrorism Act of 1967 entrenched the powers of the state for purposes of deterring all internal opposition.

Techniques of mental torture developed during the 1960s as the Security Branch learned about assaulting the mind during periods of extended isolation in detention. The experience of black and white people was very different. The police were not shy to use brute force against black women. Hilda Bernstein has described the experience of beating, house burning, destruction of possessions endured by the women of Zeerust, for instance, in their struggle against the pass laws and the Bantu Authorities in the 1950s.

Albertina Sisulu spent years restricted by banning orders and house arrest in her home in Orlando. She was held in solitary confinement on several occasions, in 1963 for three months and again in 1981 and in 1985. In 1963 both she and her young son Zwelakhe were detained

under the Suppression of Communism Act in order for the Security Branch (SB) to try and find the whereabouts of Walter Sisulu, who was in hiding. She described the mental torture by her captors, who would taunt her with lies about the severe illness and subsequent death of her youngest child. But for Albertina Sisulu, personal concerns were not an issue, and although she was clear about the centrality of her role as wife and mother, her struggle against the repression and oppression of the state and its legislative apparatus was always a 'national' struggle, and her own will subject to the collective will of the nation.

It is not clear why a prominent person like Albertina Sisulu was not assaulted at any time during her frequent detentions and continuous police harassment. Other women were not so fortunate. Rita Ndzanga had been an active trade unionist during the 1950s, and she and her husband were members of South African Congress of Trade Unions. In December 1969 she and her husband were detained under the Suppression of Communism Act, their children left for months without parents. She recounted her experience in detention:

They dragged me to another room, hitting me with their open hands all the time...they ordered me to take off my shoes and stand on three bricks. I refused to stand on the bricks. One of the white Security Police climbed on a chair and pulled me by my hair, dropped me on the bricks. I fell down and hit a gas pipe. The same man pulled me up by my hair again, jerked me and I again fell on the metal gas pipe. They threw water on my face. The man who pulled me by the hair had his hands full of my hair...I managed to stand up and then they said: "on the bricks!"...and they hit me again while I was on the bricks. I fell. They again poured water on me.

Neither the torture of detention, nor the death of her husband, Lawrence Ndzanga, in detention in January 1977, deterred Rita Ndzanga's continued involvement in the trade union movement, and in resistance to state repression.

Ruth First has described her diabolical experience of personal disintegration in her book 117 Days, where she felt so wretched about giving in to write a statement that she tried to kill herself. More than twenty years later, another member of the South African Communist Party, Jenny Schreiner, also described her breaking point as when she agreed to make a statement. Schreiner also tried to end her life. But Ruth First was not assaulted as far as we can establish, nor were other white women detainees of those early 1960s detentions. The exception was Stephanie Kemp, who was the first white woman to be assaulted in detention in 1963. This changed dramatically after the emergence of SASO in 1968 and during the 1970s. And by the 1980s race was no longer a factor in brutality when Ruth First was murdered by a parcel bomb sent by South African agents in Mozambique.

Whilst white women may not have experienced the same levels of physical abuse, they were subject to continual harassment in other ways. Helen Joseph, for instance, was silenced and politically ham-strung by banning, listing and house arrest. Indian women, too, experienced continuous police harassment and intimidation. Amina Cachalia described to us the way in which the police threatened her and her children, as well as her husband, when they raided their home:

During the sixty's, as early as 1961, everything was in uproar. The ANC and the PAC are the organisations (concerned), and soon after they clamped down on house arrests and bannings... It had a more individual effect on families and people...it was a psychological warfare...because it really clamped down on us in that fashion.

It had a very detrimental effect on my children. We had decided at some stage to send the children to boarding school because of the continuous harassment by police. Security police came to the house on a daily basis, at any time of the day and night. The kids were absolutely beside themselves with fear that either their father or I would be taken away...We thought if we sent the kids away to boarding school it might save them that terrible life that they were going through with us.

During the 1960s the methods of banning organisations and individuals, listing people whose activities were seen as a danger to the state, and employing house arrest were all used to demobilise people and organisational activity. Banishment was also frequently used. Frances Baard, a trade unionist who had spent her working life in the Eastern Cape was banished to Mabopane in the Transvaal. Here she was linguistically foreign, without shelter, far from her home and family. She describes her experience in moving terms:

They got this place in Pretoria for me...a little dirty place: it was a two-roomed house. Not a house, a shack, and I was put in there. I had nothing with me from jail - only the clothes I was wearing...There was no blanket, nothing. It was very cold...I didn't even know a person in that place, I couldn't even speak the language of the people there. Since I was brought there by the S.B.(Security Branch) the people were afraid of me, to talk to me...

Persecuted for refusing to take a pass, flung into a hostile environment, Frances Baard, just released from prison, was penniless and jobless. At home in Port Elizabeth, her house was appropriated, her furniture removed. Her children were thrown into the street, one also arrested and jailed for being without a pass. Political activity became personally dangerous, and activists risked extended periods of detention and harassment. This was the case for many people who had been part of organisations now banned, like the ANC Women's League. By 1963 the Federation of South African Women was effectively defunct as a result of state action against its member organisations and individuals.

The 1960s ended, then, with a significant shift in methods of torturing women. Solitary confinement in indefinite detention without trial was combined with psychological and physical torture. Sleep deprivation, standing for long periods and repeated assaults were among the methods used. Further research needs to establish the numbers of women detained during this period, and the conditions of their detention.

The 1970s

Black Consciousness (BC) emerged during the latter part of the 1960s as a new political and ideological current, to become the strongest internal influence on black politics until the resurgence of trade unionism after 1973. "BC stressed the need for blacks to reject liberal white tutelage, the assertion of a black cultural identity, psychological liberation from notions of inferiority, and the unity of all blacks including 'coloureds' and 'Indians'", argued Jonathan Hyslop. Its origins lie in the South African Student's Organisation (SASO) led by Steve Biko and others including a number of women intellectuals. Its manifestation amongst the youth in fostering confidence was particularly important. In addition, and an aspect not brought out by Hyslop and others, was the significant support given to the youth by adult women. This occurred not simply at the individual level, though this was important, but took the form of organisation. In 1975 the Black Women's Federation (BWF) had been formed to bring black women together in a broad front to create opportunities for themselves, and to reject Bantu Education. In 1976, in the wake of the Soweto uprising, the Black Parents Association was formed.

Even initially, during the peaceful demonstrations, parents supported the pupils. But what really thrust the parents into action was the brutal police killings...Nobody expected the cold-blooded murder of young children. So besides their solidarity with young people they were angered - and their hatred and rejection of the whole system came to the surface. They were completely with the students in their militancy.

Of further significance during the 1970s was the emergence of a burgeoning trade union movement after widespread, and successful, strikes in 1973 and 1974, beginning in Durban, and developing in the East Rand and Eastern Cape. In few of the accounts of these developments does the role and participation of women workers appear. Hilda Bernstein's short

history of women's experience of apartheid, provides little evidence for women's involvement in trade union activity, nor the extent of their persecution by both employers and the state. But Bernstein does show that in all the arrests and detentions, women were amongst those rounded up, detained and assaulted.

Methods of torture had by the 1970s assumed a much more violent form against those in opposition. Detention and the process of interrogation was one which involved the most callous and vicious forms of assault, and did not exclude women on the basis of their sex. Thenjiwe Mtintso, a former journalist, member of SASO and later a commander in Umkhonto we Sizwe (MK), described her experience of detention and interrogation as one of constant physical assault and abuse of her womanhood. Mtintso's account of detention shows that in the early days of SASO, women were initially treated by the Security Branch as if they were simply the bed-fellows of the men. There was no perception that women might be equal players in the struggle against the apartheid system. However, this view changed as women proved to be stubborn subjects in detention. Women began to experience similar physical assault to men, which included punches in the face and all over the body. However, Mtintso also suggested that women received a lot of severe blows, either from punches or from kicks, in the area of the womb. She also describes how there were on occasions threats of rape, though she was never in fact raped. However, the assaults were brutal and continuous. For instance during her second detention, in 1976, her head was repeatedly banged against a wall for a whole day by successive members of the torture team. She says that although she cannot prove the connection, the most searing headaches have dogged her ever since.

Joyce Dipale, another Black Consciousness leader, had been kept in solitary confinement during 1976 and 1977 for 500 days. Her graphic description of being tortured by a method known as the 'horse' indicates that by this time women were being subjected to similar brutal treatment as their male colleagues. Hilda Bernstein wrote about Dipale's experience:

She was subject to many agonizing forms of torture, including the 'horse'- she was handcuffed to a pole and swung round and round until she lost consciousness - electric shocks on her bare breasts, buttocks and genitals ('I got used to the pain but never the humiliation'); beatings; prolonged standing with deprivation of sleep, food and water; and being kept in a dark room, she does not know for how long - 'I lost touch with time'.

The combination of physical and sexual torture is evident from both Dipale's and Mtintso's detention experience. Men also experienced torture of their genitals and no doubt psychological attack on their masculinity as well. But as we have indicated, our aim is to highlight women's experience. During the 1970s, combined with ordinary forms of physical torture, were also quite specific and systematic sexual forms of torture which women found more difficult to cope with than simply being hit or battered.

The sexual dimensions of gender power relations found expression also in the experience of women within political movements. Men from all quarters found it difficult to accept women's growing prominence in political movements. For instance, after she went into exile, Mtintso describes some of the difficulties she faced as a woman in maintaining discipline amongst her comrades. Although she became a senior commander in MK, she experienced forms of sexual harassment which she attributes to the cultural norms within South African society. Men found it difficult to take orders from a woman, and attempted to undermine her authority by using sexual innuendo. Unlike others, she was in a strong enough position to be able to effectively counter this with threats of her own.

The 1980s

During the 1980s, the context of resistance had profoundly changed. International hostility had grown considerably, and in spite of British, French and United States' reluctance to take a

strong stand against apartheid, an international boycott movement had got under way. Moreover, internal organisation and opposition forces had grown in scale. The South African regime was forced into cosmetic attempts to reform the worst aspects of apartheid. In the context of a combination of reform and repression, internal opposition movements became more strategically organised, and a strong mass movement emerged. Alliances across race and class barriers developed which threatened the cohesion of the apartheid state. State repression became more violent, with the state increasingly supporting reactionary forces within the homelands. The ANC and PAC began to step up their guerilla attacks.

