

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT No.: 170/17
Case No.: 29573/16

In the matter between:

NICOLE LEVENSTEIN	First Applicant
PAUL DIAMOND	Second Applicant
GEORGE ROSENBERG	Third Applicant
KATHERINE ROSENBERG	Fourth Applicant
DANIELA MCNALLY	Fifth Applicant
LISA WEGNER	Sixth Applicant
SHANE ROTHQUEL	Seventh Applicant
MARINDA SMITH	Eighth Applicant

and

The Estate of the late SIDNEY LEWIS FRANKEL	First Respondent
MINISTER OF JUSTICE AND CORRECTIONAL SERVICES	Second Respondent
DIRECTOR OF PUBLIC PROSECUTIONS, GAUTENG	Third Respondent
THE TRUSTEES FOR THE TIME BEING OF THE WOMENS LEGAL CENTRE TRUST	Fourth Respondent
THE TEDDY BEAR CLINIC	Fifth Respondent
LAWYERS FOR HUMAN RIGHTS	Sixth Respondent

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AFFIDAVIT

I, the undersigned,

KATHLEEN DEY

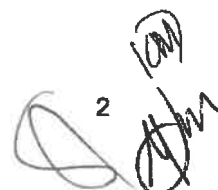
do hereby make oath and say:

1. I am an adult female social worker, and the Director of the Rape Crisis Cape Town Trust.
2. The facts contained in this affidavit are within my personal knowledge, save where the context indicates otherwise, and are true and correct to the best of my knowledge and belief.

INTRODUCTION

3. Rape Crisis Cape Town Trust was established in 1976 and is the oldest organisation in South Africa supporting the recovery of survivors of sexual offences, seeking justice and making change in communities.
4. Our objectives are to reduce the trauma experienced by survivors and encourage them to report rape and other sexual offences. In doing so, we work together with communities to reduce the high rates of sexual offences and remedy the challenges arising from the criminal justice system. We have three main programmes to achieve these objectives:

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- 4.1. Support services for victims of sexual violence, both prior to entering, and within, the Criminal Justice System. By minimising secondary victimisation and improving conviction rates, we encourage more women and men to report sexual offences.
 - 4.2. We encourage survivors to speak out about their experience, so that psychological healing may begin. Both telephone and face-to-face counseling are offered free of charge to survivors and their families, as well as support groups.
 - 4.3. We encourage communities to devise innovating prevention strategies, and to build safe spaces within areas (including the workplace). We also strive to change attitudes about sexual violence, and create a culture of respect for women and girls in South Africa.
5. I have been the Director of Rape Crisis Cape Town Trust since 2008. I have a BSocSci (Hons) SW degree obtained from the University of Cape Town in 1988. I was originally employed by Rape Crisis Cape Town Trust in 1996. From 1996 to 2008 I was the Counselling Coordinator responsible for managing the counselling services provided to sexual violence survivors who were over 16 years of age. I have over 21 years of personal and organisational experience of counselling survivors of sexual violence in South Africa. My curriculum vitae is attached as **Annexure A**.
6. In the light of my extensive experience, the Women's Legal Centre Trust has requested my expert opinion and evidence on:

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- 6.1. the reasons why adult women, who are survivors of sexual violence perpetrated against them as adults, do not report these offences to the police, or delay that reporting, sometimes for periods longer than 20 years;
 - 6.2. why these adult survivors may also choose to report a sexual offence committed against them after many years;
 - 6.3. why the particular characteristics of a sexual offence is only one of the many factors which can predict the effect and trauma of the offence on the survivor.
7. I will also provide and comment on evidence of a statistical nature dealing with:
- 7.1. the prevalence of sexual offences against women in South Africa;
 - 7.2. the percentage of women survivors of sexual offences who elect not to formally report the offence to the South African Police Service.

SEXUAL VIOLENCE AND ITS EFFECT ON ADULT SURVIVORS

8. Rape Trauma Syndrome (RTS) is the term given to the response that survivors have to sexual violence. Despite its name, the syndrome refers to the response arising from all sexual violence irrespective of the legal or social characterisation of the particular offence. Both Judith Herman (*Trauma and Recovery*, Basic Books, New York, 1997), and Desiree Hanson (*What is Rape Trauma Syndrome? Occasional Paper 4-92*, Institute of Criminology, University of Cape Town, 1992), experts in RTS, have written extensively on this issue.

9. No person exposed to severe trauma is immune to suffering and the signs of that suffering are referred to as symptoms. When these symptoms can be grouped as a pattern over time, they are referred to as a syndrome. Once the pattern becomes entrenched or unlikely to change, and affect a person's functioning in a permanent way, it is referred to as a disorder and is then regarded as a mental illness. It is very important to note that RTS is the natural response of a psychologically healthy person to the trauma of sexual violence and that these symptoms on their own do not constitute a mental disorder or illness
10. Individual personality characteristics count for little in the face of overwhelming events. Physical harm or injuries are also not as great a factor as might be supposed since individuals with little or no physical harm may yet be severely affected by their exposure, either directly or as a witness, to a traumatic situation. Before looking at the effects of sexual violence it is therefore important to first examine the character of the trauma of experiencing sexual violence
11. Sexual violence by its very nature is intentionally designed to produce psychological trauma. It is a form of organised social violence comparable only to the combat of war, being but the private expression of the same force. We get nowhere in our understanding of Rape Trauma Syndrome if we think of sexual violence as simply being unwanted sexual contact. Where combat veterans suffer Post Traumatic Stress Disorder, sexual violence survivors experience similar symptoms on a physical, behavioural and psychological level. Survivors of indecent assault and attempted rape also experience these symptoms, the character of the experience being the same.

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The Physical Symptoms of Rape Trauma Syndrome

12. Physical symptoms are those things which manifest in or upon the survivor's body that are evident to her and under physical examination by a nurse or doctor. Some of these are only present immediately after the sexual violation while others only appear at a later stage. The lack of these signs does not however indicate that sexual violence did not occur.
 - 12.1. Immediately after a sexual violence, survivors often experience shock. They are likely to feel cold, faint, become mentally confused (disorientated), tremble, feel nauseous and sometimes vomit.
 - 12.2. Pregnancy; gynaecological problems, irregular, heavier and/or painful periods, vaginal discharges, bladder infections, bleeding, sexually transmitted infections. Throat irritations and/or soreness due to forced oral sex.
 - 12.3. Soreness of the body or physical aches and pains, bruising, grazes, cuts or other injuries. Pain in the lower back and/or in the stomach.
 - 12.4. Nausea and/or vomiting not associated with shock. Tension headaches.
 - 12.5. Sleep disturbances. This may be difficulty in sleeping or sleeping more than usual.
 - 12.6. Eating disturbances. This may be not eating or eating less with accompanying loss of appetite or needing to eat more than usual. This can be accompanied by associated weight loss or gain.

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Behavioural Symptoms of Rape Trauma Syndrome

13. Behavioural symptoms are those things the survivor does, expresses or feels that are generally visible to others. This includes observable reactions, patterns of behaviour, lifestyle changes and changes in relationships.
 - 13.1. Crying more than usual and becoming easily upset by small things.
 - 13.2. Difficulty concentrating, being restless, agitated and unable to relax or feeling listless and unmotivated.
 - 13.3. Not wanting to socialise or see anybody or socialising more than usual, so as to fill up every minute of the day. Alternatively, not wanting to be alone.
 - 13.4. Avoiding anything that reminds the survivor of the sexual violence.
 - 13.5. Being very alert and watchful, and being more easily frightened or startled than usual.
 - 13.6. Relationship problems, with family, friends, lovers and spouses. Irritability, withdrawal and dependence are factors which affect this.
 - 13.7. Fear of sex, loss of interest in sex or loss of sexual pleasure.
 - 13.8. Changes in lifestyle such as moving house, changing jobs, not functioning occupationally or making changes to her appearance.
 - 13.9. Drop in school, occupational or work performance.
 - 13.10. Increased substance abuse.

- 13.11. Increased washing or bathing.
- 13.12. Behaving as if the sexual abuse didn't occur, trying to live life as it was before the violation occurred; this is often called denial.
- 13.13. Suicide attempts and other self-destructive behaviour such as substance abuse or self-mutilation.

