



### *Research Article*

## Gender-Based Violence During and Post-Apartheid: Rewriting a Gendered History in War Zones

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### **Abstract**

This article investigates gender-based violence (GBV) in South Africa during the Apartheid era, examining how intrastate conflict and the restrictive policies of the Apartheid regime contributed to its prevalence. Utilizing newly accessed archival sources, the study situates GBV within the broader geopolitical context of the Cold War and explores the involvement of other African states in domestic political movements. Applying a critical gendered framework, the study engages with existing literature, empirical data, and statistical evidence to explore the structural and systemic nature of gender-based violence and its enduring legacies in post-Apartheid South Africa. Central to this inquiry are the lived experiences of women, documented through personal testimonies and narratives that reveal the extent and nature of gendered violations under the Apartheid regime. Furthermore, the article critically evaluates the role of the Truth and Reconciliation Commission (TRC) in addressing GBV, questioning the extent to which gender-sensitive approaches were integrated into its mandate. By centering women's voices and embodied experiences, this study seeks to recover a gendered history in war zones in South Africa, challenging dominant narratives and contributing to the ongoing project of historical redress and gender justice.

**Keywords:** Gender-based violence, Apartheid, South African History, Politics, the African National Congress, Intrastate Warfare, Cold War, the Truth and Reconciliation Commission, Human rights, United Nations

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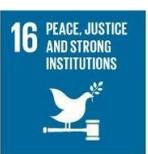
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## 1. Introduction: Reconciling the Absences and Voicelessness of Gender Abuse

This article examines the diverse roles women play in areas of armed conflict. Historically, gender-based violence (GBV) has been a widespread and systematic aspect of war, often used as a weapon. Despite its common occurrence, GBV remains significantly underexamined in traditional war studies, which have mainly focused on male combatants and state-centered narratives. By highlighting women's experiences as both victims and agents, this study seeks to challenge oversimplified portrayals and broaden the analytical frameworks used to understand war and violence. As Lamb (2020) states, scholarly and historical discussions have long ignored gendered war crimes, with limited representation of women in historical stories and memorials: "Women are not mentioned on the war memorials that we pass on our railway stations" (Lamb, 2020, p. 5). Rape was not legally acknowledged as a war crime until 1998, despite earlier international tribunals at Nuremberg and Tokyo after the World Wars having addressed various war crimes, yet notably excluding sexual violence from their prosecutions (Lamb, 2020, p. 8). Lamb also highlights the silence surrounding these crimes: "Not even an apology. Instead, silence. Silence on the sexual slavery of the comfort women" (Lamb, 2020, pp. 7–9). Despite Article 27 of the Fourth Geneva Convention (1949), which states that "women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault" (UN, 1998), rape continues to be one of the most overlooked war crimes.

United Nations Security Council Resolution 1820 (2008) explicitly recognizes sexual violence as a tactic of war, asserting that rape and related acts may constitute war crimes, crimes against humanity, or components of genocide (UN, 2008). However, Lamb points out that even after two decades, there has been only one war rape conviction, which was overturned on appeal, highlighting systemic failures in achieving justice (Lamb, 2020, p. 9). These failures have serious consequences for survivors. Under-reporting of GBV continues due to various factors, including fear of retaliation, structural barriers to justice, shame, and stigma. Women face significant obstacles in proving claims of sexual violence. Even when they report such abuses, there is no guarantee that their testimonies will be taken seriously or lead to legal action. These challenges become even greater in contexts of armed conflict or political repression, where perpetrators are often state officials. Recognizing and addressing the history of sexual and gender-based violence is a vital step toward reclaiming women's voices and bodies. Organizations dedicated to fighting violence against women are unable to intervene and offer support during times of armed conflict due to ongoing violence and political repression.

Gender-based violence can be understood within the social, political, and legal context of systemic violence sanctioned by Apartheid laws and policies. Furthermore, gender violence can be viewed as a consequence of the prolonged internal conflict that effectively created a state of war during the Apartheid era. In their framework of transitional justice, theorists Catharine MacKinnon (2006) and Rashida Manjoo (2014) argue that neglecting to address sexual and gender-based crimes in post-conflict societies exposes legal deficiencies and a reluctance to challenge patriarchal power structures (MacKinnon, 2006, pp. 7–10; Manjoo, 2014, 6). Building on this legal and political foundation, it is clear that the ongoing nature of gender-based violence also stems from deeply embedded cultural and discursive legacies of the Apartheid state. According to Hellen Moffett (2006), "sexual violence in South Africa is fueled by justificatory narratives that are rooted in

apartheid practices that legitimated violence by the dominant group against the disempowered” (Moffett, 2006, p.129). She argues that sexual violence occurs “not only in the overtly political arenas, but in the social, informal, and domestic spaces” (Moffett, 2006, p.129). Gender-based violence demonstrates how these acts arise due to the ongoing political conflict, but it is also strongly rooted in patriarchal constructions of women, often viewed as the subordinate and gendered “other” (hooks, 1984, p. 21). Additionally, socio-economic marginalization underpins racially and gender-exploitative labor policies, reflecting the intersection of race, class, and gender oppression (Collins, 2000, p. 18). Systemic inequalities show that violence against women is inseparable from the legal, socio-political, and economic structures that uphold power hierarchies and enable gender subjugation (Tamale, 2011, p. 7).