From the mid-1980s the struggle for competing control escalated into what some analysts have termed a civil war. In conditions of war, civil war, or in situations where people were involved in what they conceived to be a political struggle for control over terrain or over resources - in South Africa this was also constructed in ethnic terms, as in the township struggles between hostel and town dwellers - militarised constructions of masculinity and femininity became more pronounced, in spite of countervailing forces within MK, where it was well known that women were soldiers and commanders. Women increasingly became drawn into the violence which grew throughout South Africa, as activists themselves, or as indirect victims. In the latter case, on all sides of the conflict, women become ideological objects, as both desirable and thus to be protected as nurturers, lovers and wives or to be captured to show the other side's inefficacy in that role. The kidnapping of young women to serve as sex slaves in the hostels is one example. So humiliation of women was at times used to humiliate opponents.

Although these may have been the interpretations that men placed on the role of women, women themselves put a quite different construction upon their own actions. Even though women's role in resistance has often seen them defined within their maternal function, women have used this as a means of lifting themselves out of the private realm and entering the public arena. This has had the effect of politicising private issues and placing women's pain at the loss, abduction and attack on themselves and their families on the oppositional agenda.

But while women were increasingly prominent in struggles against apartheid, methods of sexual torture during the 1980s assumed greater prominence in women's testimony. In our research there is evidence to suggest that women's sexuality was used to undermine their identity and integrity as human beings during their interrogations.

Elaine Mohammed gives graphic detail of the threat that sexual innuendo played in her detention 1982. She was just twenty one, a University student and a member of the Black Student's Society, when she was detained for organising a meeting to commemorate the founding of the South African Communist Party. She describes an ambience of sexual terrorism imposed by the Security Police in their dealings with her. She also felt extreme vulnerability when she began menstruating in detention:

A policeman came into my cell and said, "You're not allowed tampons in here. You have to wear pads." And he shook the pad and hit it against the wall saying, "Put it on." I found this incredibly threatening. The first week I wasn't allowed to wash or have any change of clothing. After that when they brought in my fresh underwear, they flung it around and said how very small my panties were. I felt far more vulnerable with these kinds of experiences than when I was actually threatened.

Some women had endured the most sadistic torture. Mohamed describes how one woman she knew "-had rats pushed into her vagina as a means of torturing her".

Rats would come into Mohamed's cell at night and eat the soiled pads. This was linked in her mind with her friend's experience, and became an enduring nightmare.

So I'd just pick up the bits of my pads, but that experience was terror for me. I always felt that the rats were gnawing at me. But how could I explain to someone that I found that more

threatening than someone hitting me? It's those kinds of experiences that I couldn't talk about for a long time. Some of them I still can't talk about.

It was not only men who were involved in this strategy of attacking detainees sexuality. Mohamed expresses her disappointment at the participation of women police in these sexual tactics:

I felt very betrayed by what the women police did to me in prison, because I expected more of women. I always liked my breasts because they are very firm. The policewomen would flick them with their nails on my nipples, saying, "It's a shame nobody wants you. You've obviously never had a boyfriend. No one touched these breasts, else why are they so firm?" I found this incredibly humiliating.

Men and women police were accomplices in degrading detainees sexually:

I was body-searched twice a day every day at the Fort, which was also very humiliating. They made me stand astride and do star jumps to check that I wasn't hiding anything in my vagina. I remember police-women making me strip in front of men and people laughing at me...When they didn't strip me, they'd feel through my clothes, slipping a hand into my pants and bra. I found this much more traumatic than stripping...

Nor was it only the police who were involved in this system of sexual harassment. Mohamed describes the behaviour of the District Surgeon who visited the prison:

I remember lying on the bed with the prison doctor leaning over me and putting his forearm between my legs to examine my throat. When I stood on the scale to be weighed, he ran his hand over my behind and up between my legs and told me to walk across the room undressed. I found this traumatic because a doctor is someone I normally trust.

Lydia Kompe describes how the bantustan police were able to brazenly terrorize and torture during the 1980s. They taunted her and used her womanhood against her in their interrogation:

They came in numbers I'm sure there were about 20 well armed police and in the same village there was a police station which was like a camp where they were torturing people and we were taken to that torture camp... The majority of us were woman and they even took Patsy's young girl of about 15 years. A beautiful young girl which I was worried about...They harassed me at that little office and I was very strong I was very adamant and they got very angry with me. They questioned me saying things like "you're such an old woman coming from an oppressive country" because they saw themselves as a different country... "What do you think your husband thinks about you? This is the reason why all the men are getting divorced. You will sleep for the whole six months alone because we're going to keep (you)." And I could hear the screams (of people) being tortured that were kept in those tents but they would never let me go and see what they were doing. It was worse than the central government torture, so people say.

She described how electric shocks were administered during torture by means of instruments powered by a generator specially brought to this rural area for the purpose. She describes how the police later took them to the police station. During the course of the night each young woman was called in turn to leave the cell. On their return, the women would not speak about what had happened to them but Kompe suspected that they had been abused or raped. She explained the failure of the young women to discuss these incidents in terms of the prevailing cultural view that sexual abuse is shameful and cannot be divulged.

During the later part of the 1980s, during successive States of Emergency, women were detained in large numbers. In the Fedtraw publication A woman's place is in the struggle not behind bars a long list of reported sexual assaults and torture on women are described. 12%

percent of the State of Emergency detainees in 1986/7 were women. This amounted to 3050 women and girls. The violation of their identity and integrity, their sense of themselves as women, would all have been part of the form and content of their interrogation. In most cases, women will find it very difficult to speak of these kinds of attacks upon their identity in a public, let alone a private, forum. If any of them were raped, as many were, it will be virtually impossible for them to suffer the public humiliation that divulging such experience will entail.

What this brief history has tried to show is that during the three decades during which women were the victims of apartheid, they experienced repression in particular ways. Women's identities whether as mothers, as wives or sexual partners, or as independent beings were systematically abused. Women were abused by laws which blocked mobility, or prevented their acquiring land or houses in their own right, or which treated them as minors. Women were abused by societal norms which treated them as sexual objects, empowering men to treat them without respect, and to degrade their sexual integrity. These laws and norms legitimated the sexual abuse of women by men, particularly those who found themselves in positions of power and authority, such as the police. This meant that women's experience of detention and torture was "gendered" both because of how they were treated and because of their own subjective experience of their treatment.

This development of repression against women is not only worth understanding for historical purposes but affects the way in which the TRC should conduct itself in all areas. With this history as a backdrop we now look at how the TRC should address the question of gender throughout its work.

D. HUMAN RIGHTS VIOLATIONS - A GENDER PERSPECTIVE

The Promotion of Truth and Reconciliation Act defines "Gross violation of human rights" as comprising "the killing, abduction, torture or severe ill-treatment of any person".

We submit that the words "severe ill-treatment" should be interpreted to include a wide range of abuses which took place under apartheid. Detention without trial itself is severe ill-treatment. Imprisonment for treason against an unjust system is severe ill-treatment. Forced removals, pass arrests, confiscation of land, breaking up of families and even forcing people to undergo racially formulated education are all forms of severe ill-treatment.

Whilst it is important to emphasise the killing and torture in our past and the extraordinary suffering of opponents of apartheid, we need also to pause and recognise that the apartheid system itself violated the basic rights of human beings in ways that systematically destroyed their capacity to survive. In addition, the gendered dimensions of this system had an added dehumanising effect on many people's lives. The influx control system, lynch-pin of the migrant labour system, not only separated families, it also criminalised a huge number of men and women who were merely trying to be together and to find work to support themselves and their families. This experience often violated the integrity of individuals in devastating ways.

Lydia Kompe, a former trade unionist and campaigner for rural women's rights, and now a Member of Parliament, points to the multiple meanings and subjective understandings of violence during the apartheid years. She describes her experience of the system which gradually but systematically undermined her identity and her way of life. She lost her rural home, was forced to seek work in town as a domestic worker, where she could not live with her husband nor bring up her children in a family. What she describes is how the law, and its implementation and effects, were different for men and women. While men's lives were hard under apartheid, women suffered even greater economic burdens and social restrictions that oppressed them and caused suffering. To spend time with her husband meant risking arrest. He

was twice arrested visiting her room in the suburbs where she was a domestic worker. Of her experience she says:

Can one actually say it's violence... It's not as serious as my husband being killed in jail. One would say, it's not like me having left my own country going to stay thirty years outside. So that's what I always say to myself, what is this violence? How can one express it to somebody who can actually feel sympathetic? What I'm telling you now is a story. I don't think it will be seen as violence. It's a story that this is how we lived in the past. And this was where it actually crippled me in my mind.

The system which Lydia Kompe describes is one which forced her to adopt illegality in order to survive and violated her sense of integrity. She shows how the pass laws had a particular impact on African women. While these laws also determined the movement of African men, they were even more harsh in their effect on women. Because of the nature of gendered social relations, women had primary responsibility for child care and support and were disadvantaged in their access to the labour market:

It was an internal violence... I lived in a society for many years using false identities for my survival because I was a victim of the influx control... I had to do away with my own African culture, with my own self and call myself a different thing so that I could come and work, because I was not allowed to work in the so-called proclaimed areas of Johannesburg, because I didn't qualify, I was a rural women. I had to use false names and false identities... The surname Kompe is not my surname, it is a false one... I respect that name because it made me bring up my children and send them to school.

Her story is one of dispossession and impoverishment. Deprived of the independence of small commodity production on the land, her family was forced to uproot itself to seek wages in the urban areas:

(The) Betterment scheme, which is another apartheid law I will never forgive and forget, because they made us what we are. We were so independent. My father had a lot of cattle, lots of pigs, lots of chickens... We never ate any bread unless my Mother grinded wheat to make us home-made bread. Sweet potato is the food we grew from. My father was exchanging sweet potato crops for livestock and all those things. That system destroyed them and we saw ourselves, my parents, growing poorer and poorer like somebody knowing he has cancer, one day he will die. That's exactly what happened to us. I did my Standard eight, my parents couldn't make it any more. They were forced to come to Johannesburg in their old age to come and work. That's why I am what I am. I can't speak English properly, I can't write English properly, I can't express myself like I want to express myself to people.