Psychological Symptoms of Rape Trauma Syndrome

- 14. Psychological symptoms are much less visible and can in fact be completely hidden to others so survivors need to offer this information or be carefully and sensitively questioned in order to elicit it. They generally refer to inner thoughts, ideas and emotions.
 - 14.1. Increased fear and anxiety.
 - 14.2. Self-blame and guilt. Humiliation, shame, and the lowering of her self-esteem.
 - 14.3. Helplessness, no longer feeling in control of her life. Feeling alone and that no one understands her.
 - 14.4. Feeling dirty or contaminated by the sexual conduct.
 - 14.5. Anger.
 - 14.6. Emotional numbness.
 - 14.7. Confusion, forgetfulness and loss of memory.

- 14.8. Constantly thinking about the rape and having flashbacks to the sexual violence;
 - 14.9. Nightmares.
 - 14.10. Losing hope in the future, depression and thoughts of suicide or wanting to die.
15. It is important to take into consideration that there are many influences on the manner in which each individual survivor of sexual violence copes and on the length of time the symptoms may be present. These factors include:
- 15.1. The survivor's support systems: if the survivor has limited support from friends and family this may result in her not reporting
 - 15.2. Her relationship with the offender: often if the survivor knows the offender she may be reluctant to report as she may fear not being believed, or she may fear that the breadwinner in the family will be imprisoned
 - 15.3. Other traumatic or stressful life experiences in the year prior to and after the sexual violence: previous trauma may result in the survivor delaying reporting as dealing with the trauma of the sexual violence in addition is too overwhelming and too much to bear
 - 15.4. Social and cultural influences: this may lead to a lack of support in communities where speaking about sex is considered taboo, which in turn could lead to ignorance, with survivors not being clear if they have actually been sexually abused or not even though consent was not present

- 15.5. Previous experience with stress: this may lead a survivor not being able to deal with additional trauma and a sense of denial, resulting in not reporting
 - 15.6. Ability to cope with stress: some survivors are not emotionally or psychologically able to deal with stress generally, which makes it difficult for them to engage with the criminal justice system
 - 15.7. Attitude of those immediately contacted after the assault: if the survivor is met with disbelief from those around her, such as family and friends, this may result in her not reporting
 - 15.8. The age and developmental stage of the survivor: often younger survivors are not developmentally equipped to fully understand the nature and extent the sexual offence and do not report
16. Where these symptoms go on for longer than four to six months after the incident, they are likely to last over the long term and even for the remainder of the survivor's life. It has been observed through clinical studies that almost all survivors suffer severe and long lasting emotional trauma
 17. The trauma is usually compounded by the myths, prejudice and stigma associated with sexual violence. Survivors who have internalised these myths have to fight feelings of guilt and shame.

THE PREVALENCE OF REPORTED SEXUAL OFFENCES IN SOUTH AFRICA

18. The South African Police Services release annual crime statistics with sexual offences as one category of crime. Sexual offences are generally not

disaggregated to detail the types of sexual offences, for example rape, sexual assault, sexual exploitation of a child or mentally disabled person; nor are the offences disaggregated to distinguish between offences committed against children and adults.

19. To my knowledge, the last time SAPS provided official disaggregated statistics on sexual offences against adults and children was for the 2011/2012 reporting year in '*An Analysis of the National Crime Statistics Addendum to the Annual Report 2011/2012*' (**Annexure B**). The breakdown of the sexual offences are shown in the table below:

	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012
Children	25 428	22 124	20 141	27 417	28 128	25 862
Adults	34 816	31 328	30 124	36 093	35 820	31 299
TOTAL	60 244	53 452	50 265	63 510	63 948	57 161

THE UNDER-REPORTING OF SEXUAL OFFENCES

The Medical Research Council and Gender Links

20. During 2011, the Medical Research Council (MRC) and Gender Links conducted interviews with a representative sample of 511 women and 487 men, 90% black and 10% white, reflecting the demographics of the province. Questions were asked on all forms of violence against women, including sexual offences and domestic violence.

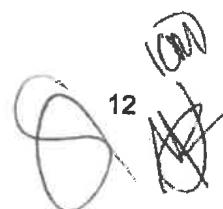
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21. The report '*The war @ home* Preliminary findings of the Gauteng Gender Violence Prevalence Study' (Annexure C) published in 2011 described the following findings:

- 21.1. Over half the women of Gauteng (51.2%) had experienced some form of violence (emotional, economic, physical or sexual) in their lifetime;
- 21.2. 78.3% of the men interviewed admitted to perpetrating some form of violence against women;
- 21.3. Only 3.9% of the women interviewed had reported these forms of violence to the police;
- 21.4. Specifically, with regard to sexual offences, only 1 in 25 rapes had been reported to the police (4%), and only 1 in 13 women reported non-partner rape to the police (7.7%);
- 21.5. 12.2% of the women interviewed disclosed that they had been raped by a man who was not their husband or boyfriend. 31% of men disclosed having raped a woman who was not a partner.
- 21.6. An additional 1.8% of the women interviewed had experienced an attempted rape, when a man had tried to force them but had not succeeded;
- 21.7. 4.2% of women had been raped when drunk or drugged and 1.6% of the women interviewed disclosed gang rape. 14.4% of the men interviewed had forced a woman to have sex when she was too drunk or drugged to refuse and 6.9% of men had engaged in gang rape.

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22. As this study notes, police data is an unreliable indication of the levels of sexual violence perpetrated in our communities. Police statistics rely on reported cases of official offences, but fail to cover many forms of gender violence and understate the extent of the problem. Population surveys like the one conducted in Gauteng are the only way to obtain meaningful data.
23. These population surveys reveal that only a very small percentage of the sexual offences committed against women are reported to the police.

Statistics South Africa

24. In the 2015/2016 Victims of Crime Survey Stats SA report, only 35.5% of individual reported sexual offences to the SAPS (**Annexure D**).
25. In 2000, Statistics South Africa released a report 'Quantitative Research Findings on Rape' (**Annexure E**).
- 25.1. It notes that the best source of national incidence data is the *Victims of crime survey*, conducted nationally among a probability sample of 4 000 respondents aged 16 years or more by Stats SA for the Department of Safety and Security in 1998.
- 25.2. The *Victims of crime survey* found that 68 women per 100 000 of the population said that they had reported the rape incident to the police (approximately half of those who said they had been raped).
- 25.3. The most common main reasons for not reporting the crime to the police were that the victims feared reprisals (33,3%), or that the victims felt that

the police would not be able to solve the crime (9,6%), or else embarrassment (9,2%).

	No.	%
Reporting to the police:		
Yes	155 697	56.2
No	121 315	48.8
Total	277 012	100.00
Main reasons for not reporting:		
Fear of reprisals	40 364	33.3
Fear of being blamed	5 524	4.6
Embarrassment	11 138	9.2
Belief that the police would fail to solve the crime	11 600	9.6
Thought that the police would not take the incident seriously	4 407	3.6
Could not identify the perpetrator	7 594	6.3
Other	25 526	21.0
Unspecified	15 163	12.5
Total	121 316	100.0
Whether the perpetrators were arrested, among those who reported the crime:		
Yes	80 885	52.0
No	54 707	35.1
Unspecified	20 105	12.9
Total	155 697	100.0

Rape Crisis Cape Town office statistics

26. Rape Crisis has three counseling offices based in Observatory, Heideveld and Khayelitsha. In table below reflects the statistics of the number of survivors receiving counselling services from the Observatory office.
27. The statistics show that over a period of 4 years (2013 - 2016), on average, 52% of survivors of sexual offences seen by Rape Crisis reported the sexual offence to SAPS.

Year	Total survivors	Reported to SAPS	Not reported to SAPS	% reported to SAPS
2013	90	43	47	48%
2014	74	41	33	55%
2015	67	31	36	46%
2016	105	59	46	56%

28. In comparing the findings of the MRC and other research studies conducted on the underreporting of sexual offences, the percentage of survivors seen by Rape Crisis who report their cases to the police is higher. The reasons for this is that women who report to the police have exhibited help seeking behaviour. Rape Crisis is an organisation in the middle of a large city and therefore accessible to more women. Whether they report to the police or access the services of Rape Crisis first, they are women who, to a greater or lesser extent, have the courage and resources to do so.