Gender-based violence highlights critical issues surrounding the body, including its representation, misrepresentation, and control. It emphasizes the embodied experiences of the marginalized “other,” especially focusing on the female body and, more specifically, the Black female body, which has historically been silenced and made invisible. This marginalization reflects broader intersections of race, gender, and power, where the Black female body becomes a site of both symbolic and physical violence (Collins, 2000, p. 18; hooks, 1984, p. 21). Postcolonial theories demonstrate how colonial histories continue to influence systems of oppression and show how bodies become vulnerable and thus subjected to systemic exploitation. Violence does not occur in isolation; it is rooted in long-standing structures of power, racism, and patriarchy (see Mohanty, 2003, p. 32; Spivak, 1988, p. 271).

In discussions about marginalized and vulnerable groups in society, it is crucial to recognize that sexual violence is not limited to women and girls but also significantly affects young men and children. This broader perspective challenges common views and emphasizes the need for inclusive strategies to prevent and address sexual violence across all impacted populations. Sexual violence reveals a persistent and widespread social problem. It is ingrained in the cultural and structural fabric of South African society and has become normalized through historical legacies and ongoing socio-political inequalities (Jewkes et al., 2011). Since the 1990s, ongoing discussions have increased awareness and concern about gender-based violence. Nonetheless, Lamb emphasized that the prevalence of rape remains alarmingly high in various contexts she studied “because of the repeated failure of the international community and domestic courts to bring perpetrators to justice” (Lamb, 2020, p.11). While the World Health Organization (WHO) has issued comprehensive guidelines to prevent violence against women and support survivors, there remains an urgent need for sustained, coordinated efforts and critical engagement.

Thus, gender-based violence in South Africa can be linked to multiple interconnected factors. Among the most important are the systemic racial inequalities established by Apartheid, which played a key role in fueling internal conflict and widespread social unrest. Apartheid-era policies not only solidified racial segregation but also fundamentally shaped economic exclusion, especially within the labor market, where access to jobs and mobility were racially limited (Mariotti, 2009, p. 74). Racialized economic barriers contributed to ongoing poverty and high unemployment among Black South Africans. In response to persistent socio-economic insecurity, men often turned to harmful coping mechanisms, such as alcohol abuse, which is strongly connected to increased risks of intimate partner violence (Backe et al., 2021, p. 3). Conversely, the economic marginalization of Black women, along with their systemic exclusion from economic

opportunities and civic participation, reinforced their structural vulnerability. These overlapping forms of disadvantage, economic and gender-based, created conditions where violence against women became not only widespread but also socially normalized (hooks, 1984, p. 22; Gqola, 2015, p. 43).

## **2. The Rise of Apartheid and the Escalation of Violence: Colonial Legacies, Intrastate Violence and the Cold War**

In 1948, South Africa officially established Apartheid, a system of racial segregation derived from the Afrikaans word meaning "separateness." This happened just a few years after the adoption of the Universal Declaration of Human Rights in 1945. At the time, the extent and the role that Apartheid would play in dividing and suppressing people's rights were underestimated; in fact, neither the English press nor the United Party, which led from 1934 to 48, took the talks on Apartheid seriously (Tiryakian, 1960, p.686). Dr. Malan, the fourth prime minister, who served from 1948 to 54, delivered a significant campaign speech in which Apartheid was presented as a policy of race relations. (Tiryankian, 1960, p.685) In his speech, he states,

The party believes that a definite policy of separation (apartheid) between the White races and the non-White racial groups, and the application of the policy of separation also in the case of the non-White racial groups, is the only basis on which the character and the future of each race can be protected and safeguarded. (Tiryakian, 1960).

Apartheid was designed to ensure white minority dominance over a black and coloured majority. It was a form of institutionalized racial segregation of ethnic groups. The term Apartheid emphasizes racial divisions, discrimination, and differences, highlighting the concept of the "other," civilized versus barbarian, and the subaltern. "The ideology of racial discrimination stems from a view that there is something defective or lacking in the other, and that indeed skin colour does matter" (Zucca, 2024, p.61). Apartheid can be viewed from the perspective of colonial discourse as a form of "internalized imperialism," and "a recolonization of the mind and body of the oppressed black and coloured people" (Zucca, 2024, p.3). The African National Congress (ANC) and the South African Communist Party (SAPC) saw Apartheid as "colonialism of a special type" (Lee, 2011, p.9). However, they struggled to determine whether their struggle was a "national liberation versus class struggle" (Lee, 2011, p.9). Clarifying this distinction was crucial because it would shape the direction and strategies for achieving political change in South Africa (Lee, 2011, p.9).