For Lydia Komape, the move to the city required violating her rural and African identity. She acquired a false identity as Lydia Kompe: "Komape was a Bantu name, which would have prohibited me from entering the urban areas". Yet she was tortured by the guilt associated with her new identity as a coloured woman, which gave her advantages over her black fellow-workers. She discovered that the coloured toilets were better than those for African women. It was this which led her to begin organising on the shop floor against the divisions imposed on workers by apartheid. She concludes by saying that "The system crippled me and my mind. I was committing a crime in order to survive, to avoid the crime of stealing".

Whilst this experience may not be a gross human rights violation in terms of a narrow reading of the definition in the Promotion of Truth and Reconciliation Act, in terms of the human suffering and psychological trauma involved, the system as a whole was a gross violation of the human rights of a whole society. Lydia Kompe's experience shows how not only apartheid as a system shaped South African's lives, but how gender fed into this experience and added to the burden suffered by black women. While both men and women suffered from all of these methods of social control, we have argued above that factoring gender into the apartheid equation produces a more complete understanding of South African history. In order to develop this understanding

the TRC needs to locate itself within a more expansive reading of the definition of "gross human rights violations".

Some would argue that the Truth Commission is not the vehicle for pronouncing on such rights violations. The Land Court is being used to restore successful claimants to their improperly seized land. The Human Rights Commission, Gender Commission, Constitutional Court and Public Protector are bra for raising grievances and asking for relief. But will any of these bodies look back into our past and acknowledge the suffering that so many experienced ? One of the harshest legacies of apartheid is the poverty it caused and the worst victims of this poverty are women. Where do these women lodge their complaints ? The Truth Commission needs to acknowledge all forms of past suffering in some way, even if its main attention must remain focused on the most extreme cases of violent rights abuses. The final report should locate the abuses within the context of the apartheid system as a whole and wherever possible, this context should be used to provide a backdrop for evidence that comes before the Commission. The way in which the final report is used to educate and inform future generations must be carefully considered. This could have a profound impact on the development of equality and a culture of respect for all people.

I. Understanding gender and political violence

1. Women as direct and indirect victims of Apartheid

The definition of victim in the Act also includes relatives or dependants of victims. This is very important since it locates wives, mothers and children in centre stage as having suffered "gross violations of human rights". It is important to see these women as primary, not secondary victims because they themselves suffered directly. It is indeed difficult to separate the psychological pain of a mother whose child has been tortured from the physical and psychological pain of the child itself. Both are victims in need of support and rehabilitation.

This is supported in the law of delict which has developed both in South Africa and elsewhere towards recognising that witnesses, relatives and others who find themselves in a relationship of proximity to someone who suffers direct harm are themselves able to claim pecuniary damages from the perpetrator. This is an acknowledgment by our law that the person who causes harm is liable to compensate the indirect victim who suffered trauma and harm as a result of that person's negligent or intentional act.

Economic loss

A further dimension of loss is the economic or material one. In poor families and communities, detention, imprisonment, exile and death in a family might have meant the difference between starvation and survival. Jesse Duarte emphasised this aspect when she spoke at a recent workshop on 'Gender and the TRC':

Women who lost their sons or daughters for example, at the time when they were just beginning to become economically active, have something to say to us as a society about having reared a child to a particular point and then that child is taken away from them without an explanation... Then there is the cultural perspective of the economic position of that particular family. It may be that that family did not need, or that person did not contribute to the financial security of any family. But in the minds of people right now they lost a potential breadwinner. It seems to me that that issue has been sidelined because it has been raised mainly by women. It also seems that women are (seen to be) raising it because they want to be paid for the contribution that their children made towards the struggle and that is not true. What is true is that there was that reality - that your breadwinner was taken away from you.

Responsibility for maintaining family life rested very much upon women's shoulders. This was the case for wives of political prisoners or detainees. June Mlangeni's experience echoes that of many women as she describes the impact of her husband's imprisonment:

We were young when Andrew was arrested and I was looking forward to the future with him.. but it was torn apart by a government which separated two people who aimed to build a future together. After I saw him on Robben Island I became stronger, and I could cope better with the police harassment. Before I used to shiver when the knock came at 2am knocking from window to door, front and back doors ... and they knew that I was a woman alone in the house...When Andrew was arrested I was a housewife .. I started to work when Andrew was in prison and I took time off to go to court to listen to Andrew's case .. then my employers found out that my husband was one of the Rivonia Trialists, and I was fired.

Cultural loss

For women, the loss of a husband in struggle had a very significant impact on her status in her community. Widowhood could mean the loss of status. Again, Jesse Duarte pointed to this in her discussion, when she explained the cultural position of widows in society:

It's not so much the economic loss there that is the issue. It's actually the cultural loss and the loss of position within the community that begins to impact on people. I think that a lot of times repression is only understood to be the direct physical inflicted repression on a person not the repression of years afterwards. When women lose their husbands they become doubly repressed by your own community because you are a woman without standing in the present context of the South African cultural reality. Certainly in the eighties we had a number of reasons to provide constructive support to women who became widows at that time because they were almost illegitimized by the communities they came from. These women had no more standing and the son became the women's husband even if that woman was a very high-powered political activist. The minute her spouse or her partner was taken away that was the end of her.

In her testimony to the TRC, Sepati Mlangeni, the widow of Bheki Mlangeni, spoke of the awful effects of her untimely widowhood, a mere two months after her marriage: "I am an outcast in my own society", she said.

Effect on children and family life

A number of children were taken into custody and detention with their mothers, whilst others were abandoned and left in the care of relatives or even strangers for long periods. While the scope of this paper does not extend to examining the experience of children, it is important to remember that they were often also direct/indirect victims of human rights violations. Young people disappeared from their homes, detained by the police, who never informed their families where they were. Robert Brand gave one chilling example of this kind already described to the Commission:

Maudline Lutya's brother, Wiseman, disappeared during rioting in Guguletu in 1976. She inquired at police stations and hospitals and asked around the local community, to no avail. Nobody told her anything. Three weeks later...she went to the Salt River mortuary...She found her brother "shot through the head, some of his brains were coming out"

The Report on the Chilean National Commission on Truth and Reconciliation examines the impact of the most serious human rights violations on families and social relations. It talks of the break up of families, for example: "in order to work I had to distribute my children. I was left with no husband and no children." Other examples include: "The oldest daughter took care of her brothers and sisters while her mother was trying to locate her father" and "my father was the family breadwinner. We were all little. We had to leave school and start working". Poverty also impacted on people's experiences of human rights violations eg: "I went looking for my 17 year old son everywhere. I did it all on foot because I didn't have money to take the bus. I never found out anything about him." This experience resonates with South Africa's systematic control of people's mobility and the brutal and inhumane administration of the apartheid system in general. It also mirrors our experience regarding the impact of political violence and repression on family life.

Women's supportive role

Women's role in supporting their detained husbands and children began to take on a political character. During the detentions of the 1980s a support movement comprised of families and friends of detainees emerged, the Detainees Parents Support Committee (DPSC). This movement constantly brought to the attention of authorities and the public the harshness of the deprivations caused by detention. It acted as a counter to the attempts by the state to destroy political opposition. Indeed it intensified it. Women, traditionally located in the private sphere, were forced into the public sphere by the political struggles.

In another context, Jean Franco argues that the meetings at government offices of mothers and families of the disappeared "constituted a space of memory that also became a counter to the public sphere". The Mothers of the Plaza de Mayo movement in Argentina and Families of the Disappeared in Chile placed women in centre stage when other political activity had ceased - they could "mediate between the state and the individual". The women had been rejected by traditional society and thus had nothing to lose by acting "abnormally" - "The adoption of a public self in the face of ridicule". They physically moved from the private into the public space - the Plaza de Mayo. The mothers "remade" reality and restored individual meaning/proof of existence. Franco says "the movement exploited the traditional view that mothers were the vessel of reproduction, but they also went beyond any essentialist definition of "mother" and thus demonstrated that it was possible to transform protest into a broader ethical position, one based on life and survival".

Many of the people who have already spoken in the TRC are wives and mothers of men who were killed. Many of these women were themselves detained and harassed by the police. Although these women are coming forward to speak about their husbands, fathers or sons, they should also be encouraged to speak about their own experiences. In the first week of the Truth Commission's hearings in the Eastern Cape, the widows of the "Cradock Four", came to speak about their murdered husbands. They themselves had been harassed and arrested, yet their stories were not probed and were treated as incidental. Our society constantly diminishes women's role and women themselves then see their experiences as unimportant. The TRC should empower these women so that they are able to locate themselves not just in the private realm as supporters of men but in the public realm as resisters to oppression. There is nothing in the Act which prevents these types of questions from being asked by Commissioners.

Even Albertina Sisulu, one of the most prominent fighters for justice who suffered a great deal of repression, was more able to talk about her husband and children's experiences than her own. She uses the second person to describe her experience because she finds it difficult to speak about herself as a suffering individual. She also locates her subjectivity within the collective - the nation.

The above discussion shows that women, even in acting in support of men, must be seen as both victims and resisters in their own right. We must however, also recognize that many

women were directly active in resistance and were detained, tortured and killed because of their own effective opposition to the state.

2. Constructions of Gender in Prison: The way in which women experienced torture

The history of torture and violence, explored above, highlighted the varied forms of physical and psychological torture used against women. Some of these were also used against men, but others targeted women's femininity and sexuality and all were experienced in a gendered way. This section explores some of the forms of torture developed to undermine women.

Physical methods of torture

Accounts of women's experience in detention, recorded by the DPSC in 1987, include assault and electric shocks on pregnant women; inadequate medical care leading to miscarriages; teargassing; solitary confinement; body searches and vaginal examinations; rape and forced intercourse with other prisoners; foreign objects including rats being pushed into women's vaginas. Jessie Duarte and Nomvula Mokonyane speak of incidents where women's fallopian tubes were flooded with water, sometimes resulting in their inability to have children.

