'ANYONE CAN BE A RAPIST ...'

AN OVERVIEW OF SEXUAL VIOLENCE IN SOUTH AFRICA

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An Overview of Sexual Violence in South Africa

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INTRODUCTION

It is no secret that the levels of sexual violence in South Africa are unacceptably high. As a result, the problem of sexual violence in South Africa is a major concern to government and civil society alike. A key question is whether these levels of sexual violence are related to the factors contributing to the high levels of violence more generally in South African society, or whether there are additional factors contributing to this particular form of violence.

This report aims to answer these questions by mapping the extent, nature and causes of sexual violence in South Africa in an attempt to understand holistically the scourge of sexual violence in our country, in order to offer a comprehensive range of recommendations to assist in addressing the problem.

Methodologically, a combination of qualitative and quantitative studies on sexual violence in South Africa from the last 10 years were examined and analysed in the writing of this report. In terms of limitations, the research studies on sexual violence conducted in South Africa over the last 10 years are surprisingly few and tend to be localised. Presumably due to the difficulties of conducting research on sexual violence – which includes the relative inaccessibility of victims and perpetrators who are willing to talk, the social stigma surrounding sexual violence and the complexity of the ethics involved in conducting such sensitive research – local studies on sexual violence tend to focus on small groups of the population in restricted geographical locale. This means that, with the exception of one national CIETAfrica report, the results of these studies cannot be generalised to the larger South African population, and the studies may report trends that are limited to specific geographical, socio-economic and cultural areas. Furthermore, the data generated by these studies is analysed by the author primarily within one ideological framework: i.e., that the main cause of rape is an aggressive desire by the perpetrator to dominate the victim rather than an attempt to achieve sexual fulfilment.[1] This means that the problem of sexual violence in South Africa has been viewed through limited lenses, somewhat restricting our understanding of the causes of such violence.

SEXUAL VIOLENCE

Defining Sexual Violence

The World Health Organization's *World Report on Violence and Health* defines sexual violence as:

> … any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.[2]

Coercion, often a crucial element of sexual violence, is further defined as 'a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats – for instance, the threat of physical harm, of being dismissed from a job or of not obtaining a job that is sought'.[3]

Sexual violence exists on a continuum of severity and includes, *but is not limited to*:

◎ Rape (within marriage or a dating relationship, by strangers, during armed conflict, gang-rape);
◎ Unwanted touching of a sexual nature;
◎ Unwanted sexual advances, comments or sexual harassment, including demanding sex in return for favours;
◎ Sexual abuse of mentally or physically disabled people and children;
◎ Forced marriage or cohabitation, including the marriage of children;
◎ Denial of the right to use contraception or to adopt other measures to protect against sexually transmitted diseases;
◎ Forced abortion;
◎ Violent acts against the sexual integrity of women, including female genital mutilation and obligatory inspections for virginity;
◎ Forced prostitution and trafficking of people for the purpose of sexual exploitation.[4]

Sexual violence of any nature can be committed by men, women and children against men, women and children – it is not a gender or age specific offence.

Sexual violence does not occur in isolation. Risk factors, rooted in social injustices and inequalities, connect sexual violence to other forms of violence. Risk factors transcend boundaries and occur in individual, social, cultural and economic contexts. Individual risk factors include: using and abusing alcohol and drugs; lacking inhibitions to suppress associations between sex and aggression; holding attitudes and beliefs that are supportive of sexual violence and hostile towards women; associating with sexually aggressive peers; and having experienced sexual abuse as a child. According to the WHO's *World Report on Violence and Health*, the following are societal risk factors for sexual violence:

◎ Gender-based inequality: sexual violence is more likely to occur in societies with rigid and traditional gender roles 'where the ideology of male superiority is strong – emphasising dominance, physical strength and male honour'.
◎ Male entitlement: men are more likely to commit sexual violence in communities where concepts of male honour and entitlement are culturally accepted and where sexual violence goes unpunished. Social ideology entrenched in male entitlement may deny women a fundamental right to refuse sex and fail to recognise marital rape.
◎ Absent or weak sanctions and services: community tolerance of sexual violence is evidenced by the unresponsiveness of systems and services. Unresponsive systems fail to hold perpetrators accountable and fall short of victims' needs.
◎ Poverty: poverty increases people's vulnerabilities to sexual exploitation. Individuals who lack sufficient economic resources to meet their basic needs, specifically women, may have to resort to bartering for essential goods with sex.
◎ War: rape has been used as a weapon of war and conflict. Refugees who flee conflict and persecution are at extreme risk of sexual violence in their new settings, including refugee camps.[5]

Theorising Sexual Violence

There are various theories around sexual offending, most of which have been conceptualised in the developed world. The theories cited below, therefore, may have limited relevance in the South African context. However, as they do provide some insight into why sexual offenders perpetrate such crimes, they are outlined briefly below**:**

Single factor theories

There are numerous theories that attempt to explain the aetiology of sexual offending using single factors. Some of the single factor theories of sexual offending as discussed by Rachel West are outlined below.[6]

Biological: some theories point to certain biological factors as the reason for sexual offending. These theories suggest that an underlying physiological imbalance is responsible for sexual deviance – either the brain dysfunctions or brain abnormalities and hormonal imbalances increase the level of sex drive and aggression. Some biological theories suggest that certain individuals are predisposed towards problematic sexual behaviours because of physiologically or biologically predetermined sexual appetites or preferences.

Behavioural: according to this group of theories, sexual offending behaviours develop due to conditioning or learning. As such, due to different rewards, punishments, antecedents and consequences the offender learns inappropriate sexual behaviour. For instance, a child's developmental experiences might include his father's abusive behaviour towards his mother: the child might replicate this behaviour, having learnt and internalised the hostile and aggressive attitudes and behaviours toward women that are fostered within such an environment. In addition, some behavioural theories include the dimension of conditioning, whereby over time, an individual's arousal patterns or sexual interests are strengthened through particular reinforcers. For example, if a person masturbates to deviant fantasies, it can strengthen their interest in or arousal to inappropriate fantasies, which can in turn lead to sexual offending.

Socio-cultural: another set of theories emphasises the role of societal and cultural structures, norms and messages as contributing to the perpetration of sexual offences. West makes the examples of: the desensitising messages of violence in television or video games that implicitly condone violence; the ways in which women and children are sexualised or portrayed as submissive and passive through advertisements, television programmes and films; and the socialisation of men that encourages them to be violent, and supports aggressive and dominating behaviour in a bid to 'conquer' women and children.[7]

Attachment/Intimacy: this theory posits that different types of problematic attachments may lead to a variety of problems with intimacy related issues in adult relationships, and that ultimately these intimacy deficits may lead individuals to engage in sexually abusive behaviour. The following example illustrates this theory: an insecurely attached person may want to be emotionally close to others but avoids it out of fear of being rejected or hurt. In turn, this individual may attempt to establish 'romantic' or close relationships with children (with whom they may feel more 'safe') and may ultimately have inappropriate sexual contact with them. Those individuals with dismissive attachment styles may have no desire whatsoever to become close or intimate with others and may even harbour negative, angry, and hostile feelings toward others, such as adult women. And subsequently they may act out their anger or hostility in sexually aggressive ways.[8]

Although useful in pointing towards some of the factors that may be associated with sexual offending, single factor theories on their own will only ever go part of the way to explaining why some individuals sexually offend.

Multi factor theories

Integrated Theory: according to this theory, sexual offending is the result of a combination of biological, developmental, environmental and cultural influences, individual vulnerabilities and situational factors. The theory posits that negative developmental influences that occur early in life, such as maltreatment or exposure to violence in the home, adversely affect one's ability to form close, meaningful relationships, as well as impairing the capacity for problem solving, emotional management, a healthy self-esteem

and self-control. As such, additional difficulties with adjustment are likely to be encountered during adolescence (e.g. peer rejection, esteem difficulties, and social isolation). This, in turn, exacerbates the existing problems and vulnerabilities, and makes it increasingly difficult for such individuals to deal effectively with the significant physical and hormonal changes and emerging sexual feelings that occur during puberty. This is crucial to the development of a sexual offender: if already vulnerable individuals do not learn healthy ways of meeting their sexual, social, intimacy and other psychological needs – particularly when they experience significant stressors and difficult situations in their lives – they are likely to resort to unhealthy means of meeting their needs and managing their emotions and behaviours. Being exposed to certain cultural messages, such as those that condone aggression and objectification of women, only exacerbates the problem.

Confluence Model: this theory suggests that a combination of three primary clusters of risk factors – motivators, disinhibitors, and opportunities – increases the likelihood that an individual will become sexually aggressive toward women. The interaction of these risk factors results in two pathways to sex offending: the sexually promiscuous pathway and the hostile masculinity pathway. This theory is based in part on the premise that adverse developmental experiences such as physical or sexual abuse during childhood have a detrimental impact on the ways in which individuals view themselves (and others) and their ability to form meaningful and healthy relationships. The confluence model theorists propose that an antisocial or delinquent orientation often results from these experiences, and depending upon other situational or environmental variables and influences, the individual either develops into a person who uses sexual conquest and sometimes coercive tactics as a means of elevating his peer status and self-esteem, or someone who holds strong adversarial and mistrustful attitudes about women and uses sexual aggression as a means of domination, control, and humiliation.

Relapse Prevention: according to this theory, sex offending is the end result of a common chain of events that ultimately leads to offending, beginning with the person experiencing some type of negative emotional state. This is followed by deviant fantasies and the use of cognitive distortions to justify or rationalise these fantasies: the fantasies, in turn, lead to covert planning about a sex offense, which, after disinhibiting himself in some way, is enacted by

the individual. This theory posits that a number of identifiable precursors, both early and more immediate, are commonly associated with offending behaviours for most individuals. Included among the earlier precursors are: family dysfunction and chaos; childhood maltreatment, such as neglect or physical or sexual abuse; sexual anxiety; and marital conflict. Anger problems, assertiveness and social skills deficits, impaired empathy, emotional management difficulties, personality disorders, and substance abuse are among the more immediate factors preceding an offense.

Pathways Model: this theory, focusing on sex offending against children, recognises that not all individuals follow the same 'path' to offending. These multiple pathways are influenced by the complex interaction of interpersonal, emotional, biological, physiological, cultural, and environmental variables. The Pathways Model suggests that the extent to which persons experience difficulties in four clusters of psychological problems – cognitive distortions, emotional management difficulties, intimacy and social skills deficits, and deviant or unhealthy sexual scripts – largely explains the primary reasons that they engage in sex offending behaviour. So depending upon what their main deficits are, they fall into one of the following five pathways**:**

◎ Multiple dysfunctional mechanisms pathway;
◎ Deviant sexual scripts pathway;
◎ Intimacy deficits pathway;
◎ Emotional dysregulation pathway; and
◎ Antisocial cognitions pathway.

Similar to and building upon other multifactor theories, the Pathways Model takes into account a number of characteristics or risk factors that appear to be common among sex offenders. What sets this theory apart from some of the other aetiological theories is that it more fully considers the heterogeneity of offenders, rather than assuming that all offenders follow the same or very similar paths to offending.

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Anger problems, assertiveness and social skills deficits, impaired empathy, emotional management difficulties, personality disorders, and substance abuse are among the more immediate factors preceding an offense.

Sexual Offenders: The Typology Approach

A number of models have been developed in order to attempt to explain the different typologies that rapists correspond to. The most comprehensive of these models is one developed over 30 years of research by Raymond Knight.[9] Table 1 shows the different typologies into which Knight categorises rapists.

