

DO UNTO OTHERS – AND PAY THE PRICE

Combating sexual violence in the south of Johannesburg

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By the time they turn 18 years of age, 20% of teenage girls and 13% of teenage boys living in the southern parts of Johannesburg have experienced sexual abuse. Constant exposure to sexual violence has forced them to choose between humiliation and survival. Faced with a no-win situation, a study by CIETafrica has shown that the youth have developed attitudes that allow them to see themselves as survivors. However, this has come at a cost – in this case, the development of a culture of sexual violence. More effective police and legal action in registering rape cases and in prosecuting and convicting perpetrators could contribute to reversing this culture.

Sexual violence is not limited to South Africa. However, one legacy of the apartheid era is that Soweto, as well as the 'deep south' informal townships of Johannesburg, became known as the 'rape capital' of the world.

The calculated fragmentation of communities under apartheid has been compounded by a divisive plague of violence. The endemic violence characterising these areas has become highly sexualised and turns against community members with bitter effect. White and black, male and female, and children and adults are the victims of sexual violence as frustrations and feelings of inadequacy are vented in what has been called a sexualised culture of violence.¹

CIET's three-year social audit, conducted at the request of the Southern Metropolitan Local Council (SMLC) of Johannesburg, produced the largest and most detailed information base on sexual violence in the country as yet.

Three fact-finding and communications cycles covered the full spectrum of communities in southern Johannesburg. The audit ranged from

Soweto in the west to City Deep in the east, and from the central business district in the north down to Orange Farm in the south. The area as a whole is diverse and heavily populated, home to 41% of Johannesburg residents. The stratified last stage random sample was proportional to the population. Several instruments were applied in each sentinel community, in three cycles of fact-finding and feedback of results.

The truth comes out

The proportion of respondents who suffered sexual abuse increased steadily with age. Asked if they had experienced sexual violence in the last year, 3% of respondents said they had been raped. Thirteen per cent of the girls said they had been beaten, 27% said they had been touched inappropriately, and 28% said they had been verbally abused.

Boys up to the age of 15 were as likely as girls to have suffered abuse, but thereafter the proportion of boys who have been beaten dropped off, presumably reflecting their increased ability to defend themselves.

What men will do

Over 2,000 men were interviewed in streets and in shops. One in three said they could be violent towards women. This view increased with age, with no significant difference in the responses between employed and unemployed men. Of those who openly said they could be violent towards women, 68% said they would be physically violent and 12% said they would be verbally abusive. Another 12% said they would punish the woman by sending her home to her parents, taking her money, or not letting her into the house. Three per cent said they would be sexually violent. Overall, one out of five men admitted to having had forced sex with a woman without her consent.

Men who said they could NOT be violent to a woman were asked why not. The most common response had to do with their identity as non-violent, good people.

One in four men saw sexually violent peers as more powerful. The majority of men, however, viewed physical violence as a negative characteristic. This was reinforced by focus groups: in Regent's Park men who do not rape were said to be mentally strong, and in Jabulani, Soweto, they were said to have 'the art of thinking'.

What women think

Women were asked about the conditions under which they might accept sexual abuse, in order to probe how they weigh sexual violence in relation to other pressures in their daily lives. Almost all women – 98% – felt they had the right not to be sexually abused, yet two out of three said economic adversity might force a woman to accept abuse.

The link between a woman's economic power and her sense of empowerment is evident, given that almost one half of the women said economic adversity might cause a woman to allow her daughter to be abused.

The youth: saying it straight

If the frequency of sexual violence amongst the youth was surprising, the attitudes they expressed were worse. Nearly half of the teenage boys questioned said they believed a woman who says 'no' really means yes.

Among those who knew someone who had been raped, 7% said the woman enjoyed the experience and that she had 'asked for it'. One in four boys under 19 admitted to having had forced sex with someone without his or her consent.

Especially worrying was the opinion of teenage girls: 10% said they did not have the right to be protected from sexual violence; 27% said forcing sex with someone you know did not count as sexual violence.

One in five girls said they meant 'yes' if they said 'no', and two out of three said sexual violence was at least in part the woman's own fault.

Professional responses to sexual violence

The same social audit also examined how the police, medical workers and judiciary in Johannesburg's SMLC handled cases of sexual violence.