Apartheid, as a social policy, permeated all aspects of South African life, affecting socio-economic conditions, religion, education, and politics. Its goal went beyond segregating whites and blacks, also imposing restrictions on coloured people, Indians, and Chinese populations. Since 1910, the state enforced the economic exploitation of the Black majority (Lee, 2011, p. 9), benefiting from Apartheid legislation. These policies were comprehensive, limiting freedom through forced removals, curfews, pass laws, disenfranchisement, and the enforcement of the Mixed Marriages Act (Act No. 55 of 1949), which banned marriages "across the colour line" (Lazarus, 1986, p. 158). Furthermore, these policies institutionalized racially segregated housing and employment practices (Crompton, 2007; Mariotti, 2009, p. 5).

Apartheid policy decisions were a primary catalyst for civil, socio-economic, and political unrest, fuelling ongoing resistance and significant conflicts between the state and the Black population. As an offensive against black retaliation, the National Party (NP), now head of the state, engaged in an active war against blacks. The violence that characterised the Apartheid era can be understood as an intrastate<sup>i</sup> conflict, marked by state-sanctioned repression and oppression, internal resistance, and widespread sociopolitical unrest within South Africa's borders. Forms of unrest ranged from passive resistance, through the insurgency of social movements, to armed guerrilla warfare. According to Harry Eckstein, "actual instances of internal war often combine different types of violence, in space and time" (Eckstein, 1965, p. 134). He explains that guerrilla warfare in one region may coincide with acts of terrorism in another, or that such violence can be preceded by insurrections, escalate into "full-scale civil war, or culminate in a coup d'état" (Eckstein, 1965, p. 134). This dynamic nature of intrastate conflict is reflected in South Africa's Apartheid-era resistance. Between 1950 and 1961, the Pondoland revolt in Eastern Transkei emerged from "a series of rural risings," culminating in an armed revolt by the peasants in Pondoland (Ellis, 2011, p. 660). This episode exemplifies how localised resistance can escalate into organised confrontation, highlighting the varied forms that internal conflict can assume under repressive regimes.

According to Bernstein, these struggles "influenced the whole orientation of the ANC leadership" (Ellis, 2011, p.660) and prompted it to address the issue of armed struggle (Ellis, 2011, p.660). This marked "the beginnings of an armed resistance movement" (Ellis, 2011, p.660). In 1952, the African National Congress launched a Defiance Campaign of passive resistance and an internal resistance offensive (J. Seekings, 2000, pp. xiii-37). As a defensive response to black revolutionaries, movements, activists, and widespread violence, white government officials, militants, and the South African Police Force (SAPC) implemented strategic warfare tactics to contain the violence, which escalated into ongoing conflict, political arrests, murders, and exiles.

With the emergence of "previously inaccessible archives, interviews with key participants, and a wave of biographies and autobiographies" (Ellis, 2011, p. 657), new evidence has shed light on the origins of Umkhonto we Sizwe. The South African Communist Party (SACP) launched an armed struggle against the apartheid state in late 1960, following direct consultations with Chinese leader Mao Zedong (Ellis, 2011, p. 657). This evidence highlights that the SACP's decision to pursue armed resistance was also influenced by underlying political ideologies and strategic considerations. According to Lee (2007), the Cold War "offers an alternative framework to think beyond certain political and temporal assumptions" (Lee, 2011, p. 9). He further argues that the Cold War, as a conflict, a historical period, and a space of ideological contestation, allows "a critical reassessment of our epochal time frames of 'colonial' and 'postcolonial'" (Lee, 2011, p. 9). Similarly, Ellis (2011) sees the origins of the armed struggle in South Africa as "inscribed in the policies of the Cold War" (Ellis, 2011, p. 657). The Cold War was also marked by active participation and involvement of other African states and global powers, many of whom allied themselves either in support of or opposition to the apartheid regime.

During the Cold War, several African states known as the "Frontline States," including Tanzania, Zambia, Mozambique, Botswana, and Zimbabwe, played crucial roles in supporting South Africa's liberation struggle (see Brown & Dyte, 1984). These countries also provided sanctuary, training grounds, and logistical support to anti-apartheid movements for the ANC and SWAPO (South

West Africa People's Organization) (see Taylor, 1983; Lofchie, 1981; Isaacman & Isaacman, 1983). Angola became a central theater of Cold War proxy conflict, with the Soviet Union and Cuba backing the Marxist MPLA, while South Africa, supported by the United States, aligned with UNITA (National Union for the Total Independence of Angola) and FNLA (National Front for the Liberation of Angola) to counter perceived communist expansion (see Graham, 2010). These states were motivated by ideological commitments, strategic interests, and regional security concerns. South Africa's anti-apartheid movement was shaped by the overarching geopolitical and ideological rivalries of the Cold War. National and international involvement transformed the South African liberation struggle from a domestic, intrastate conflict into a broader geopolitical and ideological battle during the Cold War era, where anti-colonial movements, socialist ideologies, and Western capitalist interests intersected.