REASONS FOR DELAY OR FAILURE TO REPORT SEXUAL VIOLENCE

Social reasons

29. To fully understand why adult women may not report, or delay in reporting sexual violence to the police, it is important to point out the social myths surrounding sexual violence and how these influence underreporting.
30. These myths take many variations depending on the particular community or cultural group. The core of these myths include:
 - 30.1. The myth that women like and fantasise about being sexual violated
 - 30.2. The myth that women frequently lie about being raped for ulterior motives: the crime of rape and other sexual offences is unique in its distrust of the story of the victim of the crime.
 - 30.3. The myth that women are actually to blame for being raped.
 - 30.4. The myth that rape or sexual assault robs a woman of her social status: this stems from the patriarchal idea that somehow a woman's virtue or honour, and by implication the honour of her family and its male members in particular, is tainted or spoiled once she has been sexually violated.
31. The fact that myths are so prevalent in society today is a very powerful deterrent to women for disclosing or reporting sexual violence. They think they will be blamed or stigmatised and they do not think they will be believed. This is particularly true when the perpetrator is known to the survivor, and/or someone

she trusts and has respect for. Society is generally reluctant to believe that family members, trusted members of the community or people in authority are capable of perpetrating such offences. Survivors are aware of this potential stigma and seek to avoid further trauma after the sexual offence. The burden can be overwhelming especially if the people they come into contact with reinforce those myths and prejudices.

32. These myths have the effect of increasing the trauma experienced by the survivor; encouraging prejudice regarding the liability of both the victim and the accused in the matter legally; slowing down or preventing the recovery of the survivor; discouraging survivors from reporting the incident as a crime; hampering society's understanding as to the causes of sexual violence and the seriousness of its effect on survivors; survivors are denied the support and assistance that they need in order to heal from the experience of sexual violation.
33. Sexual violence is not always treated as a serious crime and the perpetrator does not always incur the moral condemnation of the community. This discrepancy appears to result from the attitudes, prejudices and myths about sexual violence that have developed over centuries and to which society still clings. These attitudes and values have their roots in widely held social norms.

Personal reasons

34. Survivors do not want to further engage with their trauma. Even speaking about the violence may add to the trauma of the initial event, especially if that recounting of that event is to a stranger, such as a police officer. Not speaking

- about what happened is a way of attempting to avoid the emotional and psychological suffering attached to the event.
35. Many women do not speak about the sexual violence because they want to keep the burden of their pain to themselves and don't want to cause other people distress at this time. Survivors may be protective of the people in their lives who care about them. To expose those people to the details of the violence will be hurtful, and may also result in further traumatising the survivor.
 36. Many survivors fear intimidation from the perpetrator if they report the sexual offence. Many perpetrators exploit this fear by using threats of what they will do to her if she reports it, saying they will blame her, that they will kill her, that they will kill members of her family, that they will discredit her and ruin her reputation and other similar threats. Since many perpetrators do in fact act out these threats, this fear prevents many women from reporting rape
 37. Survivors are financially dependent on the perpetrator. To report him to the police may result in him being arrested, convicted and imprisoned; this may have a profound effect on available financial resources for the survivor and those who are dependent on her.
 38. Many survivors also lack support because they have no close friends or are at odds with their families and there is no one whom they trust enough to confide in.
 39. Many rape survivors are ignorant of the fact that what happened to them was in fact a sexual offence, or there is some doubt in their minds that what happened was rape/sexual abuse. Surprising as this might sound many women still believe

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that coercive sexual encounters do not always constitute an offence even when it becomes clear on interview that they never gave their consent nor provoked any unwanted sexual attention.

Structural reasons

40. Reporting rape to the police or testifying about it in court exposes the complainant to impersonal, bureaucratic and institutional processes. The criminal justice system is structured to prioritise the case (or the conviction) and not the person.
41. Many survivors do not have financial resources and employment flexibility to travel to police stations to report the offence, or to attend court as a witness.
42. Survivors fear not being believed by the police. In cases of sexual violence where alcohol is involved, the police often dismiss survivors, perpetuating the myth that survivors must have in some way caused the offence.
43. Marginalised groups, such as the elderly, the disabled, sex workers and transgendered persons fear being dismissed by the system and not taken seriously;
44. Survivors believe that it is unlikely that the police will arrest the perpetrator;
45. Illegal migrants may not report due to fear of exposing themselves to offences that they are committing, such as being in the country illegally;
46. Survivors may not know that that the sexual violence that has been perpetrated against them constitutes a criminal offence.

WHY ADULTS MAY REPORT SEXUAL OFFENCES AFTER A LONG PERIOD OF TIME

47. Over the course of the last two decades working with survivors of sexual offences, I have witnessed a number of survivors of sexual violence choose not to report and pursue a prosecution in relation to a sexual offence perpetrated against them many years before.
48. The reasons why adult survivors choose to report the sexual offence perpetrated against them after a long period time are numerous.
- 48.1. Personal circumstances of the survivor may change: with time comes maturity and an ability to process the trauma suffered as a result of the violence. The survivor may seek out psychological help, such as counselling, which empowers her to enter the criminal justice system. Survivors develop resilience over time, and together with resolution of the trauma are able to report the matter to the police
- 48.2. The survivor may change communities with which she engages which may be more accepting of women who are sexually abused. She may have a supportive partner later on in life who believes her and supports and encourages her to report to the police.
- 48.3. Someone else may report a sexual offence committed by the same perpetrator which may give the survivor courage to report.

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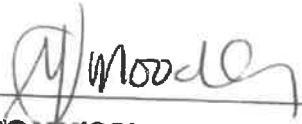
CONCLUSION

49. It is my experience, having interviewed many sexual violence survivors and supervised other counsellors of survivors, it is very common for survivors of sexual offences committed against them as adults to delay for a period of time (from days to years) before disclosing what had happened to them and being in a position to report the sexual offence to the authorities. This delay is caused by the multiple and complex factors involved in the phenomenon of sexual violence.
50. In every case, the survivor is, to a greater or lesser degree, traumatised by the event and suffering from Rape Trauma Syndrome (RTS). This affects their physical and emotional health, their behaviour, and their ability to take action through the criminal justice system. Moreover, the societal myths surrounding rape and sexual assault cause many women to dismiss or deny what had happened in order to bury it or "banish it from consciousness." Apart from these physical and psychological factors, there remain socio-economic constraints and issues of structural inequality that explain why adult women survivors choose to delay disclosure of the sexual offences committed against them. Many survivors are threatened with consequences by the perpetrator if they disclose the rape and avoid or delay reporting out of fear of intimidation.

K. M. M. J.
DEPONENT

The Deponent has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn to or solemnly affirmed before me at RONDEBOSCH on this the 28TH day of JULY 2017 ~~2016~~, the regulations contained in Government Notice No. R1258 of 21 July 1972, as amended.

and Government Notice No. R1648 of 19 August 1977, as amended, having been complied with.


COMMISSIONER OF OATHS

Full Names:

Capacity:

Designation:

Address:

Yellavarne Moodley
COMMISSIONER OF OATHS
Practising Attorney RSA
U.C.T. LAW CLINIC
Kramer Law School Building
Middle Campus
1 Stanley Road Rondebosch

2.