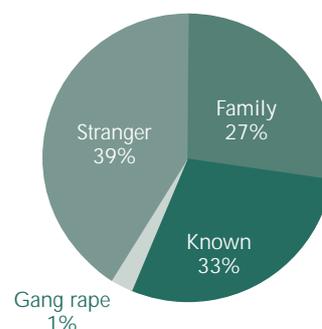
Interaction with the police system

CIET spoke to 1,995 rape victims. One in four (24%) of them had been raped more than once in the last year. Nearly half the rapes happened in the home or in a neighbour's house (Figure 1). Improved policing, in the traditional sense of the term, would do little to stop this. With 60% of rapists known to their victims, there is little that a police presence on the street will do to prevent these rapes.

A rape case requires investigation and specific evidence for it to stand the test of the court process. It is likely that a stream of strong cases would be a disincentive to rape.

The police expressed frustration at a number of obstacles they encounter when trying to open or

Figure 1:
The victim's relationship with the perpetrator



complete a case of rape following official procedures.

Victims would often refuse to open a case in the first place – a consequence of the woman being in shock, or too scared to speak. Alternatively, they withdraw the case, sometimes because they are scared, or if they arrive at a settlement with the perpetrator.

The third most common reason for a case failing to make it to court is the inability to identify the suspect. Furthermore, proving that force was used – a crucial factor in demonstrating that there was no consent – is one of the most difficult tasks in building a convincing case for court.

Police in the Booyens area said a lack of training and huge caseloads further hampered the process, while stations in Naledi, Moroka, Ennerdale and Braamfontein said officers lack the transport necessary for investigations. When they do finally track down a vehicle to get to the rape scene, the victim often has second thoughts about reporting the rape, gives in to fear, or decides to go home or to a doctor.

Interaction with the medical system

The medical system plays a crucial part in obtaining evidence of a rape. The accuracy of this evidence, its timeliness and its inclusion in every case reported can make a substantial difference to the progress of a case.

Police officers from Naledi, Jabulani and Orlando police stations expressed concern at the time it takes the victim to see a district surgeon – at the time of an incident of sexual violence the only medical professional responsible for conducting a physical examination. The victim has little influence over the delays – sometimes it takes up to six hours before she is seen to.

Interaction with the legal system

Prosecutors reiterated the lack of training of police officers as the main cause of problems when taking the victim's statement, as well as a lack of evidence.

Another problem is the state of mind of the victim – women who have been raped are scared and embarrassed, and easily intimidated by court

procedures. The ease with which bail is granted to perpetrators is a serious cause for concern.

It is widely recognised that the number of convictions for sexual violence, or even the number of cases reported to the police, cannot be used reliably to determine the rate of rape occurrence.

Nonetheless, the performance of the police and the judiciary can be measured through rates of conviction and punishment for rape. This in turn conveys a clear message about the social condemnation or, as it were, acceptability of, sexual violence.

Evidence from the SAPS Crime Information Management Centre (CMIC) enabled tracking the efficacy of police action against sexual violence, from the time a docket was opened, through its referral to court, to conviction. The tracking system omitted cases in which a docket was not opened, but nonetheless allowed an evaluation of the progress of cases that do get into the system.

In the entire southern Johannesburg region, 2,779 cases of sexual violence were registered in 1997. Of these, 777 (28%) were referred to courts, and of these there were 165 convictions (21% of referrals). Convictions in sexual violence cases, as a proportion of all reported cases from 1997 to 1999, ranged from less than 1,5% in the informal settlement of Orange Farm, to 12% in Jabulani and 11% in Orlando (Soweto). The middle-class eastern suburbs fell somewhere between these extremes.

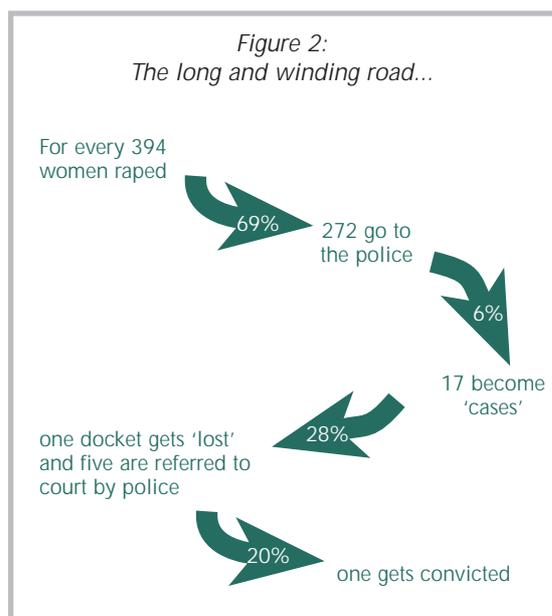
The audit of police records was complemented by information from serving police officers. Based on interviews with 91 police officers, it would appear that several things can happen between a victim going to the police and the opening of a case docket. For instance, the victim may lose confidence, or may be pressurised by the perpetrator, her family, or even the police to leave without formally reporting the case. The officer receiving the report might 'negotiate' the case in some way, perhaps labelling it as a 'family matter', or the officer might label the case as assault, which is not coded as sexual violence in the legal system.