Table 1: Rape Typologies According to Raymond Knight

TYPOLOGY	CHARACTERISTICS
Opportunistic - High social competence - Low social competence	• Their sexual assaults appear to be impulsive, predatory acts. • Their sexual behaviour appears to be controlled more by situational and contextual factors than by protracted sexual fantasy or explicit anger at women. • Low social competence identifies offenders who begin their offending early, and appear to be like secondary psychopaths. • High social competence offenders appear similar to the 'stable' or primary psychopath and do not begin their criminal behaviour until adulthood.
Sexual, Non-Sadistic - High social competence - Low social competence	• Characterised by some form of enduring sexual preoccupation and high sexualisation. • Their sexualisation is characterised simply by the dominance of sexual needs, preoccupations, and drives. • Their offences appear to be motivated by sexual needs rather than aggression or anger. • They show only instrumental aggression in their sexual assaults. • They do not have antisocial lifestyles.
Vindictive - High social competence - Low social competence	• The motivation for their sexual assaults is hypothesised to be exclusively misogynistic anger. • Women are a central and exclusive focus of their anger. • Their sexual assaults characteristically include behaviours that are explicitly intended to harm the women physically, as well as to degrade, denigrate, and humiliate her. • They do not have antisocial lifestyles.
Pervasively Angry	• Their primary motivation is hypothesised to be global and undifferentiated anger that pervades all areas of the offender's life. • They are equally likely to aggress against males and females. • Long histories of antisocial aggressive behaviour, starting in childhood or early adolescence. • They inflict considerable damage on their victims.
Sadistic - Overt - Muted	• Characterised by some form of enduring sexual preoccupation and high sexualisation. • Their aggression is sexualised and there is a synergistic relation between sex and aggression so that their sexual preoccupation is hypothesised to be distorted by the fusion of sexual and aggressive feelings. • Subdivided on the basis of whether their sexual-aggressive fantasies are directly expressed in violent attacks or are only fantasised. • Their offences are planned rather than impulsive.

Although useful in coming to an understanding of the causes of sexual violence in South Africa, it is essentially a 'western' model and does not take into consideration the societal and cultural contexts that are so important in South Africa.

However, forthcoming research by the Centre for the Study of Violence and Reconciliation on the nature and causes of sexual violence in South Africa identified a number of traits associated with perpetrators of sexual violence incarcerated in South Africa's prisons. These are summarised in Table 2 below.

Table 2: Traits Associated with Sexual Offenders in South Africa

PERSONAL DETAILS	CHARACTERISTICS
Personality traits	• Very low self-esteem. • Very poor interpersonal skills and have difficulties in interacting with people and their communities in general. • Callous and short-tempered or openly violent. • Over sexualised. • Show a distorted sense of the reality and a distorted sense of their environment. • Some show signs of personality disorders or low IQ.
Socio-economic background	• Poor and unemployed. • Illiterate or with a very low educational background. • Come from dysfunctional families where they might have experienced domestic violence or sexual abuse. • Have not been exposed to sexual education, particularly at home. • Lacked parental guidance for most of their childhood and adolescent life.
Age	• Most perpetrators of rape, particularly gang-rape, are young men, under the age of 34. • Perpetrators of paedophilia or incest tend to be older men.
Racial and cultural profile	• Matching the racial profile of the country – and of the prison population as a whole – the majority of perpetrators of sexual violence in prison are black African men.

'I should be having sex with whoever I like'

5 November 2009

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Most perpetrators of rape, particularly gang-rape, are young men, under the age of 34.

It must be noted that these perpetrator traits were identified by correctional services personnel (not qualified psychologists or theorists) and are focussed solely on perpetrators convicted and imprisoned: as such, the information in the table does not speak to the traits of those sexual offenders who do not end up in prison and therefore cannot be generalisable. It is also important to point out that this research study found that many white families use extra-judicial means of solving sexual offences within the family (such as counselling and family therapy), meaning that this subset of offenders cannot be categorised and common traits cannot be 'picked up' from criminal justice system officials.

RATES OF SEXUAL VIOLENCE IN SOUTH AFRICA

Table 3: Reported Sexual Offences in South Africa for the period April to March 2003/2004 to 2008/2009

PROVINCE	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009
Eastern Cape	8,238	8,626	10,312	9,117	9,087	9,463
Free State	4,734	4,972	4,559	4,386	4,396	4,518
Gauteng	16,137	16,054	15,362	14,820	15,074	19,106
Kwa-Zulu Natal	11,378	12,122	11,932	11,649	11,355	13,239
Limpopo	4,491	5,070	4,671	4,780	4,528	4,685
Mpumalanga	4,375	4,674	4,756	4,631	4,169	4,678
North West	4,784	4,889	4,860	4,892	4,837	5,222
Northern Cape	2,191	2,212	1,993	1,957	1,749	1,907
Western Cape	9,751	10,498	9,631	8,969	8,623	8,682
RSA TOTAL	**66,079**	**69,117**	**68,076**	**65,201**	**63,818**	**71,500**

Official SAPS statistics, available at: www.saps.gov.za.

The exact prevalence of sexual violence in South Africa is unknown. Many acts of sexual violence go unreported, not only to state or private institutions, but often even to the victim's family and friends. The Medical Research Council estimates that the number of rapes may be up to nine times that of the reported statistics.[10] 71,500 sexual offence cases were reported to the SAPS in 2008/2009. If the real sexual assault figures in South Africa are closer to 643,500 per year, it would mean that someone is raped or indecently assaulted every minute in South Africa. But with so many sexual violations going unrecorded, and the recorded violations being broadly categorised as 'sexual offences', it is difficult to ascertain the true nature and extent of sexual violence in South Africa.

The collection of truly reflective information on the nature and prevalence of sexual violence in South Africa is hampered by a number of issues. Firstly, violence as a means of expression or as a way to negotiate conflict has become normalised in South African society, especially in intimate relationships. This means that some victims have internalised the violence acted out on them to such a degree that they might not see it as something worth reporting. Secondly, there are many barriers to reporting sexual violence in South Africa. These include: feelings of shame and self-blame; societal attitudes and discrimination against those who have been victims of sexual violence; community taboos around sexual violence; reluctance towards or threats against reporting a family member or intimate partner; discriminatory police attitudes; and the secondary victimisation experienced by sexual assault victims in the criminal justice system. And thirdly, until late 2007, the legal definitions of sexual assault in South Africa were very limiting and hailed from a time when the full extent of sexual violence was not recognised or properly understood. This archaic and outdated sexual offences legislation defined rape very narrowly as consisting of a man having unlawful and intentional sexual intercourse with a woman without her consent. This definition effectively meant that

men could not be raped, women could not rape, and if a female or male was penetrated anally, orally or with an object that was not a penis, they had been 'indecently assaulted', a crime that was considered less seriously and carried no minimum sentence. SAPS categorised sexual offence crimes in line with this legal definitions (for purposes of prosecution), which meant that until at least the end of 2007 only those sexual assaults that follow the narrow definitions *and* were reported to the police constituted the official statistics on sexual offences: in other words, SAPS reported statistics only on rape and indecent assault. The new Sexual Offences Act (SOA), signed into law by President Thabo Mbeki on 16 December 2007, broadened the definition of rape to include all acts of non-consensual penetration committed by one person on another. In other words, rape now includes the penetration of the vagina, mouth or anus with a penis, body part or any object (including an animal's body part or object resembling the genital organs of a person or animal). The new SOA also categorises the following acts as criminal offences: compelled rape; sexual assault, compelled sexual assault and compelled self-sexual assault; compelling or causing persons 18 years or older to witness sexual offences, sexual acts or self-masturbation; exposure or display of or causing exposure or display of genital organs, anus or female breasts ('flashing'), and child pornography to persons 18 years or older; engaging sexual services of persons 18 years or older; incest; bestiality; and sexual acts with a corpse.[11] However, as can be seen by the table above (which represents the only statistics available from SAPS), the current statistics allow for an even less nuanced understanding of the problem in South Africa by 'lumping' all the above crimes into the generalised category of 'sexual offences'. SAPS need to disaggregate their sexual offence statistics by those acts categorised as crimes by the new SOA, so that researchers can build up an accurate picture of what is happening in terms of sexual violence across the nine provinces of the country.

The combination of these factors means that we do not, by any means, have a complete picture of the nature or extent of sexual violence in South Africa.

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... some victims have internalised the violence acted out on them to such a degree that they might not see it as something worth reporting.

Findings from Local Studies

To supplement SAPS statistics on sexual violence, some local research studies in South Africa have attempted to quantify the rates of and attitudes around sexual violence in specific contexts in South Africa. The following studies that seek to explore sexual violence in South Africa tend to have small sample sizes and are limited to specific localities. However, they contribute greatly to building a picture of the nature, extent and causes of sexual violence in our country. Arranged chronologically, these studies have produced the following findings.

In a 1999 study of 269 women interviewed in Johannesburg, Durban and Cape Town, the following figures emerged:
◎ 71% of the women had experienced sexual abuse: attempts to kiss or touch followed by forced sexual intercourse occurred most often.
◎ Of the 111 perpetrators of the most serious cases of sexual abuse and emotional/sexual abuse, survivors knew 76% of their abusers. Of these, 32% were intimate partners, lovers or spouses.[12]

A study of attitudes towards sexual violence in southern Johannesburg from 1997-2000 showed that:
◎ 59% of women said a sexually violent man is a more powerful man, and 9% said they were more attracted to a sexually violent man.
◎ 22% of women said that women are the cause of sexual violence, on their own or together with men.
◎ As many as 27% of female youth said forcing sex with someone you know is never sexual violence.[13]

A study that canvassed women in a survey in the Eastern Cape, Mpumalanga and the Northern Province reported that:
◎ Three quarters of the women (74%) said they understood that in their culture if a man paid lobola for his wife it meant that she had to have sex whenever he wanted it.
◎ Similar ideas were found in all types of marriage: in two of the provinces, 60% of women reported that they did not believe that a married woman could refuse to have sex with her husband.[14]

A study that aimed to map the true extent of sexual violence among youth in South Africa administered a questionnaire to 283,500 learners (14 years of age and up) nationally. Their findings were as follows:

◎ Nationally, around 9% of all respondents said they had been forced to have sex in the past year.
◎ The proportion of males who admitted forcing sex on someone ranged between 6% in the lower age groups and 25% in the older age groups.
◎ No less than 66% of males and 71% of females who had abused someone else had themselves been forced to have sex.
◎ 60% of all learners, boys and girls alike, said that it is *not* sexual violence to force sex with someone you know. Similarly, half of all students (51%) thought that unwanted touching is not a form of sexual abuse, although this opinion diminished with age.
◎ 50% of all learners either believed that a girl means yes when she says no, or were not sure whether 'no' in fact means no. Although this belief was more widespread among boys, it was also commonly expressed by girls, particularly in some areas of the country.
◎ Some 10% of pupils thought that girls who are raped ask for it, while 26% did not think that women hate being raped.
◎ 30% of all students said that girls do not have the right to refuse sex with a boyfriend.
◎ Nationally, about 30% of pupils felt they had to have sex as a proof of love, with males doubling the proportion of girls who held this view.
◎ 17% of those interviewed believed that girls prefer sexually violent men.[15]

Childline's national statistics report that:
◎ 43% of all cases of sexual assault reported to Childline nationally are committed by children under 18.[16]

Rape accused wanted to 'date' teen

14 October 2009

In another study on the perpetration of sexual violence towards intimate partners, the findings showed that:
◎ 7.1% of the men reported forcing sex on an intimate partner during the preceding 10 years.
◎ 8.2% of the men reported attempting to force sex on an intimate partner during the preceding 10 years.
◎ Of those who reported perpetrating sexual abuse, 80.9% also reported perpetrating physical and emotional abuse.[17]

A study on sexual violence among girls in South Africa reports that:
◎ Only 55% of females aged 14-24 who have had sex reported themselves as having been 'willing' at their first sexual encounter (versus those who were persuaded, tricked, forced, or raped).[18]

A study on sexual violence among men and women in Cape Town reported that:
◎ More than 40% of women in their sample had experienced at least one sexual assault experience.
◎ More than one in five men openly admitted to having perpetrated sexual assault against women.[19]

A study in the rural Eastern Cape where 1370 men from 70 villages were interviewed, found that:
◎ 16.3% had raped a non-partner, or participated in a form of gang-rape.
◎ 8.4% had been sexually violent towards an intimate partner.
◎ Among perpetrators, the mean age of first rape was 17 years.
◎ There was an overlap between the rape of a non-partner and the rape of a partner, in that 44.3% of men who raped an intimate partner had also raped a non-partner.[20]

Most recently, a study conducted in three districts of the Eastern Cape and Kwa-Zulu Natal across 1738 households found the following:
◎ Rape of a woman or girl had been perpetrated by 27.6% of the men interviewed and 4.6% of men had raped in the past year.
◎ Rape of a current or ex-girlfriend was disclosed by 14.3% of men.
◎ 11.7% of men had raped an acquaintance or stranger (but not a partner) and 9.7% had raped both.
◎ 8.9% of the men interviewed said they had raped with one or more other perpetrators when a woman didn't consent to sex, was forced or when she was too drunk to stop them.

