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Differentiating between child maltreatment experiences

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Is differentiating between maltreatment sub-types helpful in explaining outcomes for victim/survivors of child maltreatment? Results from an analysis of parent-report and adult self-report data suggest that the degree (frequency and severity) to which young people experience abusive/neglectful behaviours is more important than the particular sub-type of maltreatment in explaining subsequent psychological problems.

Children are particularly vulnerable to different kinds of victimisation due to their developmental immaturity: physically, cognitively and emotionally (Finkelhor and Dziuba-Leatherman 1994). Researchers have identified a range of different maltreatment types (or sub-types) to which children are subjected. These behaviours are defined either by perpetrator behaviour or by the type of harm that results to the child (Bromfield and Higgins 2004).

Child maltreatment research has developed considerably in the past 40 years since the issue came to public recognition with the publication of the first paper on physical abuse in 1962 (Kempe, Silverman, Steele, Droegemueller and Silver 1962). In the past two decades in particular, extensive attention has been given to evaluating the prevalence and impact of childhood experiences of sexual abuse (Rind, Bauserman and Tromovitch 1998) and, to a lesser extent, physical abuse and physical neglect (Malinosky-Rummell and Hansen 1993).

More recently, attention has been directed to understanding the nature, prevalence, and consequences of psychological maltreatment (Briere and Runtz 1990; O'Hagan 1995) and of witnessing family violence during childhood (Parkinson and Humphreys 1998). Researchers have typically examined each of the maltreatment sub-types in isolation, with little attempt to evaluate their coexistence or the long-term correlates of experiencing multiple types of maltreatment (Rosenberg 1987). From the many thousands of studies that have been published on childhood experiences of maltreatment, in a 2001 review, only 29 studies were identified of adult retrospective reports in which more than one form of child maltreatment was included (Higgins and McCabe 2001).

Researchers currently talk about five different types of child maltreatment: (a) sexual abuse; (b) physical abuse; (c) psychological maltreatment, including emotional abuse and psychological neglect; (d) physical neglect; and, more recently, (e) witnessing family violence. However, there is a growing body of evidence to show that maltreatment sub-types do not occur independently and that a significant proportion of

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reinforce to children that their families are not available for them, as predicted by social support theories of vulnerability to child maltreatment (Garbarino 1977).

Data are now emerging that demonstrate that children who experience one form may also experience other forms of abuse or neglect, as well as negative or dysfunctional family environments. Investigations into the effects of child maltreatment sometimes fail to take into account all of the forms of abuse and neglect experienced by children. However, when researchers do take them into account, a different picture tends to emerge. For example, previous research on adult intimate relationships has emphasised the negative impact of child sexual abuse on outcomes such as divorce or relationship instability; however Colman and Widom (2004) found that physical abuse and neglect are also associated with the ability of males and females to establish and maintain healthy intimate relationships.

In an Australian study using a self-selected sample of female university students, the level of violence, both verbal and physical, either experienced or witnessed within families was a better predictor of poor adjustment than was the presence, frequency, or severity of sexual abuse (Higgins and McCabe 1994). Psychological adjustment was measured using the Trauma Symptom Checklist (TSC-40), which has subscales including anxiety, depression, sleep disturbance, and sexual problems.

Where researchers have asked about participants' experiences of other forms of maltreatment, they can find that "discrete" or distinct forms of maltreatment are atypical. Those people who have experienced more than one form of child abuse or neglect ("multi-type maltreatment") generally have more trauma symptoms (depression, anxiety, sleep disturbance, sexual problems, etc.) and lower self-esteem than both those who experienced just one maltreatment "type", and those who experienced no maltreatment (Higgins and McCabe 2000; Ney et al. 1994).

There is a growing body of evidence that it is not only discrete traumatic events (for example, acts of physical or sexual abuse), but also patterns of negative interactions towards the child (for example, emotional or psychological abuse), and the consistent absence of appropriate parental supervision or care (e.g., neglect, or exposure to domestic violence) that are associated with maladjustment in the long term (O'Hagan 1995; Parkinson and Humphreys 1998). In the past, the first of these factors (particularly sexual abuse) was seen as the most important. However, since the mid 1990s, the child maltreatment literature has begun to reflect broader ecological/developmental perspectives in which the nature of the general family environment as well as specific parental acts are seen as important predictors of psychological wellbeing (Higgins and McCabe 1994). The importance of family environment is twofold: first, in influencing the likelihood of specific acts of maltreatment occurring, but also in influencing psychological health and wellbeing, independent of specific acts of abuse or neglect. In other words, it is also the quality of the family environment that counts.