Within this context, women were not only passive bystanders and victims but also active agents in the liberation struggle. Trained in Angolan camps as combatants, women played crucial roles in underground movements and military strategies (Siphokazi, 2024). Even those who did not directly participate in armed combat were involved in resistance efforts, fighting in townships and ghettos, and taking part in violent uprisings and massacres. Their contributions highlight the intersection of gender and geopolitics, where women's roles were vital to both the domestic and international aspects of the struggle. The fight against Apartheid was also advanced by ANC women activists in exile, whose resistance took both political and cultural forms. A powerful example is *Malibongwe: Poems from the Struggle by ANC Women*, a collection of activist poetry created during exile. These poems embody the intersection of political struggle, feminist resistance, and personal sacrifice. The collection provides insights into how these exiled women used storytelling as a form of resistance against the political silencing of women's bodies and voices. The history of this collection underscores how women's voices and bodies have been systematically marginalized in historical, social, and political contexts and narratives. Despite their direct participation in armed resistance, women's roles have often been overlooked, making their contributions part of an undocumented and underrepresented aspect of South Africa's liberation history. This erasure has been challenged by scholars like Jacqueline Cock (1991), who authored one of the earliest authoritative studies on gender and war in South Africa, laying the groundwork for future feminist scholarship. More recently, Siphokazi's *Guerrillas and Combative Mothers: Women and the Armed Struggle in South Africa* (2024) offers a comprehensive, gendered account of women's involvement in the armed struggle. She draws on forty personal stories, testimonials, existing autobiographies, and interviews to provide insights into women combatants' experiences, highlighting how women, "guerrilla girls" and "combative mothers," navigate the complexities of warfare, motherhood, and activism (Siphokazi, 2024). These stories challenge the assumption that women's roles are limited to domestic spheres. Instead, they emphasize women's active participation in politics, underground networks, and military planning, positioning them as key agents of resistance, defiance, and change.

### 3. Rehabilitating South Africa's Past after Apartheid: The Establishment of The Truth and Reconciliation Commission

In the early 1990s, after Nelson Mandela's release and the ANC's unbanning, South African delegates discussed their first democratic elections. There was a need to confront South Africa's history and past. Therefore, discussions began to address violence during Apartheid. The year after the elections, the Parliament's Justice Portfolio Committee drafted legislation to establish the Truth and Reconciliation Commission (TRC). The 17-member commission was tasked with identifying the possible causes of violence, conducting investigations, and holding hearings on crimes from March 1, 1960. They aimed to verify the,

...causes, nature and extent of the gross human rights violations committed, including violations which were part of a systematic pattern of abuse; [---]; the identity of all persons, authorities, institutions and organizations involved in such violations; the question whether such violations were the result of deliberate planning on the part of the State or a former state or any of their organs, or any political organization, liberation movement or other group or individual; accountability, political or otherwise, for any such violation. (TRC) (see Krog, 1999).

The Truth Commission Bill was signed into law by President Nelson Mandela on July 19, 1995 (Krog, 1999, p.16). The TRC consisted of three committees: the Human Rights Violations Committee, which investigated "accounts of the victims through hearings and investigations"; the Amnesty Committee, which evaluated amnesty applications by applying the Norgaard principle to determine whether an applicant should be granted amnesty (Krog, 1999, p. viii); and the Reparation and Rehabilitation Committee, which formulated "a reparation policy to restore and rehabilitate the lives of victims and the survivors of human rights violations" (Krog, 1999, p. viii). The Commission's goals were multifaceted: "to return to victims their civil rights and human rights [and] to restore moral order" (Krog, 1999, p. ix). It also aimed "to seek truth, record it, and make it known to the public" (Krog, 1999, p. ix). Lastly, the Commission sought "to create a culture of human rights and respect for the law" (Krog, 1999, p. ix). The delegates relied on the principles of Ubuntu as a foundation for the amnesty clause in South Africa's transition. According to the final clause of the Interim Constitution, as explained by the Minister of Justice, Mr. Dullah Omar, the amnesty provision was meant to promote national reconciliation:

The adoption of the Constitution lays the secure foundations for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights [...] there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu [the African philosophy of humanism] but not for victimization. To advance such reconciliation and reconstruction, amnesty shall be granted" (Omar, n.d.)<sup>iii</sup>. (see Michael Lapsley, 1998)

These legislative developments helped South Africa face its past. Omar (n.d.) argues that "the question of amnesty must be located in a broader context and the wounds of our people must be recognised." (Omar, n.d.). He further explains that "the objective [...] is not to conduct a witch hunt or to drag violators of human rights before the court to face charges." (Omar, n.d.). For Omar, the amnesty process is "a necessary exercise to enable South Africans to come to terms with their past on a morally accepted basis and to advance the cause of reconciliation" (Omar, n.d.). The amnesty

provisions under the Truth and Reconciliation Commission (TRC) can be critically examined, especially for how they allowed individuals from various political groups, such as the ANC, PAC, SACP, and the apartheid government, the chance to apply for amnesty for crimes committed during both the liberation struggle and the apartheid era. However, this broad scope also included gender-based violence, which occurred within political parties, as well as in military and paramilitary camps. This raises serious concerns about whether the TRC unwittingly protected individuals responsible for such crimes, particularly those who held influential roles in post-apartheid South African politics. The amnesty provisions, in this view, might have reinforced gender power dynamics and political patronage at the cost of justice for victims of gender-based violence. Many perpetrators were never questioned or identified during the TRC proceedings. When women did come forward to identify them, they often faced retaliation or social stigma for giving testimony. Consequently, many women retracted their statements or chose not to testify at all during the TRC hearings. This highlights a critical flaw not only of the TRC but also of the post-apartheid government, which failed to create a safe and supportive environment for women to share their experiences. As a result, meaningful accountability for gender-based violence was weakened, and many women who suffered abuse during apartheid were silenced and denied justice.

