



Sonke Gender Justice Network

HIV/AIDS, Gender Equality, Human Rights

Press Statement – 15 March 2010

IMMEDIATE RELEASE

Julius Malema's Comments Amount to Hate Speech and Harassment

The Sonke Gender Justice Network welcomes the ruling passed down in the Equality Court today finding that Julius Malema's comments about rape survivors amount to hate speech and harassment. Sonke spokesperson, Mbuyiselo Botha says, "Magistrate Collis has shown that we have a solid and strong justice system in South Africa which upholds the values of the Constitution, and this ruling demonstrates that the court system can protect the rights of rape survivors."

This case makes it clear that our country's leaders need to be more responsible in their public statements and that civil society can and will hold them accountable. We hope that this ruling will alert public figures to the potential repercussions of their words, both in terms of the impact that public statements can have in perpetuating gender-based violence and other forms of discrimination, and in terms of the legal implications.

In a country where it is estimated that one in three a women is raped, we need to take strong action to counter myths and stereotypes which can lead perpetrators to believe that they can act with impunity, and which can dissuade rape survivors from seeking health care or justice.

It is not sufficient, however, for leaders to refrain from making irresponsible comments; we need proactive leadership to mobilise men and boys to take action against gender-based violence. We reiterate our call for men in public positions to be clear and consistent in their explicit support of gender equality and to condemn openly and unequivocally all forms of gender-based violence.

"Instead of perpetuating rape myths, public figures should make it clear that rape can happen anywhere, and that the rapist could be anyone: a stranger, a friend, a boyfriend, a husband. There are no rules that say a woman who has been raped will behave like this or like that. We need to make sure that women who have been raped are not stigmatised and are not made to feel like the crimes against them were their fault," says Botha.

During the court case, Malema has repeatedly pointed out his commitment to gender equality and we call on him now to retract the statements he made to students at Cape Peninsula University of Technology that form the basis of our complaint against him and issue a public apology. We urge him to demonstrate his

support for women’s rights by mobilising the significant resources and influence of the ANCYL to prevent gender-based violence and advance gender equality – and specifically to educate men and boys about the role they can play in advancing gender transformation.

Sonke would like to thank all the partners that supported us through this case, especially Chris Todd and his associates at Bowman Gilfillan who graciously provided pro bono legal representation, and also Lisa Vetten at the Tshwaranang Legal Advice Centre who appeared as an expert witness in this matter. We would also like to thank members of the media who have followed this case and have kept the public informed about the progress of the matter and the issues at the centre of the case.

Sonke Gender Justice Network

Sonke Gender Justice Network works engages with men and boys around issues of gender, gender-based violence and HIV. We work across Africa strengthening government, civil society and citizen capacity to support men and boys to take action to promote gender equality, prevent domestic and sexual violence and reduce the spread and impact of HIV and AIDS.

Background to the Court Case

This case is the result of action that Sonke took in March 2009, in response to ANC Youth League President Julius Malema statements he made to Cape Peninsula University of Technology students on January 22, 2009. He said of women making accusations of rape that “when a woman didn’t enjoy it, she leaves early in the morning. Those who had a nice time will wait until the sun comes out, request breakfast and ask for taxi money.”

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