Does the type of maltreatment matter?

Researchers' lack of understanding about the nature of maltreatment has important consequences. Currently, there is no comprehensive theory to explain the specific effects of any of the maltreatment sub-types. This has resulted in poor understanding

single item; respondents were not asked to separately identify acts perpetrated by the three different categories of perpetrator).

The results of both analyses showed the same pattern: the number of negative behaviours experienced – whether grouped by the identity of the perpetrator (“by perpetrator”) or the maltreatment sub-type to which the behaviour had been classified (“by behaviour”) – is a better way of classifying people’s abuse and neglectful experiences, rather than the “type” or sub-type. In other words, understanding that a person’s negative childhood experiences were chronic, ongoing or involved multiple forms of abusive or neglectful behaviours seems to be a more coherent way of understanding their experiences, rather than classifying them as a victim of a particular type: victim of sexual abuse or victim of physical abuse, for example.

However, in order to confirm the validity of these groupings, the psychological adjustment of individuals was compared to their grouping in the cluster analysis. For both data sets (parent-report and adult retrospective self-report of childhood maltreatment experiences), results from analyses clustering by perpetrator and by behaviour confirmed that those individuals classified in the “high abuse” group had greater psychological problems as measured by the TSC-40 (a general measure of trauma symptoms and psychological health); those in the “low abuse” group had the lowest level of psychological maladjustment; and those in the “moderate abuse” group fell in-between.

Rather than clustering according to traditional maltreatment sub-types, the various maltreatment items were fairly evenly spread across the three clusters: low, moderate and high. The best fit cluster solutions for both the retrospective adult self-report data sets and the parent-report data set differentiated individuals not in terms of a priori categories (sexual abuse, physical abuse, psychological maltreatment, neglect, and witnessing family violence), but in terms of the extent of the reports of their maltreatment experiences, regardless of their type. This clustering was confirmed by comparing the psychological adjustment of people categorised as having experienced low, moderate or high levels of maltreatment.

Although it is convenient for researchers – and child protection workers – to speak of different types of maltreatment, what is evident from these analyses is that it may be more meaningful to talk about the *degree* of negative parental/adult behaviour that is reported (that is, high, medium, or low frequency and/or severity of maltreatment), rather than focusing solely on the *type* (for example, sexual, physical, etc.). There were only three groupings reflected in the cluster analysis – high, medium, and low levels of maltreatment – and planned comparisons (using ANOVA and *t* tests) particularly supported the distinction between low and high maltreatment clusters. The particular *type* of harm was not differentiated. The lack of differentiation between a priori maltreatment sub-types supports researchers’ recent focus on multi-type maltreatment and the negative consequences of experiencing more than one “type” of maltreatment (Higgins and McCabe 2000, 2003).

Conclusions and implications

Currently, researchers and statutory child protection authorities define child maltreatment according to four main types (sexual abuse, physical abuse,



emotional/psychological maltreatment, neglect), or five types if witnessing family violence is considered as a separate form of abuse. However, the distinction between these categories is blurred, because people are often subjected to behaviours that fall into more than one category.

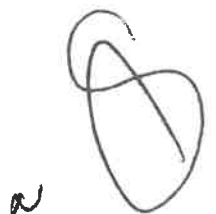
Researchers need a new model of maltreatment types and a comprehensive theory of the causes and consequences of child maltreatment that reflects the likelihood that there are not discrete maltreatment types, but that different maltreatment groupings emerge based on the severity of perpetrator behaviours. A new theory should enable prediction of effects and account for existing research data. It should give practitioners involved in prevention/intervention an integrated perspective for understanding the multiple causes of clients' problems and provide a theoretical basis for the provision of family support, multi-dimensional approaches to prevention of child maltreatment, and other efforts to foster community mental health.