#### **4. Submitted Reports to the Truth and Reconciliation Commission before the Hearings**

This section reviews two documents submitted to the TRC: the African National Congress Statement to the Truth and Reconciliation Commission (ANC), which includes a chapter on gender and the transcripts of women's testimonials submitted in August 1996, and the Gender and the Truth and Reconciliation Commission document submitted by Beth Goldblatt and Shiela Meintjes in May 1996, included in the final document cited above, dated August 1996. These documents highlight the importance of understanding the information presented. They also shed light on the significance of their value for the Truth and Reconciliation Commission (TRC) and the subsequent hearings. They help illustrate how systematically basic human rights were violated during apartheid. Although the TRC has been critiqued for its limitations, it has also laid the foundation for current policy development and efforts toward social justice. One example is the National Strategic Plan on Gender-Based Violence and Femicide (GBVF-NSP, 2020), which builds on the legacy of the TRC to guide modern actions aimed at addressing structural violence and ensuring accountability.

The Report on Gender and the Truth and Reconciliation Commission (Goldblatt & Meintjes, 1996) served as a foundational document designed to guide the TRC in adopting a gender-sensitive approach. It emphasized the importance of listening to women's voices, especially victims of rape and sexual assault, with sensitivity to prevent re-traumatization. Key recommendations included allowing women to provide statements to female interviewers, organizing supportive group hearings with women's organizations, and ensuring safe, private spaces for testimony (Goldblatt & Meintjes, 1996, p. 488). The report highlighted reparations and rehabilitation as crucial for addressing long-term psychological damage from gendered violence. It also stressed the need for public engagement to recognize gender-based crimes as human rights violations and

suggested memorializing women who were killed (Goldblatt & Meintjes, 1996, p. 489). This document served as an important guideline, revealing the TRC's initial lack of understanding of gender issues and the difficulties women faced in coming forward.

The African National Congress Statement to the Truth and Reconciliation Commission (1996) addresses gender violence with a focus on the repression of women during apartheid. It examines changes in police interrogation tactics and the impact of political bans on public resistance. The report highlights the widespread neglect of women's rights, exploring how colonialism, patriarchy, and societal norms have shaped and limited women's roles over time. Specifically, it emphasizes that in the 1960s, women faced greater insecurity than men in employment, housing, and tenure (ANC, 1996, p. 458). Forced removals to "ethnic homelands" under apartheid separated families and created a compliant bureaucratic elite (ANC, 1996, p. 458). Women were subjected to poor living conditions, barred from joining the workforce, and separated from their families due to migrant labor laws (ANC, 1996, p. 459). Widows were displaced, and single women faced increased sexual abuse (ANC, 1996, p. 459). The information and data in this document show that apartheid-era policies led to significant social repression and economic decline. A key point is the long-term effect of this repression on women's psychological, emotional, and physical health. While the Truth and Reconciliation Commission addressed cases of gross negligence, the full extent of the harm inflicted on women's welfare remains unmeasured and not well documented.

Statistics documenting human and social rights related to the Apartheid era are difficult to obtain. The first document to quantify these rights was compiled between January and February of 1973. It was the first document of its kind (see Zucca 2024, p.62). "The Freedom in the World" (FIW) considers indices in ratings and statistics references (FIW, 1973, p.62). It contains two separate assessments, one for political rights and the other for civil rights (see FWI, 1973). During the 1970s, the territorial ratings for political rights scoring were very high. On a scale of 5 (5 being the highest), South Africa scored 4. In civil liberties, it scored 5 (FWI, 1973: 15; Zucca, 2004, p.62; Waterhouse in Zucca, 2004). This document provides valuable insight into the high incidence of civil and political rights violations from the 1970s onward. However, it does not specifically address individual categories such as gender-based violence.

The repression of women lasted for over thirty years, with police interrogation methods changing after the declaration of the "State of Emergency." According to the ANC report, both the ANC and the Pan African Congress (PAC) were banned following the Sharpeville massacre, which "significantly altered the scale of public opposition to state controls (African National Congress, 1966, p.459). Eight women, ten children, and fifty-one men were killed at Sharpeville [...], and more than 10,000 people were detained" (African National Congress, 1996, p. 459). More recent estimates indicate that the death and injury counts were even higher (Clark & Worger, 2023). The ANC report also estimates that women made up 12% of detainees during the 1986/87 State of Emergency, totaling roughly 3,050 women and girls (African National Congress, 1996, p. 465).

On April 1, 1960, the United Nations Security Council passed Resolution 134, condemning South Africa. The Sharpeville incident was a turning point in South African history. International markets and communities criticized South Africa, leading to its withdrawal from the Commonwealth of Nations in 1961 (see Dubow, 2011). On March 30, 1960, the government detained more than 18,000 people, including anti-apartheid activists. During this period, detainees were held without

trial. The Terrorism Act of 1967, ACT 83 of 1967, granted the state powers to enforce apartheid policies (Terrorism Act, 1967, pp. 1236-1246; see African National Congress, 1996, p.459) and led to the condemnation of peaceful activists under the Terrorism Act (see Zucca 2024).