These forms of cruelty were not simply experienced by women but also by children. During the States of Emergency girls as young as fourteen were detained, tortured, beaten and teargassed.

Jean Franco discusses torture in Latin America in the 1960s and 1970s. She argues that although pain has no gender, sexual difference shaped people's experience of torture. Men were feminized, the torturers revelled in their "masculinity" and women were the vehicle for sadistic fantasies. She argues that social practices which construct gender identity were recreated in an intensified form. Male bonding rituals which reduce the other to the status of passive victim ie: casual rituals of cruelty, were formalized and institutionalized in the death camps. Male prisoners were forced to live as if they were women - for the first time they came to understand what it meant to be constantly aware of their bodies, to be ridiculed and battered.

Women were ashamed to speak of their torture. First person accounts are often laconic or euphemistic. When recording their experiences for commissions on human rights they merely stated they were raped without attempting to describe the event. She shows how pain destroys language. In South Africa where sexual assault is common knowledge, "women are afraid to talk about these assaults", according to people who have worked with detainees.

Although women and men are tortured equally, it is clear from South African accounts and parallel international experience that the differing constructions of gender shape their experience and treatment. Although studies of political violence do not highlight men's gendered experience of their torture, studies of ordinary prisoners reveal systematic attacks on their masculinity. An interesting hypothesis, posed by Inger Agger suggests that sexual torture of men aims to induce sexual passivity and to abolish political power and potency, whereas, behind the sexual torture of women is the activation of sexuality to induce shame and guilt.

Carolyn Nordstrom, argues that sexual assaults attack "the core constructions of identity and security in their most personal and profound sense". The intent is "to break down the fabric of society, and ... thus to break down political will and resistance". One could argue that sexual assaults in the context of political detention/war are institutionalised acts which make public the private.

i. Physical assault

Jenny Schreiner talks about how the physical violence she experienced while being tortured came as a particular shock to her as a woman. She says:

Mostert ... insisted that I stand up. My response was that all Section 29 said in terms of detention was that they could hold me until I answered questions, they couldn't even force me to answer questions. They can just keep me until I answer questions, and that standing up was not part of Section 29 and I was not standing up. I could answer questions or not answer questions sitting down. At which stage he walked around the table and physically picked me up and stood me up, but stood me up so that he could slam my back into the wall. Which although, I mean he didn't shatter my skull or anything, but it's a clear statement from step one. "I am in control of this, I am bigger than you, I'm more aggressive than you and I have no respect for you". And there I think that its also a question of it being a gender thing. There's a man who is physically picking you up and shoving you into a wall.

ii. Rape and the threat of rape

In an anonymous interview, a woman described her experience in detention.

Some women actually have been raped in detention. And you yourself whilst you are there you have that fear the whole time that you can be raped. I had that fear, in particular after I had been up at the police offices for interrogation and one of the security police intimated that the best treatment for me would be rape.

Thenjiwe Mtintso also graphically described how the fear of rape is always present for women detainees. One night, the police came to take her away from the police station where she had been detained for the first three months.

They stopped on the Kei bridge and there were about three men in the car in which I was and about five men in the other car that was escorting us. And when we got to the Kei bridge they asked me to get out of the car and they all got out. And I had not minded being beaten or anything or even died in the process but rape, just as far as I was concerned, this was it. This was going to be a gang rape and they were just going to leave me here...I wouldn't leave the car, so they dragged me out...they beat me up...I had got a sense then that the others had wanted to rape but I don't know, I can't say whether they were going to rape me but that is when I got the fear that I could be raped.

Diana Russell interviewed Elaine Mohamed who said:

The way women experience detention is totally different from the way men do. I burst into tears when a security policeman said to me, "I really enjoy interrogating women. I can get things out of them and do things to them that I can't do to a man." I was terrified by this statement. I felt horror and pain about it when I was physically hit by the police, and I think the police realised this immediately... I was body-searched twice a day every day...I remember policewomen making me strip in front of men and people laughing at me.

iii. Withholding of medical care

Albertina Sisulu described the near-miscarriage of Winnie Mandela:

And at one time when we were in jail with Mrs Mandela she was threatening (about to give birth) and they wouldn't let us as midwives attend to her. It was terrible, she was bleeding and she could really lose the baby at any moment, until we had to fight as women, then the door was opened.

Psychological forms of torture

The police developed sophisticated methods of psychological torture which specifically aimed to undermine women. These methods targeted the traditional roles and social location of women.

i. Attack on women's identity

An anonymous detainee said her detention was different from a man's:

I think detention does affect us in the same way to a certain extent. But a lot differs in terms of how you actually, in detail now, how you actually experience detention. To start with the attitude of the police towards you. They may try many ways to make you feel that you shouldn't be here. A woman shouldn't be here. You are here because you are not the right kind of woman, you are here because you are irresponsible, you are here because your morals are low. They say all sorts of things to you. You worry a lot about responsibilities outside prison, your responsibilities. This last time, I was detained I had a child already and that was my main source of worry and I felt guilty at times. I wondered what was right, but then later I would be quite convinced that I hadn't done anything wrong and in fact what I was doing would eventually benefit myself, my child and humanity.

Jenny Schreiner describes how the security police would search for areas of vulnerability in a detainee and use this to undermine her by trying to make her feel diminished as a woman:

(There was) ruthless prying into an area of a person's personal life that they knew was vulnerable...That all the kind of personal pain of a marriage that doesn't work is brought to the fore and in a context where they are going to send you back to a police cell to sit with nothing other than the emotions that they've scratched open. You're thirty and you're single, therefore there's something wrong with you as a woman, and that's why you get involved with politics...They were attacking your identity with their own particular conception of what a woman is...The bizarre thing is that I had done a lot of work in DPSC. I'd spent a lot of time listening to people who had been through detention, preparing the detention manual, so I knew the methods that they were using...But although, at the time that they're saying it, you know that and you can sit there with your arms folded and kind of stare them back in the face. When you go back into that police cell... you sit in that cell...your own self image depends on the affirmation that you get from other people. And that for me was what came through very strongly, because no matter how much at the time that they were saying it (and rationally I knew that they were talking rubbish), you go back into your cell and you sit there and think, "well"! You know I think back over my life, my personal relationships are difficult, maybe I am, maybe that's why this went wrong...You internalise a whole lot of stuff because there's nobody else to actually say 'OK, so your relationships were difficult, but that doesn't write you off as a person'...But when you're sitting there, it's not so easy to keep your perspective. The emotional barrage that one is under, the extent to which you have access to nobody other than people who are doing everything to undermine your personality, to undermine everything that they can see about you that is positive, they will find a way of undermining.

ii. Targeting women as mothers

One of the cruellest forms of torture used on women was related by two of the women we interviewed. Albertina Sisulu describes how the security police told her that her child was dying, and then that she had died. They later told her that her husband was very ill.

In 63...I was tortured...the police would come, you know twice or three times a day opening the door and saying "Are you sitting here, the child is in the intensive care unit with pneumonia she can die any moment. If you are not prepared to give us the statement then you won't bury that child". Okey, I will remain thinking let the child die, if the nation is saved. Doesn't matter I'm not going to say anything about what is happening. What my husband did, others are doing. I knew a lot because I was also now involved in politics. The worst was when they came, actually came in the morning to say, "We've come to tell you that your baby has passed away in the night". That torture is not for one day, three days, but for ninety days of your detention. You are being tortured by this today and tomorrow...Torture in jail is in many ways. They may not torture you physically, but mentally they get to your brains... At one time they said Walter was in hospital. "Would you like to go and see him?" I said, "Oh yes!". "Not unless you do what we want you to do". Sitting there thinking my husband is very ill. Sitting there thinking my child is dead.

Thenjiwe Mtintso had a similar experience. The police obviously realised that the best way to weaken women detainees was to make them believe that their children were dead or dying. This would play into their worst fears as mothers, and expose their deepest vulnerabilities. She relates the following testimony:

When I was detained my son was nine months and I left him in bed...One day they came in with a big photo in the Daily Despatch that showed a red Volkswagen that had been smashed and I had a red Volkswagen at that time. They said to me "You see, that is your car...one of your colleagues was driving your car with your son inside and we were chasing him and that's what happened to your car and your son is dead there"... That stayed with me for the rest of my stay in prison. They would not say "No, he is not dead". They just continued beating me up, beating me up... I don't know what it would have done to a man, but that was one way of getting to a woman.

iii. Women as sexual objects

Thenjiwe Mtintso confirms the security police attempts to undermine her. In her case they accused her of being involved in the struggle for sexual gratification and undermined her contribution as a woman engaged in politics. In her second detention, she says:

The police were beating me up, not because they were torturing me but because I was giving some sexual satisfaction to these men, Steve Biko, Mapethla Mohapi...all those that were in Black Consciousness around King Williamstown....

She then describes how the torture changed in the second month of her detention when they stopped focusing on her as a means to get information on the male activists and they became angry with her for not breaking down. She says:

Anger at me... for not fitting the stereotype of this woman who was going to break down...so they got very angry that I was thinking that I was a man. It was always "You think you are a man, you think you are strong, we are going to bring you down, we've brought down better people than yourself, men, strong men"...This is where they actually use your womanhood. For instance, they would let you stand for the whole day and you would not be allowed to go to a toilet or anything and it gets to a point where you can't hold on so you will wee-wee standing there. And all of them will be coming in and out just laughing at this women who just pees anywhere. Around menstruation - because at some stage you've just got to menstruate. You are just like this in a cell and there is nothing and you are going to come in stinking obviously...after a month of wearing those pants it is hard here and so as you walk ..and stink. That is the

humiliation then where your womanhood is used. "You are useless. These men who sleep with you. Look at you how you smell."