The police records were combined with 3,967 interviews with women, revealing the interface between communities and the police. A rape victim could go to a police station and tell the police on duty what happened to her, but this report was not always entered into the crime management information system as a case of rape.² Figure 2 shows the considerable attrition of cases from rape through to conviction — for every 394 women raped, one conviction was secured.

CIET asked each woman who said that she had reported her rape case to the police whether she was satisfied with the way the case was handled. An important majority, 61%, said they were satisfied. Of the 39% who were dissatisfied, 14% said corruption was involved and that their dockets were 'lost'.

In the case of sexual violence, such system leakage communicates a strong message about the low social value of women, the perceived unimportance of their abuse and the low price of violence.

Sadly, all the prosecutors and magistrates CIET interviewed said that there were opportunities for corruption when dealing with cases of rape. They said lost dockets and bribery were the biggest mechanisms of system leakage. When asked about this issue, three out of four policemen questioned in the SMLC area claimed that there was plenty of room for corruption in rape cases. They identified



three major areas of leakage:

- the perpetrator gives money to the police to destroy the case (21%);
- dockets are stolen, lost or somehow destroyed (20%); and
- the prosecutor and/or other court officials are bribed to destroy the case (17%).

Evidence-led solutions

Based on the evidence generated from communities and institutions, and after consultations and workshops with decision-makers and service workers, a list of recommendations were drawn up for the consideration of the SMLC. They included:

- A policy to decisively increase the risks to the perpetrators of sexual violence, and to stimulate increased reporting, referral and conviction of cases.
- A well-publicised policy of zero tolerance of police abuses, negligence and bribery in cases of rape, to contribute to the sense of condemnation of sexual violence and improved police performance. It will increase the registration of cases, speed up their referral to court, and improve conviction rates.
- An area wide adoption of a results-based management approach for in-station progress and inter-station comparisons over time.

Police, prosecutors and magistrates have the following suggestions for increasing the effectiveness of interaction with the legal system:

- more communication among service workers to ensure a well presented case and well prepared victim;
- higher bail or no bail for perpetrators;
- more resources to investigate the case properly;
- less red tape and delays in court cases;
- more and better training for police, prosecutors and magistrates;
- more experienced prosecutors and magistrates who don't have conservative views of sexual violence; and
- a special court to deal with cases of sexual violence, with hearings held in camera.

Next steps

This southern Johannesburg study of the prevention of sexual violence was the foundation and a catalyst for a national study on the youth voice on

sexual violence and HIV risk that started in October 2002. Funded by UNICEF and the Canadian International Development Research Centre, this national youth audit seeks to establish a participatory mechanism to monitor national and community-based education initiatives to prevent HIV/AIDS and sexual violence.

It is hoped that the voice of 300,000 youth from almost 1,500 schools across South Africa will contribute to the realisation of effective evidence-based solutions to prevent the risk of HIV and sexual violence.

Endnotes

- 1 S Marks, N Andersson, *The Epidemiology and Culture of Violence*, in NC Mandanyi and A du Toit (eds), *Political Violence and the Struggle in South Africa*, London, Routledge, 1990, pp 29-69.
- 2 N Andersson, S Mhatre, N Mqotsi & M Penderis, *How to Police Sexual Violence*, *Crime and Conflict*, 15, University of Natal, Durban, 1999, pp 18-22.

Acknowledgement

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Edited by Heidi Sonnekus, this article presents segments of a report that can be downloaded from <http://www.ciet.org>.

CIETafrica (Community Information Empowerment and Transparency) is a Johannesburg-based member of the CIET group of non-profit, non-governmental organisations, charities and research institutes dedicated to building the community voice into planning. CIET involves communities in gathering and interpreting quantitative and qualitative evidence. CIET analysis focuses on impact, coverage and costs, to produce locally relevant community-led solutions.