The ANC report notes that while white women who opposed apartheid faced less brutal treatment, they still experienced harassment (African National Congress, 1996, p. 460). However, during the 1980s, both white and Black female detainees endured severe brutality (African National Congress, 1996, p. 460). White anti-apartheid activist Ruth First described her harrowing prison experience in her autobiography, *117 Days*, revealing that she attempted suicide after her imprisonment before being assassinated by a parcel bomb sent by South African agents in Mozambique (African National Congress, 1996, p. 460). In the 1970s, women began receiving treatment similar to men, with beatings often targeting reproductive organs (African National Congress, 1996, p. 467). The report highlights the case of Joyce Dipale, a Black Consciousness leader who was severely beaten; police banged her head against walls, handcuffed her to a pole, and swung her until she lost consciousness (African National Congress, 1996, p. 462). She was also subjected to prolonged standing with sleep deprivation and electric shocks to her bare breasts, buttocks, and genitals (African National Congress, 1996, p. 462). Dipale remarked, "I got used to the pain but never the humiliation" (African National Congress, 1996, p. 462).

During the 1980s, women became increasingly involved in the violence of apartheid, both as political activists and as indirect victims (African National Congress, 1996, p. 463). They were often treated as ideological symbols or objects of sexual desire. In some cases, young women were kidnapped and held as sex slaves in hostels, a tactic used to humiliate political opponents and exert psychological control (African National Congress, 1996, p. 463). As a result, women's bodies became sites of violence and coercion, with sexual abuse used as a weapon of war. The ANC report states that "women's sexuality was used to undermine their identity and integrity as human beings during their interrogations" (African National Congress, 1996, p. 464). A powerful example of this is the testimony of Elaine Mohammed, a university student and member of the Black Student Society, who was detained in 1982 for organizing a meeting to commemorate the founding of the South African Communist Party (African National Congress, 1996, p. 464). Her experience highlights the intersection of political repression and gendered violence under apartheid. While in detention, she began menstruating and was denied tampons. A police warden forced her to wear sanitary pads, shaking one and hitting it against the wall, instructing her to "put it on" (African National Congress, 1996, p. 464). Elaine also recounted the horrifying torture suffered by another woman, who had rats forced into her vagina as a form of abuse (African National Congress, 1996, p. 464). The report notes that both male and female police officers were involved in such acts of sexual degradation. These testimonies highlight the dehumanizing and humiliating conditions women faced in detention (see Zucca, 2024).

Over more than three decades, women, especially Black women, faced significant hardship under apartheid. Discriminatory laws restricted their movement and prevented them from owning land or housing, severely limiting their economic and social independence (African National Congress, 1996, p. 465). Additionally, apartheid-era social policies treated Black women as legal minors and reinforced destructive gender norms. These systems allowed for the objectification of women and endorsed their mistreatment by giving men the power to degrade their sexuality (African National

Congress, 1996, p. 546). As a result, Black women endured layered forms of oppression in a society that was both patriarchal and racist.

## 5. Interventions and Failings

The first Truth and Reconciliation Commission (TRC) hearings began in April 1996 and lasted over two years, led by Archbishop Desmond Tutu. To create a safer and more supportive environment, special provisions were made for women survivors of gender-based violence. Women were allowed to testify behind screens, in front of an all-women panel of Commissioners, and before an audience made up only of women (Goldblatt & Meintjes, 1997, p. 9). Despite these efforts, not all women could give testimony because of the traumatic nature of their experiences, although some had previously submitted written statements (Goldblatt & Meintjes, 1997, p. 9). While these accommodations were an important step in recognizing the gendered aspects of apartheid violence, many critics argued that they were not enough to fully address women's exclusion, silencing, and the long-lasting psychological effects they had endured (Meintjes et al., 2001; Ross, 2003).

One testimony described a brutal attack on a woman who was stabbed in the vagina and had her labia cut off (Goldblatt & Meintjes, 1997, p. 9). Many women did not realize that support would be available to them, leading to low attendance at the hearings. Additionally, the media gave little coverage to the women's hearings, increasing the silence around gender-based violence. These factors contributed to the significant absence of women's perspectives during the Truth and Reconciliation Commission (TRC) hearings. Nonetheless, it is important to recognize that the TRC hearings marked a vital step forward in human rights advocacy, even though the process did not fully reach or include women across South Africa. It is estimated that only a small number of women came forward to report incidents of sexual abuse during the TRC hearings. Out of roughly 8,000 statements submitted about human rights violations, only 300 addressed sexual assault, and just 80 of these involved female survivors (Goldblatt & Meintjes, 1997, p. 10). Of those, only 17 accounts related specifically to rape, most occurring in KwaZulu-Natal, a region that had effectively become a war zone during the conflict (Goldblatt & Meintjes, 1997, p. 10; see also Barolsky, 1997). These figures significantly underestimate the true prevalence of sexual violence in South Africa. In contrast, recent statistics show that the country's reported rape rate was 72.1 per 100,000 people in 2019/2020 (Egenasi et al., 2024, p. 1), highlighting the ongoing and widespread nature of sexual violence in modern South Africa. According to the South African Police Service (SAPS), an estimated 41,739 rape cases were recorded between April 2021 and March 2022 (Egenasi et al., 2024, p. 1; South African Police Service, 2022). This figure reveals a significant gap between the number of women who submitted statements about sexual violence during the TRC and the much higher rates shown in recent statistics. Although SAPS data is from a later period, the gap emphasizes how much sexual violence was underreported during the TRC process. It is also important to consider that many cases of rape go unreported due to lack of trust in the justice system, medical services, and the fear of secondary trauma (Naidoo, 2013, pp. 210-211). Still, this data clearly shows that sexual violence remains a serious issue in South Africa, even without widespread conflict or war. Although the country no longer operates in a state of political violence, the high incidence of rape continues. This contrast underscores the profound