3. The impact of race and class on women's experience of political violence

Caesarina Kona Makhoere, poignantly describes the way in which apartheid divisions structured prison life - food, clothing and prison accommodation were qualitatively different for Asian, coloured and African women. "If you want to find out what racial discrimination is, just go to any South African prison. The reality is very hard. Here are three people sharing the same table. Yet what they eat is divided on racial lines. And you are expected not to be hurt. Mama Aminah has a "coloured" diet, while the four of us - Aus Joyce, Aus Esther, Mama Edith and myself have to eat rubbish food".

The experience of white detainees was also seen to be more privileged. "Mothers of white detainees speak about their awareness that they have had a privileged position in their access to family members and their ability to afford legal help and access to international pressure". Jenny Schreiner confirms that she felt she was at an advantage as a white woman in detention:

There was a very strong line that ran through the (interrogation), they weren't questioning me with any seriousness, because my attitude was that of the group of us that I knew had been detained, being white and middle class and a woman I was in a far more protected position than a black woman and two black men, and I decided that since we all had a fair amount of overlap of knowledge, the best thing I could do was to shut up.

She notes, however, that her sheltered life may have made it much harder for her to deal with the torture and the conditions of detention. She attempted suicide during her detention after having "cracked" and made a statement:

I think for me as a woman who grew up in a very secure background in an environment in which violence was just not ever part of it. My Mother gave my brother a hiding when he insisted for the fifty-fifth time of playing with her electric sewing machine, and she burst into tears, I mean that's the extent of violence, we'd get the occasional spank when we were young. So my experience of personal violence has been incredibly limited.

Barbara Hogan was at a particular disadvantage as a white woman during her prison experience. The state had a policy of segregating prisoners according to race. They also kept the political prisoners separately from the criminal prisoners. For a long time she was the only prisoner during her detention and imprisonment. She says:

You lose contact with the outside world, and inside you don't have a supportive community around you...you know that you can always lose that community, if you are lucky enough to have one, as has happened with many women prisoners...you face enormous social and emotional deprivation under those circumstances. I think that I always found myself very profoundly affected by the threat of loss.

The majority of the victims of repression in the 1970s and 1980s were young, black and came from working class backgrounds. The financial burden of detention was very severe especially in communities such as the Eastern Cape, where wives of detainees not only lost income due to their husbands detention but were unable to find work for themselves due to the high levels of unemployment. Middleton et al found that visitors to jailed detainees felt guilty if they could not afford to take food or clothes to the detainee. "Some did not visit their loved ones because they had nothing to take to them."

The interview with Albertina Sisulu, Amina Cachalia and Sheila Weinberg highlighted the different responses each woman received from her (racially separate) community. Sheila Weinberg found the white community very hostile to her family's involvement which made them feel isolated and unable to trust other people. Amina Cachalia and Albertina Sisulu were able to rely on members of their community to warn them when the police were coming and to assist in looking after the children. Jessie Duarte spoke of women from the Indian and coloured communities who were ostracised by their families for becoming involved in resistance politics. And of course, Lydia Kompe's whole life story, (set out above) shows how race has permeated every aspect of people's experience in this country, even going to the toilet.

4. Women as perpetrators

It is important to note that the perpetration of violence is not the preserve of men alone. Institutionalised violence was perpetrated by women in their capacity as officers of the state. There have been press reports of women in hostels organising sex slavery and women central to the necklacing of informers. Witch-burning has included women as much as men. A full understanding of the multi-faceted and cross-gendered nature of political violence in South Africa requires an exploration of these issues.

Many feminist theorists have attempted to explain why women sometimes collude in their own oppression and are even complicit in the oppression of other women. We do not attempt to outline these debates here but, through the words of some women, we will try to shed some light on this complex issue in this section.

Jessie Duarte offers the following analysis :

In looking at the women who became involved by becoming spies, etc. of the system it is quite clear that they may have a legitimate argument that they were politically or economically unable to resist that. Politically they did not need to get involved but economically they were not able to resist the kind of money they were receiving especially in an era where black women were not being employed by the system in other ways. Yet the system was ready to employ them as political spies in the community.

Nomvula Mokonyane says:

The role of women who were perpetrators who were not in State structures which Jesse has mentioned also need to be looked at. Particularly the women who were used as spies to infiltrate units and who were even used in the ANC camps to inflict pain on men ... Women may have been used to serve a particular interest. Some may have done it for economic reasons. Others were actually forced to do it...

Mokonyane speaks also of the devastating effects of fear and uncertainty on family life. She suggests a conscious strategy of destroying families of opponents by the state:

The worst kind of female perpetrator is where you find wives acting against their husbands - inflicting pain on their husbands, partners, sisters, brothers, friends or even their own children. There are such examples in this country. This occurs because of fear, uncertainty or because of survival. Many families have broken up because of this. In many instances the State has actually used what has been perceived as the sexual weakness of women in such cases as where the man has been taken into detention and they bring another man to have a relationship with that woman while that man is detained. The relationship is exposed and the whole fabric of that family is undone. The children are affected and there is divorce. At the end of the day those women cannot be seen as victims because people will just see them as corrupt women who were just doing these things because their husbands were not there and fail to see what

actually led to the situation and pardon them and allow them to speak so that they can understand themselves why that other man made those advances, because I think they would be interested to know why it happened and who actually made it to happen like that.

However, Mokonyane finds some acts of complicity inexplicable. The torture of women by women was one example:

When it comes to the state machinery, though I can understand why it may have been for economic reasons, when it comes to some women's actions against other women it makes you wonder that you could actually find a woman pumping water into another woman's fallopian tubes or attaching electric shocks to another woman's nipples. The woman may be perpetrating these acts for survival reasons but the infliction of pain and the manner in which that pain is being inflicted this woman knows exactly what the effects of that pain will be on that other woman. It is hard to know if you will be able to reconcile with that woman perpetrator. It may be easy to pardon some women but not some other women such as these. In many instances women tend to be much more harsh and insensitive than men. For example women [prison warders] may see a woman giving birth in a single cell and not intervene until or at all if a man intervenes. A woman [warder] may not help a diabetic detainee who has collapsed in her cell and help only arrives from a man. The treatment you may get from a female prison warder, who may even be younger than your own children, will be totally different than the treatment you get when Goldstone or the Johannesburg magistrate comes. This may be related to the ego or attitude of the woman warder because the prisoner is also a woman.

Barbara Hogan describes the transformation of a prison wardress who started off as a "sweet little thing":

"For the first three days her eyes would be standing out and be red because she'd been crying every night at having to lock people into cells...And in six months that little same wardress would be demanding to see sanitary towels soiled before she'd issue another sanitary towel...If you take a prisoner's side...you lose all your esteem...you are socially ostracised, and you don't get promotion."

Women who were spies, informers, warders and even torturers were all strands in the complex web of our past. Many of these women were forced to act as they did out of economic pressure, from fear, by being tricked or threatened and because they were brought up in a society which told them cruelty was a necessary response. Some of these reasons do not adequately explain the degrees of cruelty that certain women perpetrated, particularly against other women. Arguably, their own anger regarding their own position in society was misdirected at other women who seemed to so completely defy convention and move from the private into the public realm. The resulting confusion, within a violent political context may have allowed anger and pain to be transferred onto others through cruelty. Understanding that women were capable of perpetrating violence enables us to see that women are not monolithic in their outlook as a group and are not bearers of certain essential qualities such as kindness and compassion. Women, like men, are divided by race, class and ideology. Many women supported apartheid and were fundamentally convinced through their experience of the society, that racism and violence were necessary mechanisms to ensure order, stability and to maintain a particular way of life.

II. Sites of Political Violence

The history of women's experience of state violence set out above looks mainly at state political violence such as detention, imprisonment and assassination. There are a number of other sites of political violence that are not adequately covered by this history. These correctly fall within the ambit of the TRC and in order to fully understand our past we need to further examine these sites.

1. Gender and Township Violence

The political violence of the 1980s had a wide ranging impact on all South African's lives. In particular, the residents of black townships were controlled by the army and police. Within this context of heightened violence and fear, tensions developed between township residents. These tensions related to accusations, often by young against old, of collaboration and failure to stand up to the oppressors. Terrible methods of punishing supposed informers developed, such as the infamous "necklace". Many women were victims of these forms of violence. Political and sexual conflict may have been played out in some of these cases where women, the subject of sexual competition between men, became the target of political violence. Evidence which came to light during a political trial in the Eastern Cape indicated that a woman, whose boyfriend was a "comrade", had been seen being given a fanta and a dress by a policeman. She was labelled an informer and killed.

One of the campaigns of the 1980s was the consumer boycott of white-owned shops -many women were victims of violence by "the comrade's" for failing to heed the boycott. Viewed through a gender lens, women who had to meet the household's needs on a tiny budget and who needed to shop at the cheaper white-owned shops in town, would have found the boycott particularly difficult to observe.

Pule Zwane has conducted a fascinating and chilling study linking rape in the townships to the decline of political organisation, coupled with unemployment and other factors. A group of youth in Sebokeng actually formed a group called South African Rapist Association (S.A.R.A.). One of the members of the group explained why he had participated in forming the group:

"I was a comrade before joining this organisation. I joined it because we were no longer given political tasks. Most of the tasks were given to senior people. I felt that we have been used by these senior comrades because I do not understand why they dumped us like this. Myself and a group of six guys decided to form our own organisation that will keep these senior comrades busy all the time. That is why we formed S.A.R.A. We rape women who need to be disciplined (those women who behave like snobs), they just do not want to talk to most people, they think they know better than most of us and when we struggle, they simply do not want to join us."