KATHLEEN DEY

6 MERINDOL, WILLOW ROAD, OBSERVATORY, 7925
 PHONE (021) 686-5568 CELL (084) 568-5356 E-MAIL : kath@rapecrisis.org.za

WORK EXPERIENCE

2008 – current The Rape Crisis Cape Town Trust (RCCTT)

Director

- Strategic Leadership and Management
 - Financial Planning and Management
 - Fundraising
 - Marketing and Public Relations
 - Communications
 - Human Resources Management
 - Expert Testimony
 - Organisational Development
 - Governance

2008 July - October 2008 The Rape Crisis Cape Town Trust (RCCTT)

Operations Manager

- Group supervision
 - Individual supervision
 - Programme Coordination
 - Policy Development
 - Human Resources Development

2008 UCT, Department of Social Development

Academic Supervisor [Part time while working for Rape Crisis]

Third year student practice

- Group supervision
- Individual supervision
- Marking written assignments
- Final oral presentation assessments

2005 - 2016 Part Time Private Practice

Counselling and Psychotherapy

- Individual counselling
 - Individual psychotherapy
 - Couple counselling
 - Clinical assessments
 - Facilitation of short courses and workshops

1996 - 2008 The Rape Crisis Cape Town Trust (RCCTT)

Counselling Coordinator

- Volunteer training and development
 - Volunteer management
 - Volunteer and staff supervision and mentoring
 - Trauma counselling
 - Project coordination

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- External networking and advocacy

1991 - 1995 Groote Schuur Hospital, Cape Town
Senior Social Worker, Psychiatry Department

- Individual therapist
 - Group therapist
 - Milieu therapy
 - Family therapist
 - Emergency psychiatry

1989 - 1991 The National Institute for Crime Prevention and the Rehabilitation of Offenders (NICRO) Cape Town
Social Worker

- Parole Officer
- Volunteer training
- Individual counselling
- Community Service Coordinator

EDUCATION

1984 - 1988 University of Cape Town
B Soc Sc (Hons) Social Work [First Class]

- Major Subjects: English, Psychology and Social Work
 - Other Subjects: Sociology and Religious Studies

1979 - 1983 Kingsmead College Johannesburg
Matric [Joint Matriculation Board]

SKILLS

I have also worked directly with rape survivors, their families, I advised fellow professionals in the field of rape and offered opinion evidence in court cases and labour matters. I also did individual psychotherapy and coaching as part of my private practise as a therapist. This experience as a counsellor over many years taught me a great deal about the effect rape has on survivors, what interventions work best to foster their recovery and empowerment as women and the different phases of recovery from rape and what promotes this. The secondary trauma survivors suffer within the criminal justice system and the vicarious trauma suffered by people working with rape survivors were also areas where I accumulated knowledge and information.

My experience in networking and advocacy around the field of gender based violence in South Africa has taught me a great deal about the GBV environment and its different aspects. I have started to gain a strategic understanding of some of the issues underpinning responses to this phenomenon particularly with the regard to the functioning of government, civil society working groups and NGO networks. I have also, more recently begun to learn techniques for developing influence strategies, which coalition partners believe may prove to be extremely effective.

In my 29 years as a social worker I have covered all three of the major skill sets in my profession very extensively. This includes case work (individual counselling and therapy skills), group work (facilitation skills) and community work (development skills and programme theory). In addition to this I have gained significant experience in the fields of training, advocacy, fundraising, financial management, communications, organisational governance and policy development by working in management and executive positions. These positions have also given me insight into and experience of leadership, programme design, implementation and evaluation.

Volunteer training, management and development is a field all its own and in my years of doing it I've learned a great deal about building skills in other people, helping them identify their own strengths and weakness and what their learning goals are. Case management as a part of supervision allowed me to work with rape cases indirectly by offering assistance with complex cases. Working as an academic supervisor has honed and enhanced these skills with specific development goals and practises that lead to accurate assessment and ongoing development for both the group and the individuals in it.

Volunteer training has taught me the skills of training materials development in all its phases from assessing the needs of participants, content design, course structure and facilitation right through to the development of training manuals and learner guides. I've learned that baseline studies followed by ongoing monitoring and evaluation must form an integral part of any training course as well as an overall evaluation at the end with recommendations for future courses forming part of the an active learning cycle. My experience includes the training of trainers.

Both my experience as a project coordinator and my work developing strategic plans for the overall advancement and ongoing programmes of an organisation have helped me improve my planning, implementation and evaluation skills when it comes to programmes aimed at bringing about development change. I've also learned to expect the unexpected and to analyse, understand and deal with problems on the go. I've learned a broad range of facilitation skills both for small and large groups and am able to pass those skills on to others. As fundraising proposals are an integral part of my role as director my writing skills are very strong, as are my financial management skills.

I've also done short courses in art therapy, creative writing, calligraphy, permaculture and meditation. These things help me keep my personal sense of balance and harmony in the world of violent crime that I face daily in my work.

REFERENCES

- Fatima Williams, Field Practice Coordinator, University of Cape Town, Department of Social Development (021) 650-3483 or (082) 783-8348
 Dr. Marcel Londt, University of the Western Cape, Department of Social Development (082) 490-6469
 Sharon Kouta, GBV Programme Coordinator, National AIDS Coalition of South Africa (073) 134-2926

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SOUTH AFRICAN POLICE SERVICE



An Analysis of the National Crime Statistics

Addendum to the Annual Report 2011 | 2012

Compiled by:
SAPS Strategic Management

Design and layout:
SAPS Corporate Communication: Publications

Photographs:
SAPS Corporate Communication: Publications

Further information on the Addendum to the Annual Report for the National Commissioner of the South African Police Service for 2011/12 could be obtained from:

The Head: Strategic Management
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2.
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Submission of the Annual Report to the Minister of Police

Hon. EN Mthethwa, MP
Minister of Police

I have the honour of submitting the Annual Report of the Department of Police
for the period 1 April 2011 to 31 March 2012.



GENERAL MV PHIYEGA
ACCOUNTING OFFICER
Date: 2012-08-31

n.  



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Crimes against women and children

The reported figures pertaining to predominantly social contact crimes against children (under the age of 18) and adult women (18 years and older) are provided in Tables 9 and 10. From these tables it is clear that all five crime categories featuring in the tables decreased during 2011/2012 as far as both children and adult women are concerned. The decreases in crimes against children fluctuate between 12,5% in murders and 3,5% in assaults with the intent to inflict grievous bodily harm, while those of crimes against adult women fluctuate between 15,0% in attempted murders and 3,1% in common assault. It is particularly positive to note that murder of children decreased by 12,5% and those of adult women by 11,9%.

From Tables 9 and 10 it is further clear that 231 225 predominantly social contact crime cases involved adult women and children (of both genders) as victims during 2011/2012. That equals 49,3% of the total figure of 469 303 such cases recorded during 2011/2012. The gender and age distribution of predominantly social contact crimes during 2011/2012 is provided in Table 11.

Table 9

Child victims: predominantly social contact crime

Crime category	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012	Difference 2011/2012 vs 2010/2011	% Increase/ decrease
Murder	972	1 015	843	965	906	793	-113	-12,5%
Attempted murder	889	852	782	1 113	786	758	-28	-3,6%
All sexual offences	25 428	22 124	20 141	27 417	28 128	25 862	-2 266	-8,1%
Common assault	16 871	16 091	14 544	14 982	13 387	12 645	-742	-5,5%
Assault GBH	13 947	13 625	12 422	12 062	11 018	10 630	-388	-3,5%
TOTAL	58 107	53 707	48 732	56 539	54 225	50 688	-3 537	-6,5%