◎ 2.9% of respondents said that they had raped another man or a boy.

◎ Nearly one in two of the men who raped (46.3%) said they had raped more than one woman or girl. In all, 23.2% of men said they had raped 2-3 women, 8.4% had raped 4-5 women, 7.1% said they had raped 6-10 and 7.7% said they had raped more than 10 women or girls.

◎ Age was significantly associated with the likelihood of having raped, with men aged 20-40 more likely to have raped than younger or older men.

◎ Education was associated with the perpetration of rape, with men who had raped being significantly better educated, although they were not more likely to have a tertiary qualification.

◎ Men who had raped were significantly more likely to have earnings of over R500 per month, although they were not more likely to be in the top income bracket, over R10,000. Men who raped were more likely to have occasional work and less likely to have never worked at all.

◎ Parental absence was significantly associated with raping, as was the quality of affective relationships with parents was related to raping. Men who raped perceived both their fathers and mothers to be significantly less kind (p<0.0001). Rape was associated with significantly greater degrees of exposure to trauma in childhood.

◎ Both experience of bullying and being bullied was much more common among men who raped.

◎ Delinquent and criminal behaviour were more common among men who raped. Men who raped were much more likely to have been involved in theft and, with the exception of legal gun ownership, they were very much more likely to have been involved with weapons, gangs and to have been arrested and imprisoned.

◎ Men who disclosed having raped were significantly more likely to have engaged with a range of other risky sexual behaviours. They were more likely to have ever had more than 20 sexual partners, transactional sex, sex with a prostitute, heavy alcohol consumption, to have been physically violent towards a partner, raped a man and not to have used a condom consistently in the past year.[21]

Despite the fact that none of these studies are generalisable to the whole South African population, taken together these figures illustrate that the rate of sexual violence in South Africa is much higher than the national SAPS statistics reveal.

Is the Rate of Sexual Violence in South Africa on the Increase?

It is impossible to know whether rates of sexual violence have increased in South Africa over the last half a century. While the number of rapes reported to the police has risen dramatically, this could be due to a number of factors that are unrelated to the actual occurrence of rapes, inter alia: the end of apartheid which meant that black women had greater access to and greater faith in the police force; more awareness of the criminality of sexual violence; public campaigns that have encouraged women to speak out about sexual abuse; and victim-orientated rape centres that support women through the reporting process. Therefore, although it is possible to speculate, it is impossible to know for certain whether the high rate of sexual violence in South Africa is a 'new' problem that has arisen out of the complex dynamics that have accompanied the country's transition to democracy, or whether the rates of sexual violence have always been disproportionately high but in the past were systematically unreported due to racial and gender oppression.

A Comparison of Levels of Sexual Violence in South Africa with the Rest of the World

Rape statistics are often the only way to compare levels of sexual violence in different countries. However, rape statistics are perceived to be unreliable due to inconsistent definitions of rape in both legislative and academic studies: for instance, in the United States, rape is defined differently by separate states; in many legislatures in the world some non-consensual sexual acts are not defined as rape at all (they may only be considered an illegal form of sexual assault); in some jurisdictions, male-female rape is the only form of rape considered rape while in others male-male, female-male or female-female rape may also be included as a legal form of rape; and the rape of children by their mothers and fathers or other relations is often under-represented in official publications.

Man charged with raping daughter for 30 years

17 September 2009

Rape, alone among other major crimes, suffers from severe definitional contradictions that create controversial statistical disparities. Rape statistics are also unreliable because of consistent under-reporting of the crime.

According to the *Eighth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, Covering the Period 2001 – 2002*[22], South Africa does have the highest rate of rape per capita among the 49 countries listed. However, the countries listed in this report are mostly developed countries, against which South Africa is often unfavourably compared: although always striving for first-world standards, this comparison is in some ways undeserved considering the discrepancies in resources and expertise in terms of policing and victim support services between South Africa and the developed world, as well as the legacy of the past that South Africa is still burdened with. It is also impossible to ascertain how comparable the rates of unreported rape per capita are between South Africa and the developed world. What is interesting about the *Survey of Crime Trends* is that Canada, the United States, New Zealand and Sweden follow South Africa as having the next highest rates of rape per capita. This raises questions around whether Sweden has a rape problem, or whether women are more empowered to report rape in Sweden.

What is not known, however, is how South Africa compares with other developing countries. Countries such as Kenya and India may report lower rape rates than South Africa, but it is impossible to tell if this is because rates of rape in these countries are *in fact* lower or because there is less reporting. Gender activists hold that sexual violence is endemic in both these countries, but that social taboos and oppressive patriarchal power structures ensure that sexual violence is seldom reported. Practitioners in the field of sexual violence in South Africa are cautiously optimistic about the increasing rape statistics as it often shows, more than anything else, that more women are feeling empowered and supported enough to report their experience of sexual violence.

THE CAUSES OF SEXUAL VIOLENCE IN SOUTH AFRICA

Although rape is the dominant form of sexual violence in South Africa, it needs to be understood that sexual violence is a continuum that stretches from sexual harassment through to rape-murder: each of the acts along this continuum constitute a criminal act and a traumatic event in the life of the victim and should not be ignored. Although not necessarily true in every case, acts of sexual violence often escalate along this continuum, so that perpetrators begin with acts of sexual harassment (inappropriate sexual touching or words) and escalate towards more serious crimes such as indecent assault and rape.

According to the literature review, the causes of sexual violence in South Africa can be considered in terms of the ecological model.[23] The ecological model recognises the interwoven relationship that exists between the individual and their environment: sexual violence in South Africa is caused by a number of complex and inter-related factors. None of these factors can be viewed in isolation, as it is the combination of two or more of these factors that work together to influence the perpetration and perpetuation of sexual violence. While individuals are responsible for instituting and maintaining healthy behaviours, individual behaviour is determined to a large extent by the social environment, e.g. community norms and values, regulations, and policies. Barriers to healthy behaviours are shared among the community as a whole. The most effective approach leading to healthy behaviours is a combination of the efforts at all levels – defined as individual, interpersonal, community, and societal.

It is important to note, at the outset, that this range of factors that contribute to the perpetration of sexual violence is made possible by and supported by an over-arching ideology of patriarchy in South Africa. Simply phrased, patriarchy is a form of social organisation marked by the supremacy of the father in the clan or family;

the legal dependence of wives and children; and the reckoning of descent and inheritance in the male line. More broadly, the word patriarchy has come to articulate a societal system whereby men hold most or all of the power and control. Men's conception of who they are and what type of behaviour they should display is inherently linked to their position in society: their notions of their own masculinity (or the qualities, behaviour and appearance traditionally associated with men) are directly linked to how steeped in patriarchy their particular society, culture or community is. Similarly, the establishment of ideologies that favour men and see women as inferior are also intricately linked to the unequal power relations constituted by patriarchy.

Very simply, masculinity encompasses the characteristics associated with manliness. A masculine ideal (which is dependent on cultural, societal, environmental and time-period factors) can be constructed from the physical (virile, athletic, strong, brave); the functional (breadwinner, provider for family); the sexual (sexually aggressive, the sexual initiator, sexually experienced); the interpersonal (leadership, dominating, disciplinarian, independent, free, individualistic, demanding); and involve other characteristics such as being success-oriented, ambitious, aggressive, proud, egotistical, moral, trustworthy, decisive, competitive, uninhibited, and adventurous. Machismo is a form of masculine culture. It includes assertiveness or standing up for one's rights, a sense of responsibility, a general code of ethics (which is usually culture-dependent), and the need for respect. Most men feel pressured to act in a masculine way. These men feel that they have to prevail in situations that require physical strength and fitness. To appear weak, emotional, or sexually deficient is a major threat to their self-esteem. Masculine gender role stress may develop if a man feels that he has acted in an 'unmanly' fashion. Conversely, acting in a 'manly' way among peers will often result in increased social validation or general competitive advantage.

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As patriarchy requires that men hold more power and control than women, masculine power is often defined through men's capacity to effect their will. Access to sexual intercourse is one of the many ways men can realise their power: sex can therefore be seen as an indicator to other men of position, status and masculinity. Taking sex by force can thus be used to achieve a masculine dominant ideal, and as such becomes a means of self-communication by men about their own powerfulness. Men who rape are more often concerned about their own positions relative to other men and to women than about the status of their victim. For example, in a gang-rape scenario, a man will rape a woman simply to maintain or achieve status within his gang; similarly, a man may rape a woman to prove to himself that he is more powerful than women from a certain class background or status. Thus rape allows men to assert their masculinity through a violent and coercive act (in order to achieve some sense of ascendancy over men and women around them), as well as to systematically objectify and dehumanise the victim of that act.

Individual Factors

Individual factors that have been identified as common to perpetrators include: the demonstration of psychopathic tendencies which might find an expression in sexual violence; behavioural problems at early stages in their lives, such as impulsiveness and attention deficit disorders; and an under-development or lack of engagement in normal sexual behaviour due to a lack of knowledge about sexual relationships and love relationships in general, compounded by their ignorance about the different ways in which men and women experience sexuality.

Relationship Factors

Within patriarchy, masculinity is defined in terms of men's control over women – in relationships, notions of ownership become integral to this definition. Ownership implies sexual (and other forms of) entitlement and the importance of asserting a hierarchy in sexual relationships – because there is an accepted notion of strong-armed masculinity and docile/passive femininity, it is the male who assumes dominance in such a hierarchy.

This sense of entitlement often results in the inability of rape perpetrators to see sexual assaults as harmful or criminal. The line between consent and coercion becomes blurred, especially between acquaintances or in relationships, in a society where male sexual entitlement is the norm. In such a society, when sex is not forthcoming from a woman, some men may respond by simply taking it, whether directly, manipulatively or suggestively. This results from men's belief that they are entitled to sexual release every time they become aroused and that this release is the responsibility of the female they are with. In South Africa, it seems that the distinction between rape and 'forced sex' is important in (il)legitimising a sex act. Rape is perceived as wrongful, but is defined by many as perpetrated by psychopaths late at night on women who are strangers, in an overtly violent manner. Forced sex, on the other hand, is seen as necessary to overcome obligatory cultural coyness and innate female passivity. Katherine Wood outlines how the issue of consent (which distinguishes consensual sex from forced sex/rape) was one of the main justifications voiced by young men that streamlining (a colloquial term for gang-rape) was not rape: 'The ease with which this explanation was used reflected the often fine line in local sexual culture between "force", "persuasion", and "seduction", and the reputation-protecting "game" expected to be played by women – in particular saying "no" even if they were interested in a potential sexual relationship'. These young men explained that the tactics used to 'find' victims, such as trickery and coercion rather than outright violence, as well as the lack of voiced refusal on the part of the victim, legitimised the sex act with that person. To further complicate the issue of consent, Wood notes that in a South African setting, resource exchange (such as buying beers) can be taken to imply sexual consent – as such 'the taking of sex by force can be condoned in certain settings such as taverns'.[24] Sathiparsad found, in a study of young men in Kwa-Zulu Natal, that 'rape was [seen to be] characterised by force and violence and usually occurred with a stranger or someone outside of either a serious or casual relationship. In other words, they did not construe forced sex within marriage as rape'. She notes that the comment from one of the respondents that 'They say it is nice because it is spiced' drew much laughter from other participants, where the word 'spiced' 'appears to be used here as a euphemism to cover up the brutality, roughness and ruthlessness involved in forced sex'.[25] In cases of stranger rape, a sense of entitlement over women can be an underlying factor, in that entitlement is a cultur-

ally sanctioned norm that allows men to have sex whenever they feel like it, and with whomever they feel like it. This sense of entitlement can be even stronger in cases of acquaintance rape. In these cases, the perpetrators do not seem to understand or accept the difference in the way women and men experience their sexuality. The notion of 'courting' does not exist, or courting is equalled to 'buying a beer', which would entitle the perpetrator to have sex with the victim, even without her consent.

Although not to blame for all the sexual assault that occurs in South Africa, research has identified a pattern whereby victims of abuse (whether physical, sexual or emotional) do sometimes become the villains. Perpetrators are often from violent homes, and have suffered physical, sexual and psychological abuse from parents, friends, neighbours or strangers.

