

Rape survivors denied treatment in South Africa

Act Now:

Please write to the Limpopo provincial Minister (MEC) for Health and Social Development, calling on her to ensure that women's right to health is respected, protected and fulfilled at Musina Hospital.



A Zimbabwean woman and her child
Crosses the border near Musina,
South Africa, 2008,
© AP Photo/Themba Hadebe,

Background:

Rape survivors are being denied treatment and care at a South African hospital near the Zimbabwean border if they have not first reported their case to the police. This practice breaches South Africa's human rights obligations as well as domestic law. The hospital, which is in the town of Musina in Limpopo province, is the only public hospital in the district.

Many of the women struggling to gain access to emergency services at Musina Hospital are asylum-seekers and irregular migrants who were raped while making the hazardous journey across the border from Zimbabwe. The isolated unofficial routes they took left them vulnerable to violence and robbery by organized criminal gangs. Some also experienced sexual violence while at temporary shelters or in hiding in the bushes after arriving in Musina.

A 2008 study by the International Organization for Migration in Limpopo found that over one quarter of irregular migrants surveyed had experienced violence while crossing into South Africa. In addition more than two-thirds of those who had been raped did not report their cases to the police out of fear of arrest and deportation.

Denying or delaying emergency medical treatment and care for rape survivors can have grave implications for women's health. Rape is associated with increased sexual and reproductive health problems. In southern Africa, it also puts women at increased risk of HIV infection, because of the prevalence of HIV. Some of the women crossing the border were raped by a number of men in a single attack, a further risk factor for HIV. Treatment to prevent possible HIV infection after rape must be provided within 72 hours.

South Africa has accepted obligations under human rights treaties to ensure that women's right to health is respected, protected and fulfilled. The right to health is also protected under the Constitution. According to South African law, a rape survivor does not have to lay a criminal charge before being given access to HIV prevention treatment at a health facility. National health policy gives priority to meeting the needs of the survivor, whether or not they report to the police. The practice at Musina Hospital of turning away rape survivors who have not reported to the police is clearly in conflict with these legal and policy requirements.

Read more on the plight of rape survivors in South Africa:
<http://www.amnesty.org/en/library/info/AFR53/015/2008/en>

Suggested Appeal:

Dear Minister,

I am concerned that rape survivors are being denied treatment at Musina Hospital if they fail to report their case to the police. South African women and women who are asylum-seekers and migrants are being turned away on this basis. They are vulnerable and too afraid or discouraged to approach the police. Some are at risk of HIV infection if they do not receive prevention treatment within 72 hours of the rape.

As the provincial minister responsible for health, I urge you to ensure that women's right to health is respected, protected and fulfilled at Musina Hospital. Human rights treaties and national law and policy require that priority must be given to meeting the urgent health needs of rape survivors, irrespective of whether they open a criminal case at a police station or report the incident to the police.

Thank you.

Name.....

Address.....

Email.....

Send To:

Minister (MEC) for Health and Social Development
Mrs Miriam Segabutla
Limpopo provincial government
Private Bag X9302, Polokwane, 0700
South Africa

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 August 2009.