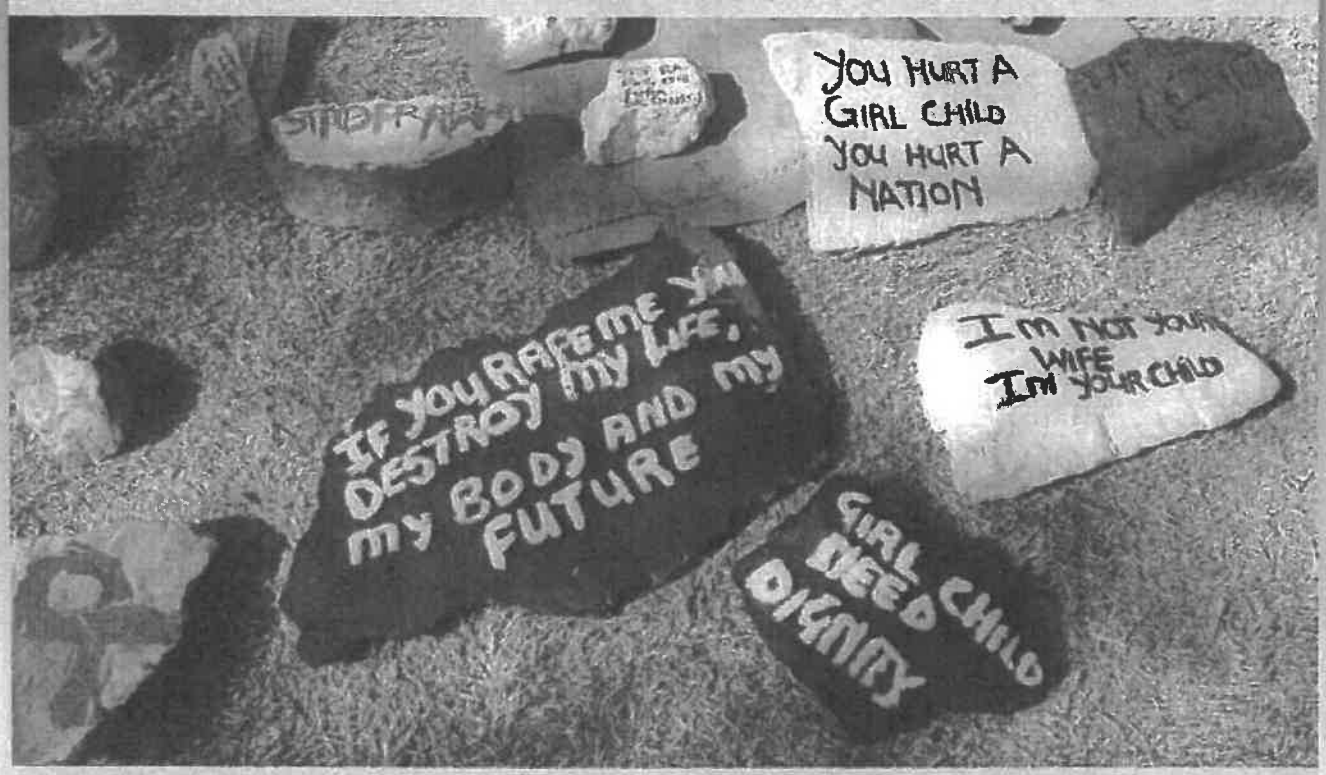
TABLE 10

Adult female victims: predominantly social contact crime

Crime category	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2011	2011/ 2012	Difference 2011/2012 vs 2010/2011	% Increase/ decrease
Murder	2 602	2 544	2 436	2 457	2 594	2 286	-308	-11,9%
Attempted murder	3 362	3 016	2 966	3 008	2 842	2 416	-426	-15,0%
All sexual offences	34 816	31 328	30 124	36 093	35 820	31 299	-4 521	-12,6%
Common assault	100 390	94 286	91 390	94 176	89 956	87 191	-2 765	-3,1%
Assault GBH	69 132	64 084	61 509	62 143	60 630	57 345	-3 285	-5,4%
TOTAL	210 302	195 258	188 425	197 877	191 842	180 537	-11 305	-5,9%

The war @ home

Preliminary findings of the Gauteng Gender Violence Prevalence Study by Gender Links and the Medical Research Council



Over half the women of Gauteng (51.2%) have experienced some form of violence (emotional, economic, physical or sexual) in their lifetime and 78.3% of men in the province admit to perpetrating some form of violence against women.

Emotional violence - a form of violence not well defined in domestic violence legislation and thus not well reflected in police data - is the most commonly reported form of violence with 43.7% women experiencing and 65.2% men admitting to its perpetration. One in four women in the province has experienced sexual violence in their lifetime. An even greater proportion of men (37.4%) disclosed perpetrating sexual violence.

Yet violence against women is still regarded as a private affair with only 3.9% of women interviewed reporting this crime to the police. One in 13 women reported non-partner rape and overall only one in 25 rapes had been reported to the police.

These are some of the stark findings of the **Gauteng Gender Violence Indicators Pilot Project** conducted by Gender Links (GL) and the Medical Research Council (MRC) released on the eve of the 2010 Sixteen

Days of Activism. The international theme for this year highlights the link between militarism and gender violence. The survey in South Africa's most densely populated and cosmopolitan province shows that while political conflict in the country has subsided, homes and communities are still far from safe, especially for women.

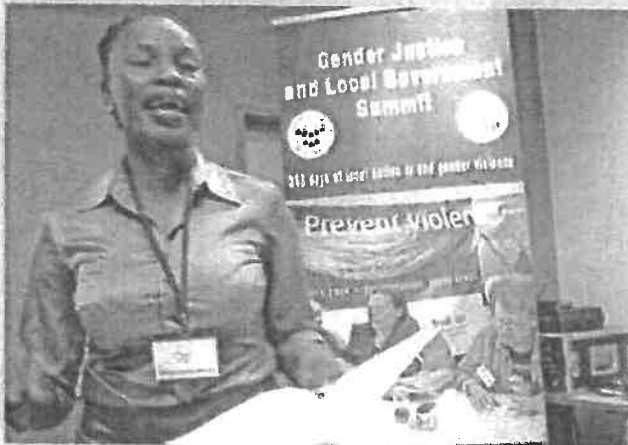
Inspired by the Southern African Development Community Protocol on Gender and Development that aims to halve gender violence by 2015, the study is the first comprehensive community-based research study of the prevalence of gender violence in the province.

Unlike police data that relies on reported cases, the study involved self-reported behaviour and experiences obtained through in-depth interviews with a representative sample of 511 women and 487 men: 90% black and 10% white, reflecting the demographics of the province. Eight percent women and 5% of the men interviewed were foreigners. This is also in keeping with the make up of the province.

The study made use of two separate questionnaires for women (focusing on their experiences) and men

(focusing on perpetration) of violence. The focus on women is justified by overwhelming evidence that the majority of gender violence cases consist of violence against women and these cases result in the extensive and well documented adverse health consequences (Krug *et al* 2002). Comparing what women say they experience to what men say they do adds credibility to the findings. In almost all cases, as will be elaborated in this pamphlet, men confirmed what women said even more strongly than the women themselves.

The prevalence survey is a component of a broader study to measure the extent and effect of gender violence, as well as response and prevention measures taken. In addition to the prevalence survey, tools being used include interrogating administrative data (like police, court and shelter statistics); qualitative research; a costing exercise; political discourse analysis and media monitoring that will establish a range of baseline indicators on gender violence for the province.



Focus on prevention at the Gender Justice and Local Government Summit. Photo: Colleen Lowe Morna

The full Gauteng Gender Violence Indicators Study will be launched at the annual Gender Links Gender Justice and Local Government Summit in March 2011, with the aim of encouraging the South African and other governments to cascade the study across the country and the region. The preliminary findings of the prevalence survey show why this is important as police statistics either fail to cover many forms of gender violence or understate the extent of the problem. Population surveys like the one just conducted in Gauteng are the only way to obtain meaningful data against which the targets of the SADC Gender Protocol can be measured. This leaflet highlights key findings and recommendations that will be elaborated in the final report.

Rate of violence

Violence against women in this leaflet refers to any act that results in, or is likely to result in, physical, sexual or emotional harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or

in private life (Article 2 of the 1993 UN Declaration on the Elimination of Violence against Women).

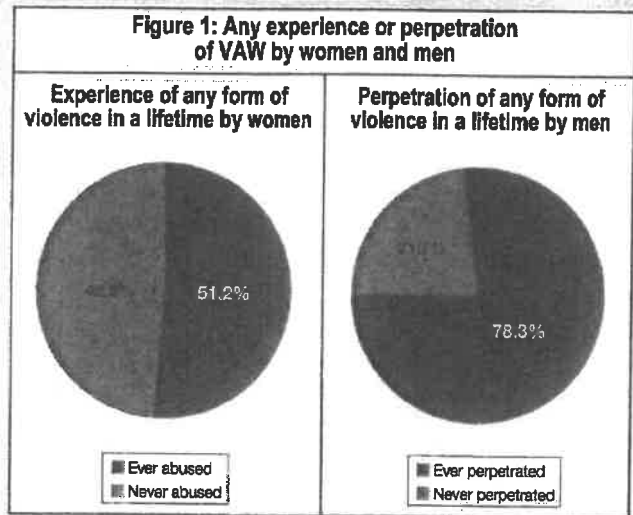


Figure one shows that some 51.2% (263) of all women recruited in the study had experienced some form of gender violence in their lifetime while 78.3% (370) of all men said they perpetrated some form of violence. About one in five (18.1%) women experienced and over a quarter (29%) men said they perpetrated violence in the past 12 months.