underrepresentation of sexual violence testimonies during the TRC hearings, where only a small number of accounts were collected, and even fewer women came forward to testify.

This raises important questions: Where were all the victims? Why did so many remain silent? What could the TRC have done differently to make the women's hearings more inclusive and supportive? According to Goldblatt and Meintjes (1997), a major shortcoming of the TRC was its failure to create a safe and empowering space for women to share their experiences. As they note, "women felt unable to use the TRC as a healing or cathartic vehicle" (Goldblatt and Meintjes, 1997, p. 15). This lack of emotional and psychological safety may have discouraged many survivors of sexual violence from participating in the process. Research and practice-based knowledge in the field of rape and sexual violence show that many survivors tend not to report rape. It is also well documented that women do not receive adequate post-rape care, nor do they seek psychosocial support (see Abrahams and Gevers, 2017; Machisa et al., 2018). The TRC had a duty of care toward women who were victims of abuse but failed to adequately recognize or address the unique challenges these women faced during the hearings, including emotional, social, and psychological barriers that could have prevented them from testifying. The TRC also failed to sufficiently address the experiences of women subjected to abuse within military camps. One notable case is that of Rita Mazibuko, whose testimony attracted media attention. She submitted her account and testified during the hearings, providing rare insight into gender-based violence within the military. Her case highlights the sexual abuse and gender discrimination that occurred in these contexts. According to the African National Congress (African National Congress, 1996, p. 463), one of the challenges was that "men found it difficult to work under or alongside a woman and take orders from a woman," reflecting deeply rooted patriarchal attitudes within the liberation movement's armed structures. Women were thus undermined, and sexual abuse was used as a means to control and coerce them. This incident illustrates how women comrades and soldiers were treated by men of equal or higher rank. Mazibuko trained in Angola and Mozambique and was stationed in Swaziland to plan routes for cadres moving in and out of the country (Krog, 1999, p. 278). During her assignment, nine cadres were shot, and suspicion fell on Mazibuko (Krog, 1999, p. 278). She was subsequently imprisoned in a hole, forced to wear the same dress for six months, and was not allowed to wash for three months, causing her hair to fall out (Krog, 1999, p. 278). She was then ordered to choose between having sex with two of her comrades. She states that she "refused to have sex with them. Then they tortured me between two chairs [...] they were kicking me across my face" (Krog, 1999, p. 278). The men inserted a pipe into her (Krog, 1999, p. 278). After the assault, she was bleeding from the mouth and nose and was left hanging from a tree (Krog, 1999, p. 278). After writing a statement for the TRC, she received a phone call from Mpumalanga Premier Mathews Phosa, warning her not to testify, as he would be obliged to defend ANC members against her allegations (Krog, 1999, p. 279). When she left the witness stand after testifying, she was aware that no one would stand up for her and that the Premier would discredit her account. She left the table, pulling her cardigan closed and folding her arms (Krog, 1999, p. 279). The Premier of Mpumalanga denied her statement and threatened to sue her (Krog, 1999, p. 279). Mazibuko withdrew her claims against him. Lamb argues that even when women speak out, "rarely is action taken" (Lamb, 2020, p. 7). Gender violence within liberation movements is not properly addressed, and accountability seems lacking in the TRC hearings. This case reveals the limitations of the TRC and the judicial system. It remains unclear whether the TRC was fully

informed of all perpetrators involved in abuses within military camps or whether all violations by members and veterans of the PAC and ANC were fully disclosed. Furthermore, it is unknown if any high-ranking ANC leaders were implicated as direct perpetrators, raising questions about the transparency and completeness of the accountability process. Many crimes and abuses against women comrades have not been apologized for, perpetuating sexism and double standards in South Africa and reflecting a harmful attitude that violence against women, even in high-ranking military or paramilitary positions, is acceptable. Goldblatt and Meintjes argue that the ANC's submission was also disappointing in its treatment of women, as although it highlighted "gender-specific offences" against female comrades, it did not clarify what measures would be taken to prevent future injustices or what consequences perpetrators would face (Goldblatt and Meintjes, 1997, p. 12).