Implications for public policy

Recognition of interrelationships between maltreatment types. Child maltreatment types should not be considered in isolation, due to the large degree of overlap between each form of abuse and neglect. Hetherington (1997) claimed that approximately 50 per cent of the total reports of child abuse and neglect in South Australia were re-notifications. However, it was not known whether the child was being re-notified for the same type of maltreatment. Policies should be adopted that encourage treatment programs to address the differing degree to which each individual has experienced different abusive and neglectful behaviours and "toxic" family dynamics. Public policy initiatives should provide a multi-faceted approach to research, child protection and intervention strategies, and encourage practitioners and researchers to move beyond "turf battles" between those working separately on the different types of child maltreatment. It is important not to assume that one maltreatment subtype is necessarily more damaging than another or more deserving of research, clinical intervention, and prevention strategies.

Family support. Negative family factors play an important role in predicting maltreatment, multi-type maltreatment, and long-term psychological wellbeing. Therefore it is important to develop public policies that aim to provide support for families, including resources, counselling, and support for parental relationships. Family support is the best form of child protection and an excellent strategy for preventing mental health problems in children and adults. Family support and child protection should go hand-in-hand. As Harris (1967: 172) writes: "The best way to help children is to help parents."

Risk assessment. Recently, there have been moves towards risk assessment (or actuarial decision making) tools being used in child protection to determine the seriousness of the situation and both the type and level of response from the child protection authority (Lennings 2004). These innovations should take into account the risk that particular family dynamics pose for specific maltreatment types (Higgins and McCabe 1994), as well as the risk of multi-type maltreatment (Higgins and McCabe 2000). Special programs should be targeted at identifying and providing appropriate interventions for children who are at risk of, or who have experienced, multi-type maltreatment.



Psychobiological Effects of Sexual Abuse

A Longitudinal Study

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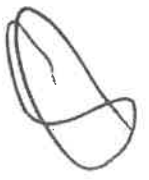
Child maltreatment is common in the United States and probably in most countries. US Government statistics for 1994 (most recent data available) report over 1 million substantiated cases, an increase of 27% over 1990.¹ Official 1994 incidence rates by maltreatment type are: neglect, 8/1,000 children; physical abuse, 2/1,000; sexual abuse, 2/1,000; and emotional abuse/medical neglect, 1/1,000. General population surveys, which include many cases not reported to authorities, suggest annual rates as high as 19/1,000 children for physical abuse and 11/1,000 for sexual abuse.² In their national survey of 2,000 children aged 10-16 years, Finkelhor and Dzuiba-Leatherman² found that only one in four incidents of victimization were reported to authorities.

Research links multiple psychiatric symptoms and disorders to histories of maltreatment. Psychiatric outcomes vary to some degree according to the type of maltreatment. However, many victims experience multiple forms of maltreatment and/or exhibit combinations of symptoms and disorders. Indeed, the heterogeneity and overlap of maltreatment outcomes have confounded attempts to identify abuse-specific responses for clinical and forensic purposes.

Recent studies indicate that child maltreatment alters biological systems. Although preliminary, these studies find an array of stress-related biological systems significantly affected by maltreatment and related family environment factors including hypothalamic-pituitary-adrenal axis dysregulation; increased catecholamines; altered growth and physical development; immune dysfunction; and decreased hippocampal volume.

The discovery of biological dysfunctions associated with traumatic experiences is changing the direction of research on maltreatment-related psychopathology. Prior to these discoveries, research largely focused on possible psychological mechanisms.

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ance.²⁶ Scores on the Child Dissociative Checklist (CDC) are also the single best predictor of inappropriate sexualized behaviors at T1, T2, and T3.