Different forms of violence in a lifetime measured in the prevalence survey

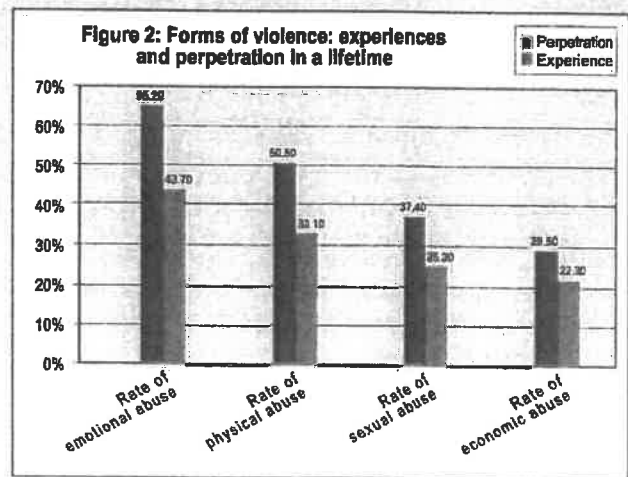


Figure two breaks down the types of violence (emotional, physical, sexual and economic) according to what women in the province said they experienced, and what men admitted to perpetrating. The graph shows that in all instances men confirmed what women said even more strongly than what the women themselves said. By far the highest rate of violence that women in the province said they experienced, and that men said they perpetrated, is emotional violence, followed by physical, sexual and economic abuse.

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Most of the violence is still addressed in the family domain. About a third of men and women had intervened over violence in another relationship with about one in six having done so in the past year. This statistic is another indicator of high rates of violence in the home.

Rate of emotional violence

Emotional violence was the most common form of abuse reported by women and disclosed by men, with 43.7% of women having experienced these on one or more occasions and 65.2% of men disclosing perpetration.

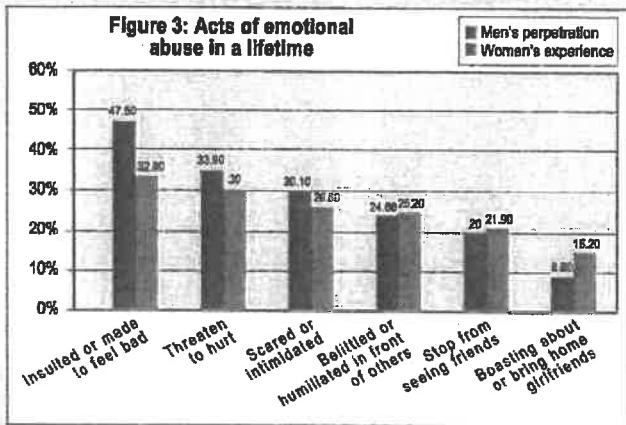


Figure three gives a breakdown of responses by women and men to the six questions asked to assess emotional violence. The graph shows that the most common form of emotional abuse is men insulting women or making them feel bad with men (47.5%) affirming this even more strongly than women (32.8%).

Other forms of emotional violence involved: threats to hurt women; being scared or intimidated; belittled or humiliated in front of others; being stopped from seeing their friends or men boasting about or bringing home girlfriends, with women (15.2%) more likely than men (8.8%) to see this last form of emotional violence as an issue. In the past year, 13.0% of women said they had experienced one or more of these forms of violence, and 14.0% of men admitted to perpetrating such violence.

Rate of physical violence

Physical violence was the second most common form of violence reported. The research assessed experience of physical intimate partner violence by asking five questions inquiring about whether women had been slapped, had something thrown at them, pushed or shoved, kicked, hit, dragged, choked, beaten, burnt or threatened with a weapon. Overall 33.1% of women disclosed that this had ever happened and most of these women had experienced multiple forms of violence or violence on multiple occasions (30.8%). The experiences of women are in keeping with figures cited previously for the Eastern



Some men believe they have a right to punish their wives. Photo: Trevor Davies

Cape and Mpumalanga provinces in the MRC three provinces study (Jewkes et al 1999). Over half of men (50.5%) disclosed perpetration and usually more than once (43.4%).

More than one in eight women (13.2%) had experienced physical Intimate Partner Violence (IPV) in the past year, but fewer men disclosed recent perpetration (5.8%). Some 30.8% of the women experienced, and 43.4% men perpetrated, more than one episode of physical violence. Some men justified physical violence as a corrective measure of "wrong" behavior. A quarter of the women and a third of the men interviewed perceived social norms as endorsing punishment. Nearly a quarter of men (22.3%) agreed that men had a right to punish their wives, compared to a mere 8.8% of women. Very few of either sex expressed a belief that beating might show love.

Rate of sexual violence

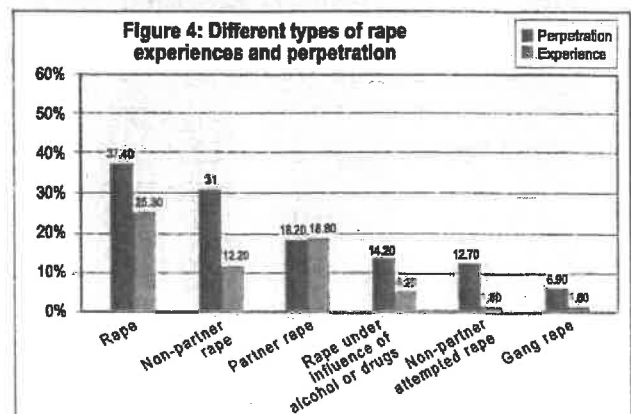


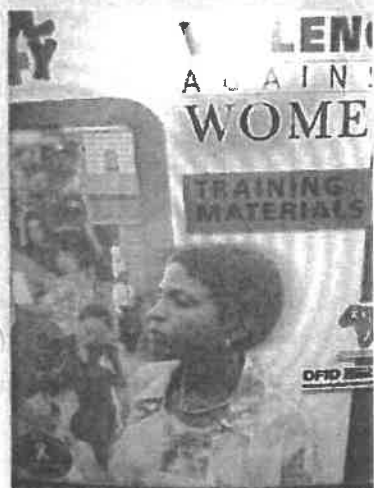
Figure four shows that overall 25.2% of women had ever had the experience of being raped by a man, whether a husband or boyfriend, family member, stranger or acquaintance while an even higher 37.4% of men admitted to ever raping a woman. More women (7.8%) said they had experienced sexual violence

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than men (4.7%) said they had perpetrated sexual violence against any woman over the last year. The lifetime experience results correspond to a number of studies from different parts of the country that have reported a prevalence range between 12% and 28% over the past 20 years (Dunkle *et al*, 2004a; Pettifor *et al*, 2004; Jewkes, *et al* 2009).

Partner rape experience by women was assessed by three questions inquiring if their current or previous husband or boyfriend had ever physically forced them to have sex when they did not want to; whether they had had sex with him because they were afraid of what he might do and whether they had been forced to do something sexual that they found degrading or humiliating. Overall, 18.8% of women had experienced this on one or more occasions.

Perpetration was assessed by asking men if they had ever physically forced their current or ex-girlfriend or wife to have sex when she did not want to. 18.2% of the men admitted to such perpetration. In all 12.2% of women disclosed that they had been raped by a man who was not their husband or boyfriend while 31.0% of men disclosed having raped a woman who was not a partner. An additional 1.8% women had experienced an attempted rape, when a man had tried to force them but had not succeeded, but not been raped. 12.7% of men had attempted to rape a non-partner. 4.2% of women had been raped when drunk or drugged and 1.6% of women disclosed gang rape. 14.4% of men had forced a woman to have sex when she was too drunk or drugged to refuse and 6.9% of men had engaged in gang rape.



Experience of being raped by a stranger or acquaintance varied by age and race. Younger women under 29 years were twice more likely to disclose that they had been raped than women aged 30-44 years. Sexual violence had often provided the context of their first experience of sex, with 8.5% of women describing this as forced or as rape. In other studies about 7.4-7.6 women reported forced first sexual intercourse at age 15 years or older (Dunkle *et al*., 2004, Pettifor *et al*., 2009)

Rate of economic violence

Overall 22.3% of ever partnered women had experienced economic abuse and 28.5% of ever

partnered men disclosed perpetration. Nearly half of the women (9.3%) who said this had ever occurred had experienced economic violence in the past year (compared to 5% men who said they had perpetrated such acts).