The CIETAfrica report on Sexual Violence and HIV/AIDS found that 'no less than 66% of males and 71% of females who had abused someone else had themselves been forced to have sex'.[26] The study found that a history of forced sex was a powerful determinant of misconceptions about sexual violence that fuel the cycle. This is supported by Abrahams et al, who found that the childhood experiences that were predictors of sexual violence included being physically punished frequently, i.e. daily or weekly, and witnessing abuse perpetrated on a mother. She elaborates by explaining that analysis 'points to a close interrelationship between childhood variables: witnessing abuse perpetrated against a mother is associated with being physically punished in childhood and with being involved in fights in the community in adulthood. This suggests that the exposure of these men to violence during their childhood was associated with a greater risk of being involved in other violent behaviour and that this behaviour was more strongly associated with the risk of sexual intimate partner violence than would otherwise have been the case'.[27] Vogelman believes that sexual violence is 'fuelled by the historical experience of the family, which leads to rage, vindictiveness, and revenge'.[28]

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The breakdown of vital familial relationships can also contribute to sexual violence. Families with poor communication skills where sexual issues are considered a taboo and not spoken about can result in the children and adolescents looking for sexual knowledge and role models among friends.

The male need to control women in relationships is identified as another fault line for sexual and other forms of violence against women. Violence is used by men as a strategy of control over women, as it instils pain and induces fear thereby ensuring subordination and obedience. Jewkes and Wood found that in the Eastern Cape, control was commonplace within relationships:

> Masculinity was … defined in terms of control over women, which was in turn closely connected to male notions of ownership of partners. Some girls explicitly recognised violence to be related to male control … boys would often hit their partner in the course of an argument simply to demonstrate that control. Although male attempts at control were usually related to controlling female sexuality, at other times it appeared to be gratuitous: control for control's sake, presumably to assert superiority and hierarchy in the relationship.[29]

In this setting, successful masculinity was partially defined in terms of young men's capacity for controlling their girlfriends, and underlying this construction were explicit notions of hierarchy, ownership of women and place within sexual relationships. Violence, including sexual violence, was used as a means of imposing the (often 'implicit') 'rules' underlying relationships or as a form of control or discipline when the female partner is perceived to have broken the rules or is resisting male attempts to enforce the rules and control their behaviour. Because successful masculinity was dependent on sexual partners following rules, men were therefore made vulnerable by the very partners whom they were attempting to control, and this only heightened the likelihood of them imposing control and/or punishment through increased violence.[30] Similarly, Sathiparsad found in her study of young men in rural Kwa-Zulu Natal that:

> A frequently expressed view was that if talking to a girl failed to elicit the desired response, it was necessary to beat her. Girls could be beaten for a range of reasons including their infidelity or assumed infidelity, assertiveness, disobedience, refusal to have sex, or going out without their boyfriends' permission. The youth were spontaneous in their responses that it was not only appropriate but necessary for males to physically beat females to '*discipline*' them and to assert power over them. Hitting seems to have a clear, two-fold purpose: to constrain her and to demonstrate love. The perception seemed to be that violence brought certain rewards such as respect, good behaviour and acknowledgement that the man was in control.[31]

This violence meted out against girlfriends was frequently motivated by sexual conduct (perceived or real infidelity, sexual refusal or rejection, and sexual assertiveness) and performed through sexual acts (forced sex, rape or streamlining).

Female sexual rejection is another male-female relationship factor that can spark sexual violence. Sexual rejection on the part of a woman can challenge the dominant masculine ideas about male sexual entitlement and female sexual availability, as well as contradict what men may perceive as an implicit contract between men and women (resources, protection, marriage, etc in exchange for sex): all of these contestations to the dominance of the man can legitimise, in his mind, the taking of sex. In their study on sexual violence against intimate partners in Cape Town, Abrahams et al found that refusal to submit to sexual demands by their partners often signified to the men that the woman had other sexual partners – one informant in the study explained that 'it happens all the time' that women suspected or known to have other partners were gang-raped by her partner's acquaintances to 'punish' her. Abrahams et al note that, 'Our study demonstrates the important links between sexual violence and ideas about gender relations, notably in the finding that only two types of conflict were associated with sexual violence, namely sexual refusal, the strongest predictor, and perceived challenges to male control in relationships … the act of forcing sex on a partner demonstrates superior strength and ultimately symbolises the gender dimension in inequalities of power in intimate relationships'.[32]

Gang-rape also speaks to the relationship between men and women. In some gang-rape scenarios, the victim is very carefully selected for a variety of reasons: she might need to be 'punished' for a real or imagined transgression; or in the case of *jackrollers,[33] she needs to be degraded or humiliated because of her perceived class or status as a woman perceived to be a snob or out of reach. Vogelman and Lewis write that, 'Gangs seem to be the exclusive domain of the young males, with women as peripheral yet crucial "components" of this youth culture. They are seen as objects of competition and as sources of affirmation for the masculinity of the young men'.[34] Jewkes et al support this argument by commenting that 'Streamlining is … an unambiguously defiling and humiliating act, and is often a punishment, yet at the same time it is an act that is often regarded by its perpetrators as rooted in a sense of entitlement, or legitimacy. A woman may be streamlined to punish her for having another partner; for behaving outside gender norms (e.g. when deeply intoxicated); for being successful, or for imagining she could be superior'.[35]

Kate Wood outlines four common gang-rape scenarios that she encountered in the course of her research and which speak directly to the nature of the unequal relationship between men and women:
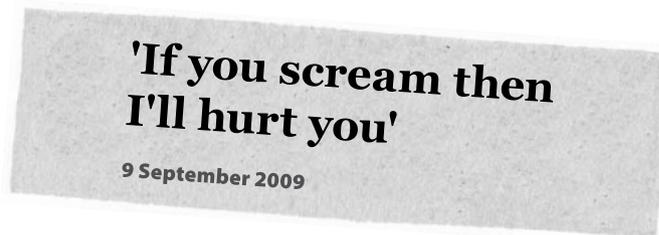
1. Opportunism: the first scenario involves an opportunistic and usually alcohol-motivated group rape, such as when a group of nine girls were stopped by a group of six young men with guns and knives. The girls were told to strip and several were raped.
2. Entitlement: the second scenario happened in circumstances where a group of friends took sexual advantage of girls with whom they had been drinking, who were drunk to the point of being unable to resist. These young women were often characterised as *izifebe* ('bitches'). Alternatively, they were girls who were found sleeping in a friend's or brother's room, and were not in a position to say 'no'.
3. Punishment: the third scenario typically happened where a girl who had refused one of the group's sexual advances was punished by being raped by the man who propositioned her and by one or more of his friends.
4. Relationship termination: in the fourth scenario, a young man 'organised' for his friends to have sex with his girlfriend, as a way of ending the relationship when he was 'tired' of her – because she would not wish to continue the relationship following this ordeal – and/or as a way of 'teaching her a lesson' when she had been sexually unfaithful and made herself into *isifebe* ('bitch'), or if she had been behaving in other ways which publicly undermined his sense of masculinity.[36]

Gang-rape also speaks to men's relationships with other men. As a result of the strong association between masculinity and violence, sexual violence in gangs offers a quick and easy method to level the playing field within the gang, to make an impression on an otherwise indifferent society and to gain social approval, power and pleasure. One of the objectives of gang rape is to publicly demonstrate the rapist's virility to his peers. It is also a form of male bonding (where the woman or victim is incidental): Vogelman and Lewis write that, 'Within the subculture of gangs, rape provides a rationale for solidarity and an interaction based on male bonding and masculine validation',[37] while Jewkes et al found that gang rape 'is sometimes an act of male bonding, a "favour" to the boyfriend's friends'.[38] Niehaus comments that in a gang rape scenario in Impalahoek, the rapists' prime intention was not to punish or humiliate her: 'young women such as [the victim] are "incidental victims" who do not in any way threaten the social position of young men. Gang rape is essentially a kind of male bonding, in which young men who compete for women in everyday life collaborate and share the same woman as sexual object'. He goes on to note that, 'A second important feature of gang rapes is voyeurism and the opportunity it affords young men to publicly demonstrate their heterosexual virility to their peers'.[39]

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* The word Jackroller was coined to refer to the forceful abduction of women in Soweto by a specific gang called the Jackrollers. The original Jackroller gang was made up of a tight network of less than ten associates. The gang was led by Jeff Brown. The most notable practices of the Jackrollers were rape and abduction, car theft and bank robbery. But as the abduction of women became fashionable, anyone who did it could be called a jackroller, and jackroll became a commonly used verb in the township vocabulary.

'If you scream then I'll hurt you'

9 September 2009

Another form of sexual violence that speaks to men's relationships with each other is male-on-male sexual violence, which often occurs in prisons. Research has shown that sexual violence in prisons is a gendered experience that, for the perpetrator, victim and general prison population, symbolically transforms the men who are violated into women (the 'men' who rape make 'wives' of their victims).[40] Sexual violence in prison is informed by the codes and beliefs that are imposed on broader society, including: the sexualised and inferior way in which women are seen; the passivity expected of them; the entitlement of men to sex from women; and the fact that victims of forced sex are seen as in some way to blame for the violation. The 'women' (who are labelled as such through rape and sexual coercion) become the sexual and general property of 'men'. For a man who has been sexually violated in prison and made into a 'wife', a promotion back to manhood requires the performance of some form of violent act. Coercive male-on-male sex in prison is sustained by hierarchies of power (the masculine/dominant partner and a submissive/subservient partner), violence and fear. For the victim, the sense of a demolished masculinity and an imposed womanhood are central to the stigma and shame of sexual violence in prisons, which often silences the victims of such violations. Sasha Gear writes that: 'Marriages [in prison] are modelled on dominant heterosexual relations between men and women and this legitimises them and normalises the abusive relations they usually contain'.[41] As in many sexually violent heterosexual relationships outside prison, the line between coercion and consent can become very blurred in prison because of the commodification of sex (where it is exchanged for necessities or luxuries) – this mirrors the phenomenon of transactional sex outside prison.

Community Factors

One of the fault lines for sexual violence is the disjuncture between the constructed masculine standards considered to be the ideal, and the lived reality of masculinity in many men's lives. Men are often committed to this ideal model of masculinity (which assumes gainful employment, economic success, household headship, and sexual entitlement) and then struggle to meet the various challenges posed by this ideal. Failure to meet the standards set by the ideal can result in feelings of inadequacy and the need to give a 'performance' of masculinity that involves one of

the hallmarks of masculinity: aggression. The taking of sex is a relatively simple but violent performance of masculinity that can achieve a feeling of ascendancy over both women and other men: rape asserts the subjectivity and physical power of a man whose status might otherwise be insecure, and humiliates the victim as object. The need for men to achieve ascendancy is particularly important for his status in the community and therefore sexual violence to achieve or maintain status becomes a community issue.

In his study of masculine domination in sexual violence, Isak Niehaus illustrates this violent performance of masculinity with reference to two specific rape cases in the Impalahoek area.[42] In the first case, the perpetrator was unemployed and depended on his wife's disability pension – he therefore failed to meet the masculine challenges of his age cohort that expects men to support their spouses. This rapist carefully selected his victims for their employment and wealth status and then systematically degraded them to bolster his own sense of self worth. In the second case, the rapist could not control the sexual behaviour of his wife and retaliated by raping his stepdaughter – men like this rapist strike out at vulnerable women whom they *can* control, and thereby reconfirm a masculinity otherwise denied. By raping his 'stepdaughter' the rapist also asserted his dominance within the household.[43] Similarly, when Lloyd Vogelman studied a group of rape perpetrators from the Riverlea community in southern Johannesburg, it became apparent that the perceived feelings of inadequacy among the rapists – in relation to external stimuli such as their work, political, social or economic status, or often a combination of these – resulted in them exerting or asserting what power they felt they did have in an aggressive and coercive manner. This is illustrated by a comment made by one rapist that he felt, 'I was the best, I had put her down … [also] it made me feel even better … to know I am a man because a woman is bowing down to you'.[44]

Thus the existence of a masculinity that is constructed around ideals such as economic success and male supremacy (and the inevitable failure of some men to meet this ideal standard), combined with an acceptance of violence and aggression as characteristics of real male-ness, results in some men needing to re-assert their masculinity and gain ascendancy through the performance of a violent act. Sexual violence provides these men with a way to feel powerful and communicate with themselves about the affirmation of their masculinity.