2. Violence in Kwa-Zulu/Natal

The conflict in Natal has grown out of the ethno-national politics engendered by apartheid. The specific context of the conflict is a complex one, involving a range of issues related to specific localities and struggles. In rural areas, the threat of removals by the state during the 1980s had led to pockets of organised opposition facilitated by the Association for Rural Advancement, an organisation initiated by former members of the Liberal Party, and supported by a range of progressive lawyers and individuals. In informal settlements, such as Inanda and Umbumbulu, struggles surfaced around access to resources for survival. In Natal townships, incorporation into Kwa Zulu became a major issue of conflict with the state, as did the issue of KwaZulu control over education, teachers and schools. This was the context of the emergence of a variety of civic, youth and women's organisations which formed the United Democratic Front in Natal's urban townships. Inkatha saw this coalition of organisations as a direct threat to its hegemony in the region, particularly as a potential ally of the banned African National Congress. In many areas, people known to belong to the UDF were attacked, their homes burned, many were killed, and survivors became refugees. More than a million people fled their homes in the ensuing decade. The violence has been particularly brutal and sadistic, with considerable evidence of collusion between the South African security establishment, Inkatha, and armed vigilantes known as Amabutho. Evidence for the existence of the infamous A-Team in Durban townships has been heard by the TRC. Evidence suggests that these groups have punished women by means of gang rape. Jenny Irish, coordinator of the Network of Independent Monitors

(NIM), has shown that during the early 1990s, the victims of attacks by groups of armed men have often been women, children and the elderly:

Often the women may be sexually brutalised before being killed. If men are at home at the time of the attack they are often forced to stand by and watch the attackers brutalize and kill the women and children in the house before they themselves are killed.

In the refugee centres on the South Coast of Natal, sexual harassment appears to have been prevalent:

the women have no privacy and often become targets for sexual abuse and assault. In one refugee camp on the South coast at least three women were forced to flee the camp after being raped by men in the camp. Confidential discussions with other women in the camp revealed a chain of sexual harassment.

This experience corresponds to classic accounts of the second world war and more latterly the war in Bosnia. Again, this highly complex war in Kwa-Zulu/Natal and its gendered consequences require further exploration and examination.

3. Hostel/Third Force Violence

During the late 1980s and early 1990s townships on the Reef were torn apart by large-scale violent conflicts, described at the time as being perpetrated by a "third force". Evidence has since come to light that much of this violence was state sponsored in an effort to disorganise resistance and demoralise communities. Many of the victims of the "third force" war were the poorest communities living in informal settlements. In our society where race, class and gender have combined with the result that women are the poorest and most disempowered, women have often suffered most extremely from this type of violence. Women predominate in informal settlements. They are particularly vulnerable to violence because they often work from home or near the home, on the streets as hawkers etc. Their relationship to the public space is linked to their proximity to their homes and their location within the community. The disruption of the home has particularly severe effects on women because it removes their centre of security, their place of work and their networks in the surrounding community.

The perception that men are the main victims of violence is reflected in assistance provided after the Boipatong Massacres. Jessie Duarte notes that in:

the Boipatong Massacre of June 1992, there were 128 people who died in that massacre and 73 people who were eventually accused of having perpetrated that massacre. Of the 128 victims about 48 were men and the balance (80) were women. What was an interesting connection point that we made was that it was only the families of the men who were ultimately provided with legal assistance. The single women who died in that incident were completely ignored. They were totally and absolutely ignored as if they had nothing to contribute to society so they didn't need to be given any kind of legal support.

Many families became refugees in their own country as they were forced out of their homes during the hostel/township wars. The confiscation of homes and the disruption of families was most often a burden borne by women in these communities. A woman described how this occurred:

We left our home two weeks ago. Four men from the hostel questioned me about my tribe. I replied that I am a Sotho. Then I was told to consider leaving. They said Mgadi section is only for Zulus. They said that our section is now Ulundi section...the following day ...I then phoned

my husband to inform him that we have left the area...On Sunday we went to check the house under escort by the Katlehong police. We took our property and left some of our furniture.

Evidence has also come to light that women from local townships on the Reef have been abducted by men who have occupied the hostels. Abducted women have been kept for days in the hostels and repeatedly sexually abused. A feature of their abduction has been the performance of peculiar rituals, such as drinking blood. On the basis of an understanding of some of the symbolism attached to the historical role of abduction, one can suggest what significance these actions have in the present.

Historically, abduction was associated with a ritualised and thus symbolic exchange of women between different clans in marriage. The right of men to control women is asserted in this socially sanctioned action. This was accompanied by the exchange of lobolo, bride-wealth, which in effect symbolised the reproductive significance of women. In the current conflict, these actions by hostel dwellers are a travesty of this early tradition, but clearly resonate with it. One might argue that this is part of a strategy to demoralise those engaged in the local political contest. The violation of township women humiliates not only the women, but crucially also implicates the men who symbolically have control, and are thus responsible for the protection of those women.

Jessie Duarte describes the "third force" violence as indirect repression. She argued that there was:

An absolute determined attempt to undermine an entire community's existence because it was seen to be a community that was very firm in its opposition to apartheid. The whole purpose of undermining the East Rand, and Katorus in particular, was to bring down the community's morale to such an extent that today you have a youth cadre in that community with a very poor morale base and actually no real instinct for human survival except as to see themselves as beneficiaries of the State because 'they deserve to get what was taken away from them.'

She suggests that the hostel system has created the conditions for the brutality with which hostel dwellers have engaged in township struggles:

The long term effects of the Katorus experience may be something which we all want to put our minds to. Similarly the long-term effects of hostel dwelling and the absolute repression of being forced to live as a single man or a single woman in a hostel situation... The fact of the matter is that the political repression of the kind that locked a male of twenty years old behind a fence at nine o'clock at night and later on went on to recruit that same young man to become a killing machine is something that we need to examine.

Where did this originate from and which of the apartheid sociologists understood that triggering that mechanism in that way would provide the best killers that our society has ever known? The most ruthless kind of killers came out of the recruitment of young men out of hostels throughout the country, not just the East Rand. I think we are going to miss out on a lot of the essence of finding out what made the system as cruel as it was if we concentrate on the individual victims only and not look at the collective victimisation of whole communities.

4. Violence against women in neighbouring states

In Mozambique, considerable evidence has emerged from research and counselling carried out in refugee camps in South Africa, of women being raped before their husbands and of sons being forced to rape their own mothers, amongst a range of horrifying forms of abuse. Both women and children appear to have been abducted to RENAMO camps, where children were taught how to kill. First they were taught how to kill animals, then people, and sometimes they

were forced to kill their own parents. Those young boys were also taught to rape. The women who were abducted to RENAMO camps were made into cooks, carriers of arms, and were used as sex slaves.

The Mozambiquean legal unit has called for the TRC to extend its scope beyond South Africa's borders.

RENAMO was a South African surrogate but even more direct evidence of culpability of South Africa's security forces exists in Namibia of abuses against SWAPO and other Namibian women. There is a large body of evidence in this regard which must be gathered and further examined. The SADF's strategy, if there was one, regarding rape of enemy women must be researched. The notorious Koevoet Unit and other military personnel, including 32 Battalion have committed many reported rapes within a broader campaign of terror to subdue the Namibian people, particularly in the North of the country.

5. Gendered violence in the Liberation Movements

The Commission is obliged by the Act to deal with all gross human rights violations "emanating from the conflicts of the past". The Act requires even-handedness in the Commission's treatment of apartheid crimes and criminal acts committed within the liberation movement's camps. Dullah Omar recently said "Those who committed apartheid crimes were participating in crimes against humanity. There are cases where members of liberation movements committed human rights violations, but not one instance in which liberation movements participated in crimes against humanity." We would agree with this statement in relation to the apportioning of blame as a way in which moral judgments can be written into the history that emerges from the TRC. Within this moral framework, however, there is a need to expose and examine the abuses which occurred in the camps. They are also a part of our history.

We would submit that apartheid was a coordinated system within which horrifying abuses were legally sanctioned. Abuses in the camps must be understood both in terms of individual criminal acts and within the context of the conditions of the camps and the nature of the war being fought. Where women were abused in the camps, this needs to be acknowledged and condemned by those involved. If South Africa is to become a truly democratic society with a human rights culture, the message needs to be clearly conveyed that the oppression of women, including sexual abuse and harassment are unacceptable wherever they occur.

We were unsuccessful in our attempts to speak to women about their experiences in the camps. In an interview with Caesarina Kona Makhoere she expressed an unwillingness to speak about the camps but intimated that her experience had been terrible. She said "At least in prison I knew I was in the enemy camp". We interviewed Thenjiwe Mtintso, a senior member of the ANC's army about her experiences. She said she had no personal experience of sexual abuse in the camps and explains that this may have been because "I had already been in the front command structures so I didn't come fresh from home into the camps. And secondly, I had the advantage of a better understanding of gender and how it plays itself out". She was aware of allegations of rape in the camps and says that women are reluctant to talk about their experiences for two reasons. Firstly, on a personal level, they are not easily able to talk about rape. Secondly, on an organisational level, they do not wish to have their experiences used politically in the TRC where apartheid is equated morally with the ANC's actions. Some of these women have chosen to participate in an organisational submission being prepared by the ANC rather than come forward individually but it is as yet unknown whether the submission will cover acts such as rape.

Mtintso provided some insight into the circumstances which existed in the camps which may have led to sexual abuse or rape.

"I think that on the one hand, just like in any society where you have the power relations between men and women, with the men having the power, and where you have rape in society, I don't think that it was something...peculiar to that kind of society in the camps...(It) is to do with gender relations. There is something about being in a camp situation, about sometimes people feeling the hopelessness of the whole thing and about the frustrations of being in a forest perpetually and not seeing your way ever of getting out. There was always hope, of course, but there was always that bleakness some days and that frustration.

She argues that the men's experiences before reaching the camps shaped their aggression and attitudes towards women:

And there was also an element in my own view of some of the comrades who, I would say, were dented somehow in terms of their experiences inside the country and everything and you would then say that psychologically they are people that would have needed attention, therapy or whatever. However, that opportunity was not there. So they find themselves in the camp. And that then manifests itself in aggression. For some of them the aggressive behaviour you could actually look at as frustration on the one hand, but the experiences, on the other, which some of them had gone through. and this leaves this dented individual in terms of their psychological make-up, in terms of their view of life. In that context then they hate women.

She also suggests that women's success challenged men's sense of themselves and their male identity:

I have looked at comrades who just get so angry and frustrated because women performed better than they did. And I can imagine that anger translating itself in one or another way. The man could easily want to prove his manhood, his masculinity in terms of "I am still a powerful individual" and that could, I'm not saying it did, that could result in rape. And most of the people that were in the camps are people that had gone through the hands of the police and I would then argue that in one way or another this affected them. Even those that had not gone through the hands of the police, the comrades had left their homes very young and therefore they missed out on the proper developmental stages as well as parental guidance in terms of their relations with individuals, particularly with women.