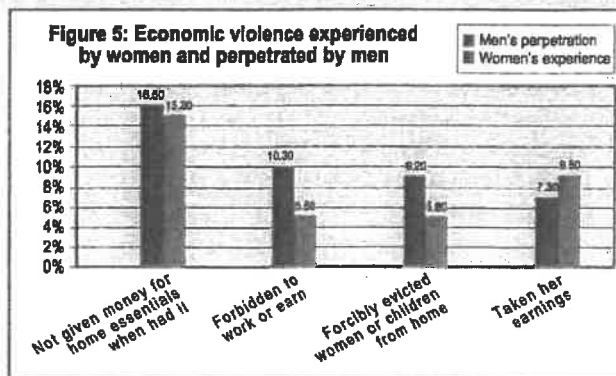


Figure five shows that the most common act of economic violence reported by women, and corroborated by men, consists of the refusal by men to contribute financially towards household consumption. Forbidding women to work or earn has been shown in a previous study as a means of ensuring that women are economically dependent. Women who do not work have a lesser ability to resist other abusive acts (Jewkes *et al*., 1999).

Similar proportions of evictions (9.2%) were reported for Mpumalanga in the Three Provinces Study (Jewkes *et al*., 1999). Previous research has shown that evictions emanated from attempts by women to complain against extra-marital affairs or other forms of abusive behaviour such as spending money on girlfriends instead of family (Jewkes *et al*., 1999). An even higher proportion of men (9.5%) than women (7.3%) said that they have taken their partner's earnings.

Rate of sexual harassment at work

Overall 2.7% of women who had ever worked disclosed that a man had ever hinted or threatened that they would lose their job if they didn't have sex with him. 2% of women had been told they would have to have sex with a man in order to get a job.

Intimate partner violence and its multiple forms

Almost all the men and women interviewed (over 95%) had been in a sexual relationship. In all, 75% of women and 84% of men said they were currently married or had a heterosexual partner; one percent disclosed having a partner of the same sex. Only 63% of women and 58% of men were in cohabiting relationships. Having more than one current partner was disclosed by 10% of women and 25% of men, and many women (28%) and men (25%) suspected or knew their partner had other partners.

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Table one: Intimate partner violence experience and perpetration in a lifetime

	Experience %	Perpetration %
Ever Abused	51.2	78.3
Sexual only	2.3	1.90
Physical only	2.3	6.3
Economic only	0.6	1.0
Emotional and economic	5.3	6.1
Physical and sexual only	0.6	0.7
Emotional, Economic and sexual only	2.5	2.4
Emotional, Economic and Physical only	17.5	36.1
Emotional, Economic, Physical and sexual	13.8	13.3

Table one shows that 51% of ever partnered women had experienced some form of violence within an intimate partnership while 78% of ever partnered men disclosed having ever perpetrated violence against a female partner. 13.8% of women reported experiencing all three forms of violence; a statistic very similar to the 13.3% of men who reported perpetrating all three forms of intimate partner violence.

Under-reporting to the police

Table two: Prevalence of domestic violence as reported to SAPS 2008/2009

Sex	Frequency	Percentage	Census population*	Prevalence
Male	3,207	20.96	3,451,069	0.09%
Female	12,093	79.04	3,515,397	0.3%
Total	15,307	100		

Data from the South African Police Service (SAPS) for the period April 2008 to March 2009 (see Figure two) shows that 3207 men and 12093 women reported being victims of domestic violence with 11,789 men and 970 women recorded as perpetrators. Using the STATSA mid-year population estimate for Gauteng for 2009, an estimated 0.09% of men and 0.3% of women reported a case of domestic violence over the time period.

These figures for victimisation of women are way below the one in five (18.1%) women who said they had experienced violence in the past year in the survey. This discrepancy is indicative of the high rates of under-reporting of violence against women.

Indeed, only 3.9% of women who had been raped by a partner or non-partner in the survey had reported this to the police. Sexual violence by an intimate partner was least often reported, with only 2.1% of women experiencing this ever reporting. Only 7.8% of women raped by a stranger or acquaintance had reported the incident. Thus women had only reported one in 13 of the non-partner rapes and only one in 25 of all rapes. The survey shows that about half of the survivors of gender violence do not go to the

police, instead confiding in family members. The other half choose not to confide in either family or police. The majority of those that go to the police have also confided in family.

Gaps in police data

Analysis of the South African Police Service (SAPS) dataset of all crimes committed in Gauteng coded as "domestic violence" for the period 2008 to 2009 proved problematic. In South African law, there are a range of offences that can be labeled as domestic violence. These include common assault, assault with the intent to do grievous bodily harm, contravention of a protection order, murder, crimen injuria, sexual offence, abduction, indecent assault, rape of wife by own husband rape, compelled rape, pornography and sex work. Issues arising include:

- **What is domestic violence?** It is unclear under what circumstances data capturers use the "domestic violence" variable and this may have varied from station to station. No data on the relationship between the perpetrator and the victim is available. This means that crimes occurring in a domestic setting such as an adult male child abusing an elderly male parent could have been captured as "domestic violence". It is also unclear whether an episode of violence perpetrated against an intimate partner outside of the home would have consistently been captured using the "domestic violence" code.
- **Still no accurate figures on femicide:** Whilst murder is a category under the Domestic Violence Act, it is difficult to ascertain which of these are female murders and more specifically femicide. There is need for SAPS to capture data on the relationship between the perpetrator and the victim if this statistic is to be obtained. Previous research on murder dockets by the SAPS shows that it is possible to ascertain the circumstances surrounding murder.



Police support the campaign but lack credible data. Photo: Colleen Lowe-Morna

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Routine inclusion of this information when capturing data will go a long way in providing femicide statistics.

- **Including pornography and sex work under sexual offences in police reports** masks the true statistics of violence occurring in the home as well as the exact rape statistics. The result is that we are never certain if there is an increase or decrease in the actual extent of sexual offences as reported by police or whether more or less people have been charged for running brothels or soliciting sex. It is imperative that the domains where the offences take place are confined to the "public" or "private/home" as spelled out in the *Declaration on the Elimination of Violence against Women*.
- **Excluding domestic violence from analysis in annual police reports** is a serious omission that needs to be addressed.

Conclusions and recommendations

The study confirms the disturbingly high prevalence of violence against women in Gauteng; the inadequacy of police statistics; and the extent of under-reporting. When the full study is complete there is need to:

- Engage with SAPS to improve collection of administrative data, especially in obvious areas such as femicide.
- Obtain buy-in from the Inter Departmental Committee (IDMT) addressing gender violence in government to cascade the study across all provinces of South Africa to provide meaningful baseline data for measuring progress in achieving the SADC target of halving gender violence by 2015.
- Work through the SADC Gender Unit to cascade the study across the region.
- Use the GBV indicators project to strengthen the 365 Day National Action Plans to End Gender Violence in South Africa and across the region.

For a more detailed account of the preliminary findings of the Gauteng GBV Prevalence study by Gender Links and the MRC go to <http://www.genderlinks.org.za/page/16-days-of-activism-2010>.