South Africa has what has been coined by some as a 'culture of violence': it is widely accepted that there are very high levels of violent crime in South Africa. The question is whether sexual violence is a separate phenomenon to the general violence that occurs in South Africa, or whether sexual violence is just one form of this violence and rooted within this milieu of violence. While sexual violence is a particularly pernicious form of violence and the causal factors in its continued perpetration may be more complex than those for other forms of violence, the high levels of sexual violence are certainly fostered by a society that tolerates violence in general as the accepted norm. One key risk factor for the perpetration of sexual violence, identified by most practitioners, is the fact that many offenders come from very violent communities and have witnessed and exercised all kinds of violence, particularly of a physical nature, on a regular basis during the course of their lives. For some men, violence has been socialised into them as a way of coping with life from an early age. This phenomenon is cyclical: the violent behaviour of adults provides boys with a model of behaviour to relate to, which they then internalise and act out, providing violent behaviour as a model for the next generation. This seems to be a salient feature of the country and is rooted in the history of Apartheid.

In South Africa, violence is accepted as a long-standing means of resolving conflict and problems in the family, in sexual relationships, in school, in peer groups, in the community and in political spheres. Assault is so common that it has become acceptable in a wide range of relationships, and children experience, internalise and then replicate the use of force and violence in the home, community, by police, at school and so on. This social tolerance of violence in general only serves to foster the perpetuation of sexual violence. Vogelman comments that 'the eulogisation of violence as an appropriate tool to get what one wants means that the committal of violence often does not result in social censorship, but rather provides additional social status to the perpetrator'.[45] That sexual violence is so pervasive at schools indicates how far society is complicit in allowing this scourge to continue unabated. Abrahams points out in her study that 'The numerous experiences of sexual harassment by male teachers and male learners confirm that it is a major problem in schools. The greatest concern is the teachers' abuse of their power over the schoolgirls to gain sexual access to them. The teachers' conspiracy to support each other is an indication of its pervasiveness. These experiences diminish the

Principal suspended after rape allegation

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educational chances of girls'.[46] Violence is also perceived and experienced to be common among unmarried and married people alike, and therefore accepted as part of a normal relationship. A study in Umtata found that forced sex and physical assault were regarded by both adults and young people as 'normal' parts of young people's love relationships: this was so to the extent that violence was known to be very common and women perceived that little could be done to stop or avoid violence in their relationships.[47] Mothers were aware of violence but did not find it problematic and did nothing to intervene or stop the violence. In this Eastern Cape study, it was found that a variety of different players in responsible positions (including police, parents and teachers) turned a blind eye to young men's violence against their girlfriends, thus giving out the message that the violence was tolerable and contributing to the perception that certain forms of violence, especially those seen as disciplinary, were acceptable.[48] The expectation of sexual coercion in relationships and the associated adaptive behaviours contribute to a culture of sexual violence: young people have internalised the risk of sexual abuse into misconceptions about sexual violence that fuel the problem.[49] This tolerance (and active perpetration) means that sexual assaults are so normalised that they are often not seen as harmful or criminal, by the police, courts, perpetrator, and by society at large. Vogelman noted that in his study of rapists, most rapists were 'calm immediately after the rape. They made no attempt to flee the scene of their crime. Some even escorted their victims back to their homes or to the discotheque where they were previously … The fact that a rapist can walk his victim home, or take her back to the disco, without extreme fear of legal or social reprisals, may point to the perception that he has done nothing criminal or harmful'.[50]

The use and misuse of alcohol and drugs can be a risk factor associated with sexual violence for both victims and perpetrators. Although substance abuse may also be considered an individual risk factor, in the South African context drinking alcohol and even

taking drugs is often a community activity. Drinking and drug-taking regularly happens in local community shebeens, which can facilitate the perpetration of sexual violence. For perpetrators, drugs and alcohol can act as disinhibitors contributing to sexual aggression; however, it must be noted that the choice of a woman as the target of that aggression is due to attitudes (by men and society) towards women, sex and violence. Alcohol also increases the vulnerability of women because it reduces their ability to interpret and act on warning signs and defend themselves.[51]

Societal Factors

There are a complex set of societal factors that contribute to the acceptance and perpetration of sexual violence in society. South Africa is burdened with a violent past, a legacy of poverty, and an entrenched patriarchal ideology in which social and cultural norms promote and sustain gender inequality. The combination of these elements with individual risk factors, such as an abusive childhood, plays a role in maintaining the high levels of sexual violence in South Africa.

Political and Economic Changes

Niehaus believes that 'acts and discourses of sexual violence are not isolated from broader political economic changes, particularly from experiences of de-industrialisation. High job losses amongst men often stand at the centre of the disintegration of domestic units, the disjuncture between men's ideals and actual life situations and the prominence of criminal lifestyles. All these factors are related to violent assertions of masculine dominance'.[52] And Wood states that 'High levels of sexual violence have been linked to patriarchal gender ideologies and to a "crisis of masculinity" in a context where working-class African men have long been marginalised'.[53] She believes that for generations of working-class men – historically disenfranchised and profoundly disadvantaged by the exploitative migrant labour system that defined the colonial and apartheid economies – the family domain became the primary sphere in which they could (coercively if necessary) re-assert their sense of masculinity. Since the first democratic elections in 1994, it has been argued that the re-definition of gender and the liberalisation of sexuality entailed by the democratic transition

have posed serious challenges to orthodox, mainly authoritarian notions of masculinity, leaving many men with a disempowering sense of irrelevance in the domestic sphere. This has fuelled levels of domestic and sexual violence as men strive to re-assert themselves and gain ascendancy over women.

The high levels of poverty and the growing gap between rich and poor are a key risk factor associated with sexual violence in South Africa. Poor housing conditions force children to witness their parents or other relatives engaging in sexual acts; this in turn promotes sexual experimentation without proper guidance. In their report on the epidemiology of rape and sexual coercion in South Africa, Jewkes and Abrahams explore the complex relationship between sexual violence and poverty. They posit that sexual violence and the control of women in male peer group positioning must be understood within the context of the limited number of other recreational opportunities available to poor township and rural youth. They also explain that poverty increases the likelihood that women will engage in sex work or more subtle forms of transactional sex, and that poverty forces women to carry out a range of daily activities which place them at higher risk (i.e. fetching wood and water, difficulties in accessing transport, desperation for employment and so on). In relationships of dependency, which often result from the low economic status of women, women may find it difficult to protect themselves from sexual exploitation.[54]

Economic hardships go a long way to creating stressful family relationships – emotional withdrawal and emotional distancing is common in these situations and poverty leads to difficulties in child monitoring and supervision, which increases the vulnerability of children. Parents – particularly from impoverished communities – may relinquish their parental duties because, for instance, they have to go to work a long distance away, and therefore do not exercise the necessary care over their children. The lack of supervision and care of children is therefore a risk factor present particularly in poor communities.

However, the simple link between economic/political marginalisation and sexual violence has been problematised by women working in the field of sexual violence. Lillian Artz argues against the theory that violence against women, particularly within the domestic sphere, begins in a society and political culture where

violence has been used as a means of resolving conflict and inevitably 'spills over into the social and domestic arenas of society'.[55] She contends that this take on violence against women not only takes responsibility of violence against women away from men, but also locates this violence in politics: it sends the message that violence against men is political and violence against women is somehow merely a product of a 'political culture'.[56] Teboho Maitse supports this view by commenting that**:**

> Using the theories of social deprivation to explain crimes against women results in projecting blame onto an abstract, albeit genuine, reality, rather than placing responsibility with the perpetrator. The rationalisation that crimes against women are a by-product of social deprivation is not rooted in historical reality – men have been assigned the ultimate power and authority over women from time immemorial. Women are not exempt from poverty – in fact, they are the poorest of all people in this country; yet they do not rape or commonly commit violent acts against people. Most critically, using poverty to explain men's violence towards women risks excusing violence, and does not force men to take responsibility for their actions.[57]

In addition, a recent study by Jewkes et al, found that more advantaged men (defined through maternal education, earning power or wealth) were more likely to rape women, especially non-partners. The authors suggest that this is because these men have an exaggerated sense of sexual entitlement and a need to enact fantasies of power.[58]

Gender Inequality

Unequal power relations between men and women open up a range of opportunities for abuse. In a society where unequal gender relations are coupled with ideologies of sexual entitlement and the availability of women for sexual use, the opportunities for sexual violence are manifold. In relation to gender inequality, Helen Moffett argues that in post-apartheid South Africa, where men have experienced the 'crisis of masculinity' referred to above, men have used sexual violence to keep women in a subordinate position: 'in other words, women (instead of black people) have become the potentially powerful, unstable subclass that must be kept in their place'.[59] She illustrates this by relating the following story**:**

> A taxi-driver openly described how he and his friends would cruise around at weekends, looking for a likely victim to abduct and 'gang-bang'. His story was unselfconscious and undefended: he showed no awareness that he was describing rape, much less criminal behaviour. When the interviewer pointed out that his actions constituted rape, he was visibly astonished. What was most striking was his spontaneous and indignant response: 'But these women, they force us to rape them!' He followed this astonishing disavowal of male agency by explaining that he and his friends picked only those women who 'asked for it'. When asked to define what he meant, he said, 'It's the cheeky ones – the ones that walk around like they own the place, and look you in the eye'.[60]

This reflects a disturbing pattern in which a woman is described as 'asking for it' because she has asserted her own will, answered back, moved around on her own, and so on.

Moffett thus sees sexual violence as a way to 'police' a subversive female element within the population. She observes this trend throughout the strata of society, quoting examples of a senior male politician and ordinary man who both espouse political equality between men and women, but insist that 'democracy stops at my door'.[61] Moffett notes that, in terms of gender equality, 'a devils' bargain has been struck; women are widely accepted as having equal political status, even within structures like parliament, as long as they remain subordinate in the private and domestic realms. It is entirely possible that rape covertly performs the function of policing this fault-line'.[62] Sathiparsad reinforces this argument when she notes that although many participants in her study of young men in Kwa-Zulu Natal spoke of equal rights in the home, they still subscribed to the notion that males must be dominant, as illustrated in the following comments: 'The rights are there, but a man comes first. The wife must give respect to the man at home'; 'If we look into this closely, the mother can take a decision; she can take a decision, but not a final one'; and 'It must be clear who is the man here in the house. It can't be that I (as a man) would say something and you (a woman) do not agree with it. How come?'[63] The youth were reluctant to part with the ideology of male headship, agreeing that while a woman should be given certain 'degrees' of equality, this should be firmly under

the overarching authority of the male head. The discussions with young men in this study therefore indicated that the patriarchal system, with relations of power in favour of men, operated fully in their homes and in the community. In keeping with the hierarchy consistent with the patriarchy system, the participants reported that fathers headed the households and commanded more power, control and respect than mothers. Heading the household entailed making rigid rules, making decisions, controlling household activities and providing materially for the family. These are, then, examples of a 'lived ideology' where behaviour reflects the beliefs, values and practices of a given society or culture – in this case, where the ideology is that of male superiority over females, that behaviour may entail violence in an attempt to maintain the status quo.[64]

Gender, Cultural and Social Norms Relating to Sexual Behaviour and Attitudes

Intrinsically linked to gender inequality is the existence of traditional gender and social norms supportive of gender-based violence in South Africa. Without exception and across racial and cultural lines, this factor is cited as the underlying cause of all forms and manifestations of sexual violence in the country, whether it is incest, child sexual abuse, stranger or opportunistic rape. Societal influences sustain the occurrence of sexual violence through: misplaced social beliefs about the situational elements that constitute rape; belief in and internalisation of rape myths that result in victim blaming (displacing the responsibility for the sexual violation by attributing the crime *against* the victim *to* the victim instead of the perpetrator); and cultural and religious beliefs that reinforce social beliefs which engender sexual violence against women. These elements create what is known as a 'rape culture' – a society which accepts sexual violence as the norm, which treats victims with suspicion and disrespect, and treats perpetrators with impunity.