Mtintso sees parallels between the anger of the security police and some of the men in the camps towards independent and strong women:

And looking at some of their behaviours, their anger with women performing better, I remember the anger of the security police with me not breaking down. Their anger was more than the anger that they expected or they showed to males. When you are a woman they expected you to break down quickly. And when you don't break down quickly they really get so angry with you because you are beginning to break down their beliefs that women are weak and so on. And on the other hand you will then also find the reason as to why you were there, why you were detained, why you were going around with these men is because you were sleeping with all these people. In my case, from the university days when I started getting detained there was always this consistency of "I am a bitch and that is why I get detained with these men because in 1973 there were about two women and about forty men and from then on I kept on being the only woman.

So, I can see that the anger of men in the camps with a woman who performs better and the anger of the security police who performs better in terms of resistance than the men, because that then destroys the stereotypes. And it then means for me, in terms of the treatment that you get as a woman probably is double-barrelled in that you get worse treatment from the boers because they don't want you to behave in that manner and you still get worse treatment from your own comrades because they don't expect you to perform better. It's a can't-win situation.

Mtintso suggests that the lack of support structures in the camps may have prevented some of these "dented" people from getting help:

One was relating this with one of the comrades that I have known who had raped, subsequently committed suicide and to me I had always looked at him, I mean knowing him in the camps and felt that, you know, this is one person you want to sit down with and go beyond what the commissars were doing and so on. That support system that says "talk about it". "What is really eating you up?" But he had been tortured a lot and then he raped, I heard. He was tortured inside the country, left the country, joined MK and remained in the camps very sort of reserved and unhappy. I knew him and subsequently I heard that he had raped somebody, which he denied, and a few months later he committed suicide. So really I was just looking at that relationship of what could have caused this.

Mtintso also talks about the rapes and sexual abuse that occurred in the underground structures of the liberation movement. She says the men knew that women would not want to talk about having been raped. One of her comrades said to her:

"You know, it's going to get to the point that I am going to rape you. And it's going to be very easy to rape you ... and I know that there is no way that you are going to stand in front of all these people and say I raped you".

The prevailing sexism in society coupled with the extreme conditions of the underground lifestyle resulted in men at times taking advantage of women. Nomvula Mokonyane refers to:

The situation where women had to shun or take off the pride and the integrity that they had by sharing rooms or bathrooms with groups of young men and losing all privacy as a young woman. These women had to live as if everything was normal while actually knowing at the end of the day that this actually diminished your integrity and pride as an individual".

Mtintso describes how "comrades who were contacts inside the country would come outside to report...these experiences. They would put up a comrade in a particular place and comrades would sleep with them. And that's rape. That for me is rape."

We have not attempted to research the male gendered constructions developed within the liberation armies and the methods used to ensure conformity and compliance. An understanding of these issues may shed light on some of the incidents committed in the camps. Part of the explanation for what occurred in the camps highlights the link between sexual abuse and domestic violence, in that all these forms of abuse flow from the way society condones, and even supports, discrimination and disadvantage of women in our society. When issues of sexual abuse surface, such as the publicising of abuse by her partner by Thandi Modise, a former MK soldier, they are often censored. The issue of censorship also came up in Zimbabwe where a film, entitled "Flame", highlighting abuse of women guerillas was censored.

There is currently a debate going on in Namibia about SWAPO torture of supposed "informers" during the liberation struggle. The government have attacked those who are raising the issues as divisive and disloyal opponents who are trying to raise something which should be best left in the past. There is also a veil of silence in South Africa regarding some of the experiences within the ANC. We need to be cognisant of the psychological literature that indicates the difficulties many people face in talking about sexual abuse. But we also need to consider the important goal of highlighting the abuse of women so that change can begin to occur in this regard. The only way to do this properly is to explore these issues openly - we do have to lift the veil of silence.

E. AMNESTY AND GENDER

What is a political offence ?

Section 20 of the Act allows for the granting of amnesty where an act is "associated with a political objective committed in the course of the conflicts of the past". While apartheid violence against women needs to be understood as part of a political response to resistance, there is a concern that many perpetrators, such as policemen who raped women, should not be allowed to fall within the amnesty net. Jessie Duarte says:

It is going to be very prudent for a number of perpetrators to argue that being accused of rape is simply a matter of whether that person can prove it or not. Whether rape is considered a political act with political motivations is going to be incredibly difficult.

There is a concern that in granting rapists amnesty, this might suggest a tolerance for the oppression of women in society, an acknowledgment that in certain conditions, rape will not be punished. This is not uncontroversial. Can one divide an act such as rape into political and criminal components? Some would argue that a torturer may rape a woman both in order to violate an enemy and in order to take out his personal anger against women. Can these motives be separated?

Jacklyn Cock refers to the rapes in the war in South Africa. She cites a sworn statement made by a 70 year old woman in Cradock. The woman describes how she was walking in the street and some white soldiers stopped her and lifted her into the military vehicle. After a short distance the vehicle stopped and they pushed her out. Two soldiers then raped her violently. She says "The two soldiers were very young. The one held my arms while the other lifted my dress and removed my slip and panties. I said, "What are you doing, children ?" The one replied, "Ons gaan jou naai. As jy nie wil, gaan ons jou doodmaak."

This incident suggests that rape may have been a sanctioned activity by the SADF. If not a conscious strategy, the SADF's role in using violence and rape was to terrorise, intimidate and punish.

Carolyn Nordstrom suggests that rape is a dirty war tactic often a public display intended to "break down the fabric of society". She says "It is an attack directed equally against personal identity and cultural integrity". In this interpretation rape can "be understood as an abuse which targets women for political and strategic reasons". Rape is a war crime in terms of the Geneva Convention whether or not it occurs on a large scale or is associated with a coherent policy. It also applies to individual rapes used as "torture or cruel and inhuman treatment".

Section 20(3) of the Act enables the Amnesty Committee to assess whether a particular act was associated with a political objective. It is submitted that the process of examining a rapist's act by the Committee will allow the political nature of rape to be highlighted, whether or not amnesty is granted. It is further suggested that in most cases, such acts will not be able to fall within the criteria of a political act as defined by the Act. Much of the testimony from women who suffered rights violations suggests that the threat of rape, sexual assault and rape were committed "out of personal malice, ill-will or spite, directed against the victim" in addition to the political motives or orders from a superior that may have existed. Our interpretation of the Act is that where section 20(3)(ii) applies, the perpetrator will not receive amnesty even if that person's act also meets the criteria set out in section 20(3)(a)-(f). Given the difficulty of separating the political and the personal motive in sexual abuse, few perpetrators are likely to be granted amnesty. Nevertheless, the Commission as a whole needs to focus public attention on the use of sexual abuse within the political conflicts of the past in all aspects of its work.

The major difficulty however, which may render much of the above irrelevant, is the unlikely possibility that rapists or rape victims will come forward to the Commission. In conducting this

research we found it very difficult to get women to talk about their experiences of rape. In all the already recorded testimonies, we could find no personal account of rape. Yet many of the people we interviewed knew of women who had been raped. Jessie Duarte says:

I think I can speak fairly comfortably about a number of women who were in fact raped in prison cells while in detention or in the van that was taking them to detention. The women struggled with trauma after these rapes. Furthermore there are many other implications which I would like to spell out. Firstly, women could not say they were raped in the eighties because from the position of the people they worked with that was considered a weakness. If women said that they were raped they were regarded as having sold out to the system in one way or another. Quite frankly speaking the most vicious people were women themselves. When women who were raped came and told other women about their rapes, those women were quite vicious about those particular incidents having happened. The consequences of these rapes were the same for these women as criminal rapes. A political rape has no different consequences. It has exactly the same reason behind it - a violent act against a woman...In fact the women were being punished as women.

Mandisa Monakali of the Ilitha Labantu Centre, dealing with female abuse victims, was reported as saying "the wives and widows of political prisoners are walking around with wounds. But nobody wants to talk about them." Women do not speak about rape out of shame, for fear of loss of status, because they do not want to relive the pain, and because they are often unwilling to subject themselves to cross-examination by the accused person's defence lawyer. Jessie Duarte says:

We also need to consider the women who are going to come before the Truth and Reconciliation Commission and talk about these experiences. What about the loss of pride that they will experience at the time when they talk about it? How are we going to deal with that issue? The incident may have happened ten years earlier and the woman may have dealt with the trauma by herself without ever having lost that loss of pride. Now that woman is being asked to recreate that loss of pride. Furthermore the woman knows that in coming forward to say so-and-so raped me that she may not necessarily see justice being done. All that these women will do is to add to the historical understandings of levels of repression. I think this is fine and many women will be happy to do this. But there has to be consideration for the other side - for the emotional trauma that women have gone through. Some of these women are now in high-powered positions - in government or as executives. How will it impact on them now in the positions that they hold given the gender bias that people have about sexually abused women and the concept that women always ask for it anyway?

In a sense, we are asking women to come forward and say those things. So we need a support mechanism for these women. One of the thirty-nine non-negotiables in the Constitution is the right to privacy but for those women who come forward and tell their stories to the Commission, this privacy is forever violated. I wonder how those women are going to be able to deal with their own environment having elected to violate her privacy in a very public way?... The Commission is actually asking people to open the empty cupboard and expose that there are no groceries in the cupboard and then they have to live with that.

The Act gives the Commission some powers to limit cross-examination, powers to investigate matters, to hold in camera hearings and to keep the identity of witnesses out of any reports. We make a number of suggestions below as to how the Commission can make use of the Act in order to address these problems in dealing with cases such as those mentioned above.

F. REPARATIONS AND GENDER

The Act requires that victims make application for reparation to the TRC. The Commission obviously requires knowledge of those who have suffered gross human rights violations before it is able to assist them. Nevertheless, the Commission needs to be mindful of the fact that many victims will find it extremely difficult to approach the TRC for help. As has been argued above, women who have themselves suffered violations and in particular, those who have suffered sexual abuse, find it very difficult to speak openly about their experiences. Women tend to define their suffering in relation to other people such as their husbands and children and are reluctant to make public their own experiences of abuse which society often sees as belonging in the private realm.