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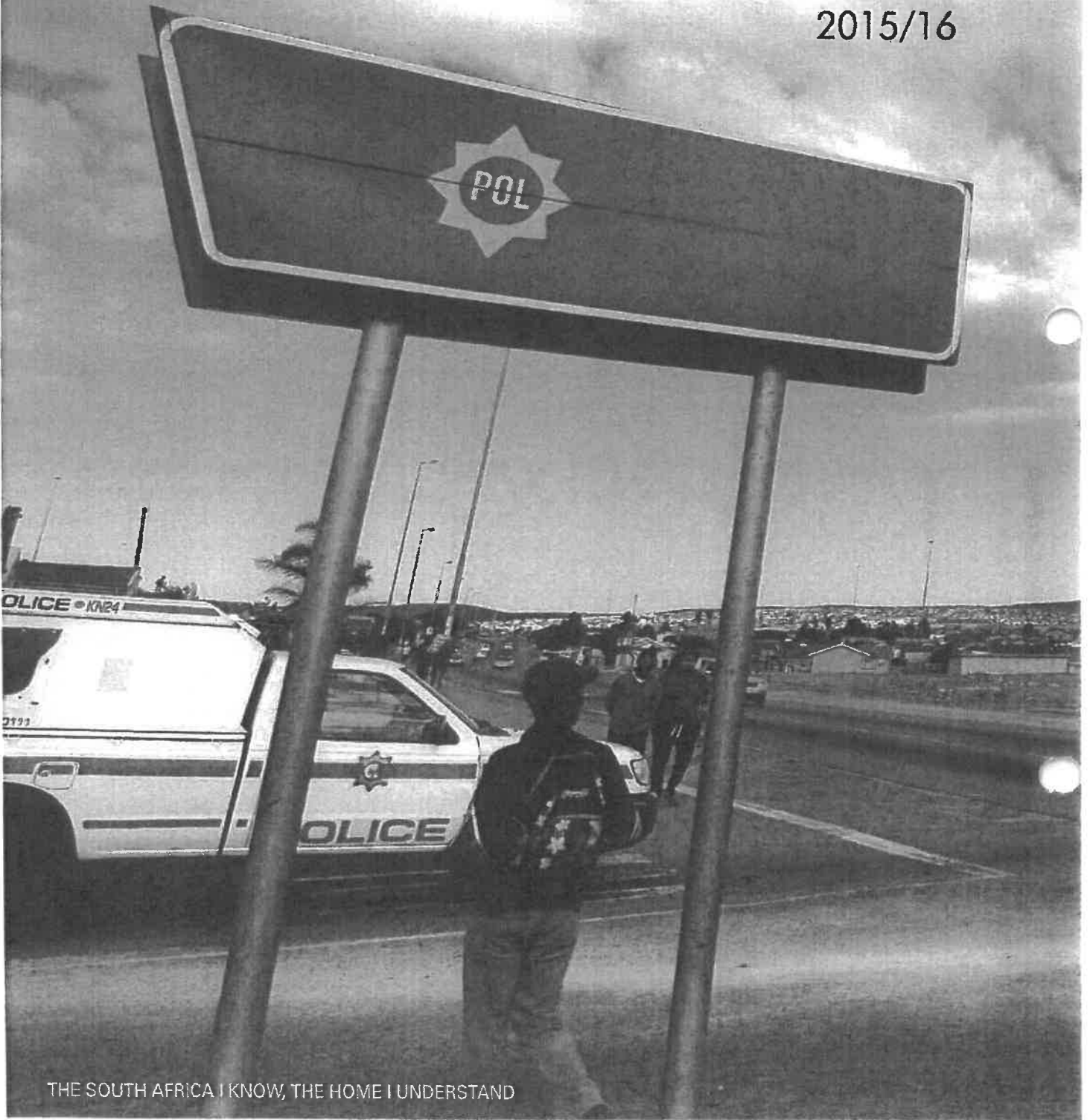
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www.genderlinks.org.za

Victims of Crime Survey

2015/16



THE SOUTH AFRICA I KNOW, THE HOME I UNDERSTAND



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www.statssa.gov.za
info@statssa.gov.za
T +27 12 310 8911
F +27 12 310 8500

Private Bag X44, Pretoria, 0001, South Africa
ISibalo House, Koch Street, Salvokop, Pretoria, 0002

~ S (CM)

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For technical enquiries, please contact:

Dr Raphael Kasonga
Telephone number: (012) 336 0109
Email address: kasonga@statssa.gov.za

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Figure 54: Percentage distribution of incidents of crime reported by the selected individuals to the police

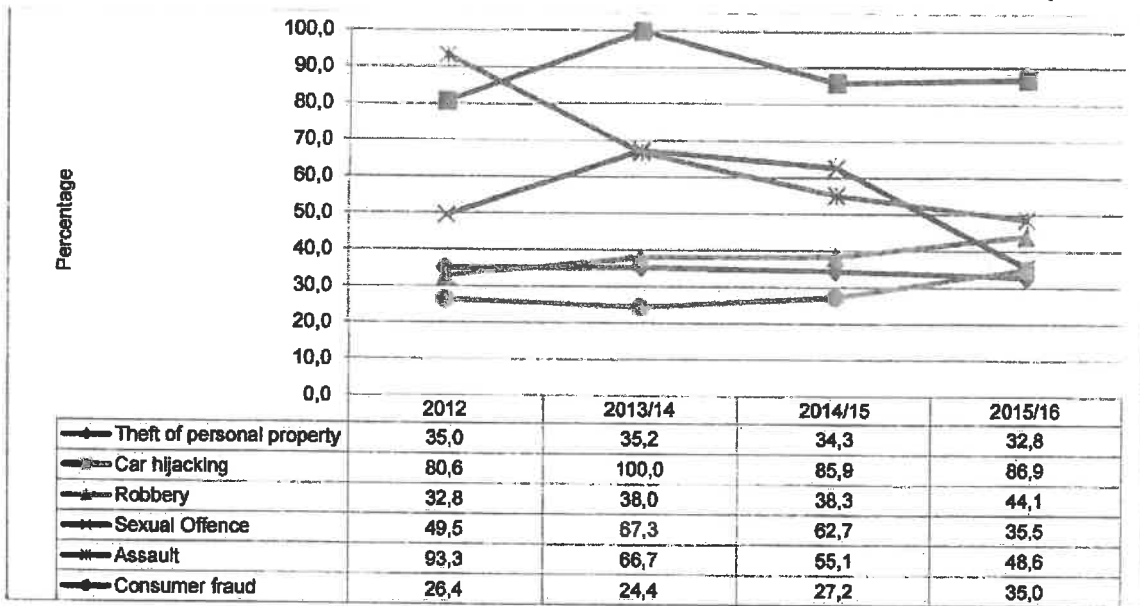
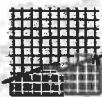


Figure 54 shows the percentage distribution of crime reported to the police by individuals, aged 16 years and older. Individual crime tended to be less frequently reported to the police than household crime. Car hijacking was the most reported individual crime, where between 80% -100% of incidents were said to have been reported to the police during the period 2012 and 2015/16. There was a sharp decline of reporting of assault incidents from 93,3% in 2012 to 48,6% in 2015/16. Other individual crimes saw a fairly constant reporting rates during that period.

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Quantitative research findings on

RAPE
in South Africa



**Statistics
South Africa**

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**Statistics South Africa
Private Bag X44
Pretoria 0001
South Africa**

**Steyn's Building
274 Schoeman Street
Pretoria**

**Users enquiries: (012) 310-8600
Fax: (012) 310-8500
Main switchboard: (012) 310-8911
Fax: (012) 322-3374**

**E-mail: info@statssa.pwv.gov.za
Website: www.statssa.gov.za**

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in South Africa

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Dr FM Orkin
Head

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Authors: Ros Hirschowitz
Chief Director, Research and Development
Statistics South Africa

Seble Worku
Directorate of Analysis
Statistics South Africa

Mark Orkin
Head
Statistics South Africa

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Reporting rape to the police

Table 4 shows that:

- More than half (56,2%) of the rape victims said they had reported the offence to a law enforcement agency.
- The most common main reasons for not reporting the crime to the police were that the victims feared reprisals (33,3%), or that the victims felt that the police would not be able to solve the crime (9,6%), or else embarrassment (9,2%).
- Among victims in the survey who reported the crime to the police, 52,0% said that the perpetrators were arrested, while 35,1% said that the offenders were not arrested. The remaining 12,9% did not answer the question.

Crime statistics obtained from the police indicate that the incidence of reported rape is similar to these survey findings. For example, according to police statistics, taking only women 18 years and above, the incidence of reported rape was 73 per 100 000 of the total population during 1996. The figures of reported rape obtained from the *Victims of crime survey* for 1997 give a similar proportion if children are excluded from the reported statistics, and the denominator remains the total population.

Table 4: The rate of reporting rape to the police and reasons for not reporting (all figures are weighted)

	N	%
Reporting to the police		
Yes	155 697	56,2
No	121 315	43,8
Total	277 012	100,0
Main reasons for not reporting		
Fear of reprisals	40 364	33,3
Fear of being blamed	5 524	4,6
Embarrassment	11 138	9,2
Belief that the police would fail to solve the crime	11 600	9,6
Thought that the police would not take the incident seriously	4 407	3,6
Could not identify the perpetrator	7 594	6,3
Other	25 526	21,0
Unspecified	15 163	12,5
Total	121 316	100,0
Whether the perpetrators were arrested, among those who reported the crime		
Yes	80 885	52,0
No	54 707	35,1
Unspecified	20 105	12,9
Total	155 697	100,0

Source: Statistics South Africa (1998). *Victims of crime survey 1998*