Men's beliefs and attitudes around women and sex can shape their behaviours in the sexual arena. A combination of misconceptions about acceptable sexual behaviour and a patriarchal outlook can foster the acceptance of and perpetration of sexual violence. Sexually violent men see the sex act variously as a physical need,

a strategy to acquire position, a weapon of revenge and a resource to be exchanged. Some rapists have so confused domination and sexual affection that they perceive themselves as lovers – for them the line between the sex act and violence is very thin.

One fault line for the perpetration of sexual violence by men is the impersonalisation of the sex act itself. When the sex act is perceived as a vehicle for fulfilling a man's needs and is divorced from the person from whom it is taken, it holds the potential to become a violent act. In this scenario, women are objectified to the extent that they become secondary to the performance of the act – and the man's capacity for violence is therefore unchallenged by feelings of compassion for the fear or pain of another human being. When respondents in Vogelman's study spoke about the sex act in sexual violence, they completely divorced the act from any form of emotion. One respondent stated, 'I felt nothing at the time, I just wanted to have sex'.[65]

In relation to this, many explanations for the causes of sexual violence tend to avoid the 'sex' aspect of sexual violence. It is important to include sexual desire in the debate on the causes of sexual violence. For those men whose sexuality is such that they are hormonally capable of or driven to have more sex, how do they learn to deal with their sexual needs and sexual urgency? The commonly held belief is that such a man, or any man with sexual urges for that matter, should release his sexual tensions – resulting in men feeling entitled to force themselves on a woman when their sexual need so dictates. The myth that men's sexual cravings are uncontrollable and are therefore the reason why he rapes is used by men to explain their behaviour. One rapist in Lloyd Vogelman's study commented, 'you get guys that get tempted … They see a girl walking with a mini and he goes and rapes her'.[66]

It is thus the combination of a biological sexual urge with cultural (an ethos of entitlement) and personality (un-empathic/unemotional/antisocial) factors that will motivate a man to become sexually violent. In a society such as South Africa, where myths supporting sexual violence are widely believed and where cultural norms sustain the male sense of entitlement, it is difficult to ascertain whether

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'I felt nothing at the time, I just wanted to have sex'.

the biological sexual urge or the belief/imperative that the biological sexual urge must be acted upon, is the primary driver behind sexual violence.

Reiterating the notion of the impersonal sex act is men's acceptance of the phenomenon of transactional sex, which is widespread in South Africa. Dunkle et al explain that of particular concern in South Africa is the way in which financial or material needs can introduce an explicit power imbalance into sexual relations:

> In qualitative research women often assert that accepting financial or material assistance from a man means accepting sex on his terms, which very often means without condoms. Women may also face rape and physical violence from men who anticipated that financial outlay would be reciprocated by sex, and women often tolerate physical or sexual violence in order to sustain relationships which provide critical income … Financial and material exchange as a motivating force underlying sexual relationships is a well-recognised dynamic in the HIV pandemic, particularly in sub-Saharan Africa. Often referred to as transactional sex, it is a motive for women to have sex in situations where they might otherwise refrain, and has been noted as a potential source of women's vulnerability to gender-based violence and sexual exploitation.[67]

Explicitly transactional sex and rape are both types of impersonal sex. Dunkle et al found that transactional sexual relationships, whether such exchanges involve giving or getting resources, are strongly correlated with increased perpetration of gender-based violence by young men and therefore likely to fit within a broader continuum of men's exercise of gendered power and control over women's sexuality. In particular, the association between perpetrating violence and getting money or goods from sex partners suggests that simple financial empowerment of women may not decrease gender power dynamics or violence risk.[68]

In the context of relationships, Wood and Jewkes found that 'if a girl accepted a male "proposal" to love, she would be expected to have sex whenever he wanted it in return for presents, money, being visited frequently and taken out to parties and films. Thus sexual refusal on the part of girls, which contradicted this "con-

tract" as well as challenging dominant ideas about (male) sexual entitlement in relationships and female sexual availability, was an important catalyst for assault and was seen (by some men) to legitimise the "taking" of sex, by force if necessary'.[69]

Culture plays an important role in shaping men's beliefs and attitudes around sex. Sathiparsad found that among young men in rural Kwa-Zulu Natal, 'Payment for the woman in terms of the *ilobolo* custom seemed to serve as a guarantee for sex, which, if not readily forthcoming, could be taken by force. Such action illustrates the cultural construction of masculinity where male authority in the sexual domain is legitimised'.[70] She notes that the responses she received from the participants in her focus groups 'suggest that sexual entitlement within marriage is an entrenched feature of cultural norms'.[71] In her study on gang-rape, Wood notes that, 'As other researchers have pointed out, contemporary actions occurring in one context, such as group rape, are linked contextually to other domains of cultural practice. In this particular South African context, the practice of *ukuthwala* or "bride capture", which persists in some rural areas of the former Transkei, is worth exploring, not in a directive explanatory sense, but as part of a context in which male collective coercion has long been deemed historically acceptable (as long as certain rules are followed)'.[72] She explains that *ukuthwala* is the culturally legitimated abduction of a woman through which a circumcised (therefore adult) man can take a wife – this custom demonstrates that a woman's lack of consent does not automatically turn an act of sexual coercion into rape because the act involves her future husband and, as outlined above, rape 'cannot' occur within marriage. Forced sex seems to generally take place as part of the process in *ukuthwala*. Wood goes on to comment:

> Even in cases where the girl had to be held down by other men for penetration to take place, most elders the author spoke to did not equate this with rape … This was primarily on the basis of the man's intentions: the act of penetration – violently enacted or not – was one crucial part of the process of turning a girl into a wife, and thus enabled her attainment of an adult status (assuming her prior virginity), and thus could not be equated with contemporary urban rape, which had no decent intention.[73]

There is a lot of controversy surrounding socio-cultural influences and very little empirical research to support some of the claims. However, certain theoretical positions can assist in explaining this phenomenon. One such theory is around feminist ideologies about patriarchy, male dominance and male violence. Unequal gender and power relations serve to perpetuate patriarchal ideologies and create a culture of male sexual entitlement. The conclusion feminists draw is that men are not biologically hard wired to behave abusively towards women and children, but through wider ideological influences and socialisation processes, they come to believe that they have a right to be sexually and emotionally sustained by females. In typical patriarchal families men learn that their power is endorsed by patriarchy which provides an often unquestioned opportunity for them to intimidate and control those who are less powerful than them. This can find expression in many forms. For example, it is reported that in some parts of the country fathers are having sex with their daughters before they get married, because they cannot give their virgin daughter away before having had sex with her. In some cases of child sexual abuse and incest, twisted religious beliefs and traditional notions around family structures and hierarchies are potential risk factors in the perpetration of sexual violence. The learned behaviour of boys and girls is characterised by patriarchal ideology as well as most religious doctrines. Central to this is the concept that children are brought up to trust unquestioningly and obey their parents and other adult authority figures. This unquestioning obedience might have a double effect in the sense that it may place a child at risk of sexual abuse because of his/her acceptance of subjugation, or it may provide a protective factor that allows adult members of the family ultra protective rights over the children. Children's socialisation into obedience and silence, and their realistic fear of breaking such codes, may contribute to their abuse.

Daughter raped – mother fights for justice

22 September 2009

CIETAfrica conducted a national cross-sectional study on views on sexual violence in South Africa, in which they found that South African men were more likely to have misconceptions about sexual violence than South African women. These misconceptions about sexual violence and belief in rape myths included: sex with a virgin cures AIDS (12.7% of respondents); sex is a proof of love (28%); girls cannot refuse sex with a boyfriend/intimate partner (30%); it is not sexual violence to force sex with someone you know, therefore their definition of rape would exclude this activity (58%); women enjoy being raped (26.5); girls mean yes when they say no (48.5%); girls like sexually violent guys (17%); and girls who are raped ask for it (10.5%). The study found that there was a direct link between these misconceptions about sexual violence and the claim to have forced someone else to have sex.[74] Furthermore, 8% of men thought it was okay to punish his wife by beating her up or sexually abusing her and almost two-thirds of men believed women were partly responsible for sexual violence. These myths surrounding rape seem to have penetrated the minds of rapists and the public alike in South Africa, with an unchallenged acceptance and internalisation of the misconceptions that feed into and sustain a culture of rape. As such, men shift responsibility for sexual violence/rape onto women.

Another important factor in men's beliefs and attitudes around sexuality is that women are not entitled to take the initiative or have any control in sexual relationships. Men question a woman's fidelity when she expresses or appears to express a desire to be in control of their sexual relationship. This highlights men's need for power and control in the relationship, at least in the sexual terrain. Thus when women initiate sex it is read by men as an attempt to challenge men's domination and question their masculine identity, with men's need to be 'on top' in sexual intercourse translated as metaphoric of male dominance. This is supported by Sathiparsad's research, where she found that 'Participants were clear that it was unacceptable for women to initiate sex. At most, women must be passive. The reality of women seeking sexual pleasure and the secrecy surrounding female sexuality is at the heart of much abuse and violence against women'.[75] Violence is an accepted means to regulate women's sexuality: a fear of violence from male partners is frequently cited in a casual, by-the-way manner, as explanation for women not asserting their needs and desires in their relationships.

Unfortunately, women's beliefs and behaviours around sexuality are also informed by patriarchal beliefs and norms, and as such often serve to bolster men's beliefs: 59% of women surveyed in a national study said that a sexually violent man is a more powerful man; as many as 27% of female youth said forcing sex with someone you know is never sexual violence; and two out of three women said sexual violence is at least in part the woman's own fault.[76] Furthermore, the internalisation of feminine gender role stereotypes such as passivity, submissiveness and a need to please men means that women become ineffective communicators in sexual relationships and succumb to the dominant male discourse around sex and sexuality.

Some harmful traditional cultural practices also play an important role in shaping women's attitudes around sexual behaviour. Many black women in South Africa believe that the payment of lobola means that her husband owns her and, as such, she has to have sex with him: women have also internalised the idea that married women cannot refuse to have sex with their husbands. Similarly, Sa'diyya Shaikh explains that the beliefs that 'a good Muslim woman is available for sex whenever for husband asks for it' and 'a man has access to a woman's vagina and she has rights to a dowry' have 'strong social currency in some sections of the Muslim community today, and [such beliefs] contribute to a very hierarchal sexual and gender configuration in marriage'.[77]

In youth relationships in the Eastern Cape, violence was perceived to be an indication of the depth of feelings, and intense male jealousy (characterised by violence) seen as an explicit sign of love. In this context, girls also distinguished between forced sex and rape, where rape was an act violently enacted by a stranger but forced sex was seen as stemming from overwhelming affection or marking the commencement of a relationship.[78] The normalisation among women of coerced sex indicates how low expectations of genuine sexual negotiation are within relationships.

Women arrested after alleged rapist killed

25 October 2009

Women's constructions of sexuality thus become responsive to and in service of male sexuality: women believe that an agreement to love equates specifically with penetrative intercourse, being available sexually for a male partner, and complying with male sexual demands. In one study of youth relationships, males were said to resort to a plea that sex was a male 'need' that could not be ignored – as such, sexual involvement was linked by girls to obligation and male expectation.[79]

Wood et al found that among young girls, peers deliberately mystified sex. As a result, there was a distinct lack of input by sexually experienced female peers, which served to preclude the creation of a space where male definitions of sex could be challenged and therefore served to reinforce them. The absence of sexual knowledge from female peers meant that women were initiated into sexual matters (and beliefs) by men.[80] This is linked to the taboo attached to speaking about matters of sexuality in African culture – the silence fosters misconceptions and bolsters the status quo which is heavily in favour of destructive male notions of and attitudes towards sex.

The Criminal Justice System

Although this report focuses on the societal factors that contribute to high levels of sexual violence in South Africa, it is important to briefly mention the role of the criminal justice system in this discussion of societal factors. A poor criminal justice response to sexual violence does create a culture of impunity, whereby perpetrators know that there is only a small chance that they will be reported to the police, arrested and convicted of the crime. This means that sexual violence is one of the easiest crimes to get away with in South Africa: and this in turn allows those who are committing such crimes to continue their destructive behaviour unhindered.