The other aspect of women as indirect victims, discussed above, must be considered. A number of women who have already approached the TRC have explained that losing a husband or child is the loss of a potential breadwinner in addition to the loss of social status and the obvious emotional pain and loss. Women, like June Mlangeni, lost their jobs because of the imprisonment of their husbands. Children's schooling had to be stopped, electricity was cut off and furniture and property was repossessed.

The reparation and rehabilitation process should not simply be available for those who want it. Despite the possibly limited resources available for reparation and despite the already huge workload facing the Commission, the TRC should not shie away from actively encouraging people to come forward to claim reparation. The Truth and Reconciliation process needs to be one aimed at healing the whole society. This places a positive obligation on the Commission to begin this process as comprehensively as possible by seeking out those who are in need of help.

In formulating a reparations and rehabilitation policy the Commission needs to consider whether women have specific needs and interests. It needs to take cognisance of the requests that people have made in their evidence to the Commission. But the modesty of some of the requests should not deter the Commission from carefully considering an appropriate reparations policy.

There are a wide range of opinions as to how best to rehabilitate and make reparations. Some have suggested that people should receive actuarially quantified monetary compensation as they would in a civil damages claim, particularly as amnesty denies them their right to pursue civil actions against the perpetrators. The arguments against this position vary from the practical (there is not enough money), to the principled (people cannot be compensated financially for their suffering). All of these arguments need to be carefully considered and any assertions such as, "there is no money" need to be backed up by factual evidence and research. The policy also needs to be considered in light of the definition of "gross human rights violations" which we have suggested should be read extremely widely. Finally, the impact of reparations must be looked at not simply from the vantage point of the individual but also from that of the community of which that person is a part.

It must also be noted that the quantification of civil damages claims by the courts have been criticised by gender analysts all over the world for allowing gender bias to limit the size of the awards that women get. Calculation of quantum often ignores the unpaid labour of women and the other caring functions women fulfil, such as looking after the disabled. The calculation also looks at the individual's potential life chances in determining the loss of quality and expectation of life. This also needs to be studied for gender bias as the calculation is premised on a society which affords women little opportunity to improve their life chances and standards.

We believe that the TRC process is not just aimed at healing one generation's pain. It is also aimed at setting in place the framework for the building of a human rights culture to be treasured by future generations. Part of the reparation and rehabilitation process is the public acknowledgment of our history and a commitment to a better future. We would stress the need for creative public education which not only highlights the truth of our past but also locates gender as a central aspect of the analysis of our past.

G. PROPOSED MECHANISMS TO ACCOMMODATE GENDER IN THE TRC PROCESS

1. We suggest that the TRC actively rejects a gender-neutral approach towards its analysis of evidence and in all other aspects of its brief. This means that gender must be incorporated into the TRCs policy framework, for without this framework, gender issues, and women's voices in particular, will not be heard and accurately recorded.

Human Rights Violations

2. The process of taking statements requires asking the right questions so as to properly enable people to reflect their real experience. Gender issues come into play here. In much of the torture literature, the writers point to the reluctance of many people to revisit the full horror of their experiences. There is a particular difficulty associated with discussing sexual abuse, both because of general social and cultural taboos and because of the added pain that reliving such abuse causes. Some of the literature observes that women often describe sexual torture in vague and general terms. Questionnaires should be carefully reconsidered and further briefing of statement-takers may need to take place.
3. The Commissioners should consider how to question victims sensitively and should be aware that it may not always assist the victim to explore the abuse in graphic detail. At the same time, however, the Commission should not avoid "embarrassing" subjects like sexual abuse as this reinforces the way our society often hides such abuse and relegates it to the "private" realm. The TRC should invite psychologists who have worked with abused women to brief them on how to speak to victims.
4. Women who have approached the TRC in the case of another victim, their husband or son or father, should also be encouraged to speak of their own experience of harassment, detention etc. where this occurred. While the Act may require the Human Rights Violations Committee to determine that a person is a victim for the purposes of reparation and rehabilitation, the Act does not prevent the Commission from asking people about their own experiences.
5. The Commission should encourage women who have been raped or sexually assaulted within the context of the past conflicts to come forward to speak about their experiences. This public encouragement will in itself help our society to understand how abuse of women formed part of a political struggle and that such abuses are considered gross human rights violations. This can be done both through statements to the press and through NGOs and community organisations such as COSATU and the Rural Women's Movement.
6. The Commission should publicise section 38 of the Act which binds all members and employees of the TRC to the preservation of confidentiality. Women need to know that they can come forward without other people knowing about it, and can give their statement to a person in safe and private conditions. They should be informed that they do not have to repeat their statement in front of the whole Commission in public and under the glare of television cameras.
7. Women should be able to request that their statements be taken by women and they be allowed to further elaborate on their statements in closed hearings, possibly only to women Commissioners. This may make it much easier for women to speak openly about their experiences as cultural and social pressures often prevent women from discussing sexual matters in front of men.

8. During the course of our research it has become clear that women will often relate other women's experiences told to them by the woman who is unable to speak more openly of the experience herself. We suggest that the Commission should arrange for group hearings where women in particular communities are invited to come forward. These could be arranged in conjunction with women's organisations and counselling centres that have been working with these communities. They could be attended by women commissioners only, if necessary, and psychologists or social workers could assist in the conducting of the hearing.
9. Similar hearings could be held for men who suffered sexual abuse during torture and who may also benefit from a single-gender forum. Men should be encouraged to come forward to speak about their wives, mothers, daughters and sisters who were victims of rights violations.
10. The Act does not address the issue of expert evidence. While the short time available to the Commission is a real concern, expert testimony may be particularly useful in providing insights into some of the matters which emerge from the submissions. This needs to be considered, particularly in light of the fact that victims of sexual violence often do not talk about their experiences explicitly.
11. The TRC should call a meeting with the press to encourage them to give prominence to women's experiences and some of the gender issues raised in this submission. The TRC should use other media opportunities such as radio and television interviews to highlight gender in the TRC process.

Amnesty (these points apply equally to the Human Rights Violations Committee)

12. The Commission needs to consider some of the legal issues which face it as a quasi-judicial body. There is considerable foreign research examining judicial bias towards women. This relates to judicial attitudes towards credibility of women witnesses and the way the probability of their evidence is viewed. It also relates to judicial ignorance of the social context of women's experiences, proven male identification with witnesses and accused persons and stereotyping of women's position. Gendered assumptions creep into judicial fora and the Commission needs to consider how they should be handled. A number of NGOs are currently doing work on judicial training and could be approached for assistance in this regard.
13. The Commission should require that cross-examination of victims be conducted sensitively and without causing further harm to the witness. The principles as set out in section 11 of the Act should inform the Commission's approach regarding its requirements for cross-examination.

Reparations

14. The reparations policy must be carefully considered with due regard to a gendered understanding of past abuses and the impact of such abuses. Women must be encouraged to come forward and must be asked about their needs. The policy must be forward-looking in its approach and must provide for the building of a human rights culture where all forms of discrimination and abuses against women are unacceptable. Women's organisations and other NGOs should be involved in the formulation of the reparations policy.
15. If some of the reparations are quantified according to the approach used in civil damages claims, research must be conducted into the way in which gender bias tilts this standard away from rewarding women fully for their loss.

16. The TRC should assist women by directing them towards existing programmes and resources in communities aimed at providing assistance of all kinds e.g. pensions, housing, education and counselling.
17. A memorial list of the women who were killed and the circumstances of these deaths should be considered. This could be just one of the aspects of a process of preserving our collective memory of past abuses.
18. A Peace Institute should be established, which houses a museum and research facilities. It should ensure that gender is an integrated focus of all projects undertaken there.

Final Report

19. The Act requires the Commission to "initiate, coordinate and facilitate" inquiries and the gathering of information regarding all matters relating to rights violations. We propose that a specific research project be conducted looking at the role of gender in past abuses.
20. The Commission should ensure that a gender analysis to develop a framework and to periodize our history is used in the writing of the final report and that due weight is given to the differing experiences of men and women in recording our country's history. Further research should be conducted into many of the areas mentioned in this submission.
21. The TRC should carefully consider the proposals it makes as to how the report should be used to educate future generations.

H. CONCLUSION

This submission highlights many facets to the pain and suffering that violence in South Africa caused to women and men in particular ways. It also focuses on the violence and inequality which are an ongoing part of women's lives in this country. These abuses are still occurring although within an altered political context. By raising these issues within the TRC process we cannot simply put them behind us and assume that abuse of women has been neatly dealt with in our past and reconciliation has occurred. Examining the conditions which allow women to be harmed and violated should focus all our attentions on the need to eradicate this ongoing abuse. If the TRC is to leave a valuable legacy it must lift the veil of silence hanging over the suffering of women and must incorporate the struggle to end this suffering in the struggle for human rights in our country.

While violence and cruelty are depressing and difficult topics to engage with we should not reduce our subjects to the status of victim alone. We must also celebrate the bravery of South African women and take note that the aim of this enquiry and research is a positive one ie: to highlight the need for the protection of fundamental human rights so as to work towards our vision of a transformed society.

We conclude with an untitled poem by Dorothy Mfaco, sent to Jenny Schreiner in prison. The poet celebrates the courage and the vision of women, a sentiment which we endorse:

"There is a world where people walk alone
And have around them men with hearts of stone
Who would not spare one second of their day
Or spend their breath just to say your pain is mine

That world is not ours.
We will build a new one
Where we wake in comfort and ease
And strive together to create a world of love and peace"

I. APPENDIX

LIST OF INTERVIEW INFORMANTS

1. ALBERTINA SISULU, MP
2. AMINA CACHALIA
3. SHEILA WEINBERG, GAUTENG MPL
4. THENJIWE MTINTSO, MP
5. JENNIFER SCHREINER, MP
6. CAESARINA KONA MAKHOERE
7. LYDIA KOMPE, MP
8. SUSAN CONJWA

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