The National Unity and Reconciliation Act (34 of 1995), which governed the work of the TRC, required the TRC to investigate "gross violations of human rights." These violations have been defined as the "killing, abduction, torture, or severe ill-treatment" of people, originating from the "conflicts of the past" (in Goldblatt & Meintjes, 1996; Goldblatt & Meintjes, 1997, p.8). Goldblatt and Meintjes argue that the TRC applied a narrow interpretation of what "severe ill-treatment" means in gendered contexts (Goldblatt & Meintjes, 1997, p.7). Therefore, women subjected to forced removals, pass arrests, and systemic apartheid violence likely were not recognized as victims of gross human rights violations (Goldblatt & Meintjes, 1997, p.8). Cases of women in detention who had not experienced severe torture were considered less serious and did not prompt investigations (Goldblatt & Meintjes, 1997, p.8), because these actions did not fit the limited definition of gross violations of human rights. Accepting such abuses against women has broad repercussions for women's well-being. If left unacknowledged, gender violence normalizes attitudes that tolerate all forms of gender abuse.

During the hearings, crimes against women were not fully revealed, and violence against women remains one of the "hidden sides" of South Africa's past (Goldblatt & Meintjes, 1997, p.7). In Goldblatt and Meintjes' view, this has consequences and implications for South Africa's history and its efforts to make amends for the past (Goldblatt & Meintjes, 1997, p.7). The TRC's limited framework prevented many injustices, especially those of a gendered nature, from surfacing and being fully considered in its processes. In this regard, the TRC failed to fully adopt a gendered-subject framework to properly address gender-based violence. The example of the TRC highlights that its processes were ultimately shaped by contemporary South African society, which remains rooted in inequality. This inequality normalizes the victimization of women, where their voices, bodies, and stories are often marginalized and silenced. The TRC's failure to address these issues in a comprehensive, gender-sensitive way reflects a broader societal trend of overlooking women's experiences. During the hearings, the chairperson of the Gender Equality committee claimed that "the bodies of women have been used as a terrain of struggle by men" (Oboe, 2007, p.65). A woman's body can be seen as an open battlefield, unprotected and violated, where women carry and bear the intimate, "invisible wounds of war" (Goldblatt and Meintjes, 1997, p.7) and both the visible and invisible scars and stigmas of Apartheid. "Rape is as much a weapon of war as the machete" and sexual violence is one of "the world's most neglected war crimes" (Lamb, 2020, pp. 6-7). Sexual violence remains significantly under-reported even today (Moffett, 2006, p.132). Survivors of sexual violence experience various psychological effects, including shame,

guilt, self-blame, and self-loathing, which affect their overall well-being. Women in South Africa start to feel as though they are 'rape-able' (Willan et al., 2024, p.1).

## 6. Final Evaluations: Rewriting the History of the Women of Apartheid

Gender-based violence remains underrepresented, marginalized, and often under-reported. During apartheid, systemic racial inequalities and repressive policies not only fueled civil, socio-economic, and political unrest but also intensified intrastate violence. While these issues are frequently examined through racial or political lenses, it is essential to recognize that violence against women was, and continues to be, rooted in unequal gender roles. Under apartheid, women faced multiple layers of oppression: they were harmed and stigmatized not only because of their race but also because of their gender. This violence occurred in communities, military camps, and even within leadership structures, reflecting the deeply rooted patriarchal and racist ideologies of the time.

The Truth and Reconciliation Commission played a key role in uncovering and documenting the history of human rights violations in South Africa. However, it did not fully adopt a gendered analytical framework, which resulted in shortcomings for women during Apartheid. Many women withdrew their submissions or never appeared before the hearings due to fears of repercussions, stigma, and shame. Additionally, the amnesty code was a significant flaw, as it did not ensure accountability and let women, especially those in the military and political parties, down.

By highlighting the issue of gender-based violence in South Africa, this article aims to recover and amplify women's voices, bodies, and stories, ensuring that a gendered history is both documented and remembered. Through examining women's testimonials and accounts of violations against their bodies, along with recognizing the historical silences and gaps surrounding these experiences, we can start to build a more inclusive and truthful narrative. Continuing this discussion not only acknowledges a neglected aspect of apartheid history but also helps rewrite that history. In doing so, we challenge the enduring stigma and silence that have long obscured women's experiences of violence.

### Endnotes

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<sup>i</sup> Intrastate conflict and internal warfare are closely related and often used interchangeably. Both terms refer to violent conflicts occurring within a single state's borders, typically involving non-state actors, and are deeply embedded in political, ethnic, and social struggles. Kaldor (2012) distinguishes between intrastate conflict as encompassing a range of violent and non-violent struggles within a state, while internal warfare specifically refers to organized armed combat involving territorial disputes and military tactics, further suggesting that "internal warfare" is a subset of intrastate conflict (Kaldor, 2012 pp.18-15).

<sup>ii</sup> Eckstein's use of internal warfare overlaps with the definition of intrastate warfare.

<sup>iii</sup> Based on historical context, the document was written between May 1995 when the National Unity and Reconciliation Act No. 34 of 1995 was passed, establishing the TRC, and Mid-1996, when the TRC began holding public hearings. Dullah Omar played a key role in launching the TRC.

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