South Africa has a comprehensive legislative and policy framework for responding to sexual offences, including the new Sexual Offences Act, specialised sexual offences courts, Thuthuzela Care Centres, and comprehensive National Policy Guidelines for Victims of Sexual Offences. However, law reform alone is limited in dealing comprehensively with sexual offences: laws and policies need to be properly costed and implemented in order to be efficacious.

As such, despite various measures aimed at assisting sexual offences victims, the response of the criminal justice system to sexual offences has been severely curtailed by inefficiency, major backlogs and conservative attitudes, issues which are borne out by the paucity of convictions for sexual offence crimes. A report by the South African Law Reform Commission (SALRC) found that across South Africa in the year 2000, only 5% of adult rape cases and 9% of child rape cases reported to SAPS resulted in convictions (and these figures are significantly lower in some provinces). Respectively, 68% and 58% of cases reported to the police did not even make it to court. Fifteen percent and 18% of cases were withdrawn – withdrawals could be the result in cases where: the rape survivor is intimidated by the perpetrator, particularly when known to the survivor; if the rape survivor is afraid of the possible reaction of unsupportive partners or parents; because the complainant laid a false charge; or because the police persuade the complaint to withdraw the charges where the evidence is weak.[81] Of those adult rape cases that went to trial, more resulted in acquittals than convictions.[82] The SALRC report concluded that: 'Crime pays. South African criminals, even violent criminals, tend to get away with their crimes'.[83] A more recent study has found that there is significant attrition of rape cases through the criminal justice system in the Gauteng Province of South Africa. Key findings from this research include, among others: that half the cases in our sample resulted in arrests; trials commenced in 17.3% of cases; a conviction for any crime resulted in just over 1 in 20 cases; and a conviction for rape was secured in just 4.1% of cases. Of those cases that resulted in conviction, 15.6% of perpetrators were sentenced to less than the mandated 10 years minimum sentence; indeed, of the 41% of perpetrators eligible for a life sentence under South African law, a life sentence was handed down in a mere three cases.[84] These figures make it clear that a long-term, sustainable strategy to eradicate sexual violence will only become viable once both preventive and reactive measures regarding sexual violence are enhanced: the criminal justice system, as one facet of this holistic strategy, needs to be improved and legislation pertaining to sexual violence, in particular, needs strengthening.

Hand-in-hand with poor conviction rates is the secondary victimisation suffered by victims of sexual offences within the criminal justice system. Victims of sexual violence are likely to encounter some, if not all, of the following experiences: scepticism, insensitivity or outright dissuasion while laying a charge, no private waiting rooms or report-taking facilities, long waiting periods before being taken for medical examination and treatment, no information or explanation about police or court procedures or the progress of their case, the use of prejudiced criteria in deciding whether or not to prosecute or close cases, long delays between reporting a case and that case going to court, and being subjected to biased attitudes and degrading cross-examination in court from court officials as well as the accused and his defence counsel.[85] This treatment not only compounds the initial rape trauma, but may lead to women subsequently withdrawing charges and even dissuade women from laying charges in the first place.

The response of the criminal justice system does therefore play a part in the sexual violence problem in South Africa, in as much as it allows perpetrators to go unpunished (and therefore free to sexually violate again) and discourages victims to speak out and seek justice.

CONCLUSION

It is clear that the problem of sexual violence in South Africa is a complex and multifaceted phenomenon rooted in long-standing societal factors and cultural beliefs. These factors and beliefs might impact differentially on different communities and individuals. As such, a holistic approach with coordinated interventions at both a national and localised level are required to reduce the prevalence of sexual violence and its associated, often devastating, outcomes. It is our view that, while response mechanisms are crucial and must be strengthened and made more effective, interventions around sexual violence should ultimately aim at preventing sexual violence and should follow a risk assessment approach, taking into account the risk levels of both victimisation and perpetration. Below we set out recommendations aimed at providing such a holistic approach to the eradication and prevention of sexual violence, with a special emphasis on prevention strategies.

RECOMMENDATIONS

The following recommendations are divided in three sections: health and support services for victims of sexual violence; response of the criminal justice system; and prevention of sexual violence. In terms of time-frames, the recommendations are classified as**:**

◎ quick gain measures: within two years;
◎ medium term measures: between 2 to 5 years; and
◎ long-term measures: 5 years onwards.

Most of these recommendations are directed at government. However, due to the very peculiar nature of sexual violence, there are a number of recommendations that require the mobilisation and involvement of civil society organisations and the population as a whole.

Support and Health Services for Victims of Sexual Violence

The recommendations in this section are aimed at increasing access to support and health services for victims of sexual violence.

Quick gains:
◎ An evaluation should be conducted to assess the rate of success in the implementation of the current policies and guidelines on the assessment and treatment of victims of sexual violence by health sector professionals. The evaluation should identify key challenges in the implementation of policies and areas for improvement.
◎ Many victims and potential victims of sexual violence are not aware of the options available to prevent unwanted pregnancies or sexually transmitted diseases, such as HIV, after rape. Public awareness and information campaigns publicising the services of health facilities for victims of sexual violence, such as the provision of post-exposure prophylaxis (PEP) and termination of pregnancy, should be designed and implemented.

◎ Sexual violence in prisons has become pervasive, but few interventions have been developed and implemented effectively. An audit of the whole spectrum of health services related to sexual violence offered to prisoners should be conducted and interventions should be developed accordingly.
◎ Non-governmental organisations have played a crucial role in the provision of counselling and therapeutic services for both adult and child victims of sexual violence. They have developed expertise and provide high quality services to the victims, but are challenged by a lack of resources and long-term sustainability issues. The work of this sector should be supported and government budgetary allocations should be made to this effect, as soon as possible.

Medium term:
◎ The Sexual Offences Act contains a number of problematic clauses dealing with services for victims of sexual offences, and compulsory HIV testing of alleged sexual offenders. The SOA stipulates that in order to access emergency treatment, victims of rape have to report to a police station or designated health facility within 72 hours. The SOA does not take into consideration the numerous barriers for reporting rape and the nature of emergency medical treatment, which should be rendered without delay and should, as far as possible, avoid bureaucratic requirements. The process of designating health facilities that can administer treatment is cumbersome and might limit access to treatment even further. It is recommended that these sections of the SOA are revised and modified in order to facilitate easy access to services for victims of rape.
◎ The network of public health facilities where victims of rape can access post-exposure prophylaxis and termination of pregnancy services should be expanded.
◎ Moreover, an original version of the Sexual Offences Bill provided that all victims of rape should receive HIV testing, the best possible medical care, treatment and counselling. The final SOA did not include the so called 'treatment clause', exonerating the state from providing comprehensive physical and

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mental health support for the victims. It is recommended that the SOA is revised to provide a holistic intervention for victims of sexual violence, including mental health services.

◎ The capacity of the non-governmental sector working in the sexual violence service provision field should be expanded and supported to generate long-term sustainability. To this end, specific assistance should be provided by government to facilitate the drafting of proposals and budgets to access government funding for the sector.

◎ As part of its strategy to improve the services for victims of sexual violence, the government developed a model of care centres where victims of sexual assault could receive a range of medical and legal assistance under one roof. These are the Thuthuzela Care Centres (TCCs), which are normally located within a hospital. There are currently only 17 TCCs in the country. A countrywide project – lead by the Sexual Offenses and Community Affairs (SOCA) unit of the National Prosecuting Authority (NPA) – aimed at expanding the network of TCCs to 50 policing areas that consistently report the highest number of cases of rape is under way. The project should be given priority in terms of delivery frameworks, and adequate financial resources should be made available.

◎ The modelling and expansion of the TCCs should include an assessment of the specific needs of vulnerable groups such as children, the elderly, people with physical or learning disabilities, sex workers and migrants.

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The network of public health facilities where victims of rape can access post-exposure prophylaxis and termination of pregnancy services should be expanded.
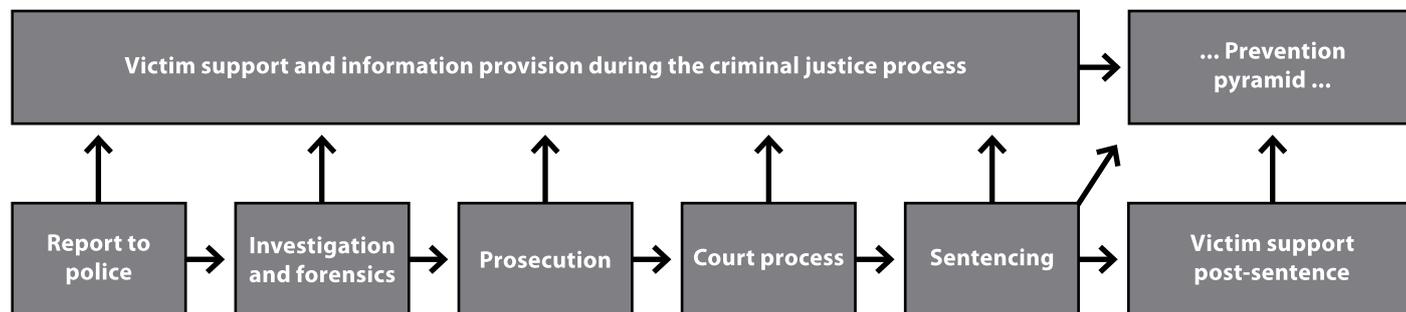
Long-term:
◎ Professionals in the health sector are strategically positioned to assist victims of sexual violence as they are usually the first 'port of call' in different stages of the violence cycle and its outcomes. The scarcity of qualified and competent personnel in the health sector should be addressed. More resources should be allocated to the employment and training of health sector professionals to deal with sexual violence victims. The services for victims of sexual violence should include counselling and therapeutic assistance by qualified psychologists and/or social workers.

◎ Once the viability and success of the TCCs has been measured, the network should be expanded to other areas of the country, with a special emphasis on reaching deep rural areas.

The Response of the Criminal Justice System

The response of the criminal justice system to sexual violence in the country has been rather deficient and it remains a source of contention between government and civil society. Although attrition rates are usually very high in sexual cases world-wide, particularly in rape cases, the figures in South Africa are a cause for concern. The response of the criminal justice system should have an impact in the prevention of sexual violence. Hence, there is a need to improve its responses at different stages. Figure 1 below illustrates the key stages of the criminal justice system, each of which should encompass support for victims of sexual violence.[86]

Figure 1: Key Stages of the Criminal Justice System

| Victim support and information provision during the criminal justice process | ... Prevention pyramid ... |

Report to police → Investigation and forensics → Prosecution → Court process → Sentencing → Victim support post-sentence

Quick gains:

◉ In 2006, the then Ministry of Safety and Security announced a number of measures to improve the service delivery of the South African Police Service (SAPS). One of the measures was the decentralisation of the Family Violence, Child Protection and Sexual Offences Units (FCS). These specialised FCS Units should be reconstituted and provided with a budget adequate to the task of policing sexual violence and providing the necessary support to victims of sexual violence.

◉ In December 2007, the Sexual Offences Act was passed. According to the SOA, a National Policy Framework aimed at providing interdepartmental co-ordination and oversight for the implementation of the SOA should be established within one year of the implementation of the Act. The SOA is silent on the role of civil society in the establishment of the National Policy Framework. This oversight in the SOA should be rectified by government, who should consult and rely amply on the expertise of civil society to develop the most victim friendly policy framework for the new SOA. As this report goes to print, almost two years since the SOA was passed, the National Policy Framework has yet to be publicised and/or implemented.

◉ Training on the substantial and procedural aspects of the SOA should be designed and rolled-out to all the members of SAPS and members of the judiciary on an ongoing basis. The training materials and the training itself should be offered in several official languages.

◉ Victims of sexual violence feel intimidated and unwelcome by members of SAPS and the judiciary, who in many instances are perceived as judgmental and non-cooperative. Training on the nature of sexual violence and the special needs of victims of sexual violence should be designed and rolled-out to all the members of SAPS and the judiciary, on a regular basis. The training materials and the training itself should be offered in several official languages.

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Training on the nature of sexual violence and the special needs of victims of sexual violence should be designed and rolled-out to all the members of SAPS and the judiciary, on a regular basis.

◉ Magistrates dealing with sexual offences are, to some extent, victims of the 'domino effect', as their decisions are dependent on how well the other agents of the criminal justice system, such as police officers, manage the sexual offences. Extensive research should be conducted to identify evidential weaknesses in the processing of sexual offences.

◉ Systems and regular training for members of SAPS should be put in place to improve the gathering of data and evidence crucial for the prosecution of sexual offences.

◉ Along these lines, systems and training to improve the taking of sexual violence statements should be designed and implemented in police stations across the country. The systems could include computer software programmes to capture 'objective' data (such as basic information on victims' and perpetrators' identification) in an easy 'click of a button' way, so as to provide more time for the qualitative part of the statements.

◉ Many victims of sexual violence require special measures to assist them with court proceedings where they can present evidence of good quality and without fear. Magistrates presiding over sexual offences cases should be made aware and use the whole range of measures available to vulnerable victims, such as giving evidence by means of CCTV, giving evidence in closed court proceedings, prohibition of the publication of the identity of the complainant/complainant's family, among others. It is recommended that additional financial and human resources are made available to secure the availability of these special measures.

◉ Entering the criminal justice system to pursue a sexual offence, particularly rape, is an overwhelming exercise. The high attrition rates in these cases can be attributed in many instances to a lack of support for the victims, particularly those in more vulnerable situations. Research should be conducted on the best practice for services that could be provided to support victims in the system. The experience of non-governmental organisations which are already providing these services is invaluable and should form the basis of an exploratory research project. Special attention should be given to the design and roll-out of programmes to support children victims of sexual violence entering the criminal justice system.

◎ Sexual Offences Courts: these specialised courts have performed extremely well, in comparison with regional courts, and the conviction rates for sexual offences in these courts have risen to an average of 70 per cent. Moreover, sexual offences courts linked to TTCs have fared even better. The National Prosecuting Authority (NPA) Sexual Offences and Community Affairs Unit (SOCA) has been tasked with the roll-out of Sexual Offences Courts. In 2005 an updated blue print for the functioning of these specialised courts was developed, which included, among others: appropriate facilities for the courts, 2 prosecutors in every court, experienced magistrates, services for victims, such as counselling, administrative support, case managers, intermediaries and legal aid attorneys. Up to December 2006, the National Prosecuting Authority was committed to establish at least 10 Sexual Offences Courts per year. In spite of this, in 2005 the Ministry of Justice and Constitutional Development placed a moratorium on the opening of new Sexual Offences Courts and – in fact – there was a decrease in the number of courts opened in the 2006/2007 financial year. It is recommended that the Department of Justice and Constitutional lift the moratorium on the establishment of new Sexual Offences Courts, and that the NPA SOCA revises and implements the 2003 National Strategy for the Roll Out of Specialised Sexual Offences Courts. The implementation of the national strategy should include the development of a specific complaint and monitoring mechanism for Sexual Offences Courts, as well as the costing of implementing the strategy and the allocation of sufficient resources for their optimum functioning.

◎ On some occasions, victims who have successfully pursued a case have been re-victimised by the same offenders. Research should be conducted on the need for a post-sentencing support programme for victims. A post-sentencing programme should include measures such as keeping the victim informed on the timing of the perpetrator's release on parole and offering the victim the opportunity to make representations on the perpetrator's release conditions, among others.

◎ Linked to the recommendation above, an evaluation of the level of competency and skills of the Parole Board staff to hear sexual crimes should be conducted. Special training programmes should be developed and rolled-out, if so recommended by the evaluation.

Special attention should be given to the design and roll-out of programmes to support children victims of sexual violence entering the criminal justice system.

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Medium term:

◎ A set of guidelines and best practices for support programmes targeted at victims of sexual offences should be developed. A well funded national programme should be rolled-out, which could rely on the capacity and expertise of non-governmental organisations.

◎ A post-sentencing support programme for victims of sexual violence should be designed and proper resources should be allocated to roll-out the programme.

Long-term:

◎ Training on the nature of sexual violence and the special needs of victims should be provided on a regular basis to the different actors involved in the criminal justice system. Resources to this end should be allocated.
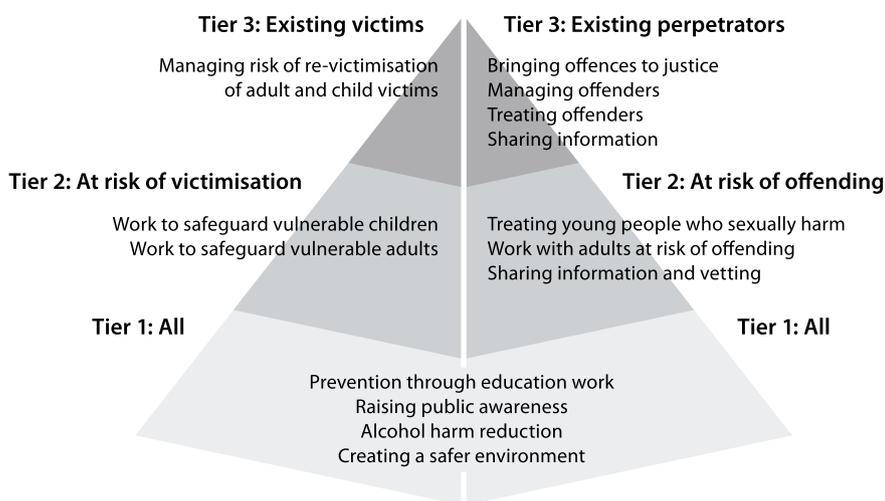
Prevention Strategies

Prevention strategies should be framed in a moral and ideological framework that promotes a non-violent and non-sexist society, where the rights of women and children are upheld and respected, and all manifestations of sexual violence are strongly condemned.

Figure 2, the model on the next page – taken from the UK Government's *Cross Government Action Plan on Sexual Violence and Abuse* published in 2007[87] – describes the different tiers of intervention to prevent sexual violence.

✆

A set of guidelines and best practices for support programmes targeted at victims of sexual offences should be developed.

Figure 2: Interventions to Prevent Sexual Violence

Tier 3: Existing victims

Managing risk of re-victimisation
of adult and child victims

Tier 3: Existing perpetrators

Bringing offences to justice
Managing offenders
Treating offenders
Sharing information

Tier 2: At risk of victimisation

Work to safeguard vulnerable children
Work to safeguard vulnerable adults

Tier 2: At risk of offending

Treating young people who sexually harm
Work with adults at risk of offending
Sharing information and vetting

Tier 1: All

Tier 1: All

Prevention through education work
Raising public awareness
Alcohol harm reduction
Creating a safer environment

Tier 1: Prevention addressed to the whole population

Quick gains:

◎ Changing ideologies and cultural practices supportive of sexual violence is a long-term endeavour that requires commitment and strong leadership. To show its commitment, the national government should put in place an Action Plan to End Sexual Violence and should allocate resources for its implementation in the short-term. This plan should reflect the unified voice of a wide range of cultural and religious groups, as well as civil society organisations.

◎ Legislation in itself is not sufficient to modify behaviour. However, it is a reflection of desired social norms at a point in time and its deterrence effect should not be underestimated. A nation-wide campaign to popularise the new Sexual Offences Act should be rolled-out, particularly among communities at risk.

◎ Measures to improve the quality of parenting, particularly in communities at risk, should be developed and implemented. The measures could include: dissemination of information on child care and parenting skills for parents-to-be in ante-natal clinics; workshops for parents on parenting skills in primary and secondary schools; media campaigns in TV, print and broadcast media.

◎ Measures to prevent the occurrence of sexual violence in public spaces should be put in place. Such measures could include: more visible policing in parks and transport nodes such as taxi ranks; installation of public lights and CCTV cameras in key spots; and improving the accessibility of women and children to safe and reliable public transport.

Medium term:

◎ Schools are a key source of information – not only of an academic nature – for children and their parents. An evaluation of the current curriculum on life skills and sexual education in primary and secondary schools should be conducted. If necessary, a new curriculum should be developed, which should incorporate new discourses around the construction of masculinities among boys and its relationship with healthy sexual behaviour. Teachers should be specially trained to implement the new curriculum on life skills and sexual education.

◎ The network of crèches for working parents in poor areas should be expanded, to provide high quality and safe care services for children.

Long-term:

◎ Cultural changes around gender issues and sexual violence require long-term interventions. These interventions, particularly in the form of public awareness campaigns and counselling services, should be supported by government on a long-term, sustainable basis.

Tier 2: Prevention with people at risk of victimisation

◎ The link between alcohol consumption and sexual violence is becoming more apparent. It is recommended that comprehensive research is conducted on this matter to develop adequate interventions.

◎ Public awareness campaigns on the risks associated with alcohol consumption, targeted at young women, particularly from communities at risk, should be conceptualized and rolled-out.

◉ Children and youth from communities at risk should receive special attention to prevent their victimisation by sexual offenders. Targeted programmes at school and community level should be developed to identify and provide early interventions for those considered to be at risk of victimisation.

Tier 2: Prevention with people at risk of offending

◉ Public awareness campaigns on the risks associated with alcohol consumption, targeted at young men, particularly from communities at risk, should be conceptualised and rolled-out. One target group to engage in this campaign should be shebeen owners.

◉ Campaigns aimed at questioning and making men aware of the need to engage in consensual sexual relationships should be conceptualised and rolled-out nationally. Although a national campaign could serve as a reference, local campaigns targeting young boys from specific cultural groups should also be conceptualised and rolled-out.

◉ Community-based organisations and Community Policing Forums should be consulted and engaged to participate and conduct public awareness campaigns on sexual violence prevention.

◉ In most instances, young men are not comfortable discussing sexuality issues with their parents or teachers. A national Hotline should be rolled-out for men and their relatives or friends to discuss masculinity issues and worrying thoughts about sexuality, with the assistance of professionals.

◉ There is no conclusive evidence of the relationship between children's exposure to pornography in mainstream media and the prevalence of sexual violence in this vulnerable group. It is recommended that research around this issue is conducted and measures are taken accordingly.

◉ Children and youth from communities at risk should receive special attention to prevent their involvement in sexual crimes. Targeted programmes at school and community level should be developed to identify learning disabilities and anti-social behaviour that could potentially lead to sexual offending and provide early interventions.

Tier 3: Preventing re-victimisation

◉ One of the most pernicious outcomes of sexual violence is the possibility that vulnerable victims will be abused again, either by the original perpetrator or others. Holistic support programmes for victims of sexual violence – with a strong emphasis on mental health –should be designed and rolled-out in public services.

Tier 3: Preventing re-offending

Short-term to mid-term:

◉ The current re-integration programmes offered by the Department of Correctional Services are of a general nature and do not take into account the profile and special needs of sexual offenders. Few provinces and private prisons have put in place special programmes for sex offenders. It is recommended that an audit of sex offenders' programmes is conducted and research is undertaken aimed at designing a new national programme to be rolled-out in all the prisons across the country.

◉ A number of non-governmental organisations working with the criminal justice system have developed diversion programmes for youth who have committed sexual offences. Research to develop a national programme to treat sex offenders should include a special section on children offenders and the potential benefits of diversion programmes.

Mid-term to long-term:

◉ The treatment and management of certain categories of sex offenders once they are out of prison is crucial to avoid the re-victimisation of their victims or the commission of crimes against new victims. Management programmes should be put in place to assist and monitor perpetrators once they are out of prison.

◉ Human resources retention and skills development programmes should be put in place for professionals interested in working with sex offenders in prison.

☙

It is recommended that an audit of sex offenders' programmes is conducted and research is undertaken aimed at designing a new national programme to be rolled-out in all the prisons across the country.

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' ... the act of forcing sex on a partner demonstrates superior strength and ultimately symbolises the gender dimension in inequalities of power in intimate relationships'.

'Gang rape is essentially a kind of male bonding, in which young men who compete for women in everyday life collaborate and share the same woman as sexual object'.

'For a man who has been sexually violated in prison and made into a 'wife', a promotion back to manhood requires the performance of some form of violent act'.

'I was the best, I had put her down ... [also] it made me feel even better ... to know I am a man because a woman is bowing down to you'.

'But these women, they force us to rape them!' ... 'It's the cheeky ones - the ones that walk around like they own the place, and look you in the eye'.

"Sexual violence does not occur in isolation. Risk factors, rooted in social injustices and inequalities, connect sexual violence to other forms of violence. Risk factors transcend boundaries and occur in individual, social, cultural and economic contexts."