Dissociation scores, however, are not significantly correlated with hypnotizability.³¹ Neither (unlike dissociation) is hypnotizability correlated with measures of trauma severity. These findings support recent studies showing little or no relation between standardized measures of dissociativity and hypnotizability or between hypnotizability and trauma.²⁹ It is clear that pathological dissociation and hypnotizability, which are often conceptualized as psychobiologically one and the same, are different processes.²⁹

Characteristics of Sexual Trauma and Predictions of Outcomes

Reviews of sexual abuse studies note the heterogeneity of outcomes, the enormous variance within a sample with respect to any given outcome, and the fact that even common outcomes, such as depression, are typically present in a minority of subjects in a given sample.¹² We explored the interrelationships among abuse variables including: (1) severity of the abusive act (e.g., penetration vs fondling); (2) duration and/or frequency; (3) use of force and/or violence; (4) relationship to the perpetrator; and (5) age of onset of the abuse.¹² We find these variables to be highly intercorrelated. For example, in our sample, the younger the child at abuse onset, (1) the more severe the abuse in terms of the number of types of abuse, (2) the longer the duration, and (3) the more likely the perpetrator is to be the biological father.

The results of these analyses are too involved to be detailed here (see ref. 12), but they suggest several cautions. First, significant differences appear between biological fathers and other father figures (e.g., stepfathers and mothers' live-in boyfriends). In our sample, sexual abuse by a biological father is a predictor of sexual acting out, aggressive delinquent behavior, the presence of a disruptive behavior disorder diagnosis, and other externalizing psychopathology. These relationships do not hold for nonbiological father figures despite similarities in other abuse variables. Second, the high intercorrelations among traditional abuse severity variables indicate that analyses of severity-outcome relationships must partial out intercorrelations and use multivariate statistical methods. It is possible that similar confounds, as yet not identified, exist for other traumatic stressors.

DISCUSSION

Preliminary biological findings have important implications for understanding the outcomes associated with child maltreatment. They indicate that major stress response systems such as the HPA axis, sympathetic nervous system, and immune system may be significantly altered by maltreatment and related family environmental experiences. Abnormalities of the HPA axis can have significant affective, cognitive, and behavioral effects, as demonstrated by disorders such as Addison's disease and Cushing's syndrome as well as by administration of exogenous cortisol. The HPA axis is capable of powerful immunosuppressive effects. Increased catecholamine levels have been implicated in PTSD symptoms. They may also contribute to the high levels of restlessness and motor activity in maltreated children noted by many

Tracking Justice:

The Attrition of Rape Cases through the Criminal Justice System in Gauteng

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abbreviations

AIDS Acquired Immune Deficiency Syndrome
AOR adjusted odds ratio
CAS Crime Administration System
CIAC SAPS Crime Information and Analysis Centre
CMS Court Management System
CPA Criminal Procedure Act
DoJCD National Department of Justice and Constitutional Development
FCS Family Violence, Child Protection and Sexual Offences
FSL Forensic Science Laboratory

GBH grievous bodily harm
HIV Human Immunodeficiency Virus
IDMT Interdepartmental Management Team
NDPP National Directorate of Public Prosecutions
NPA National Prosecuting Authority
OSF Open Society Foundation
SAECK Sexual Assault Evidence Collection Kit
SALC South African Law Commission
SAPS South African Police Service
STR short tandem repeat
TCC Thuthuzela Care Centre

police stations

Gauteng police stations included in the study



East Rand	Johannesburg	North Rand	Pretoria	Soweto	Vaal Rand	West Rand
Alberton	Alexandra	Actonville	Akasia	Diepkloof	The Barrage	Carletonville
Brakpan	Booyens	Benoni	Atteridgeville	Dobsonville	Boipatong	Honeydew
Dawn Park	Bramley	Daveyton	Cullinan	Eldorado Park	De Deur	Kagiso
Elsburg	Brixton	Etwatwa	Erasmia	Jabulani	Eyton	Krugersdorp
Germiston	Cleveland	Ivory Park	Mamelodi	Kliptown	Lenasia South	Randfontein
Heidelberg	Hillbrow	Midrand	Pretoria Central	Meadowlands	Orange Farm	Roodeport
Katlehong	Jeppe	Norkempark	Rietgat	Moroka	Sebokeng	Westonaria
Kwa-Thema	Johannesburg Central	Sebenza	Silverton	Naledi	Sharpeville	
Nigel	Langlaate	Tembisa	Soshanguve	Orlando	Vanderbijlpark	
Primrose	Sophia Town			Protea Glen	Vereeniging	
Reigerpark	Yeoville					
Tokoza						
Teakane						
Vosloorus						

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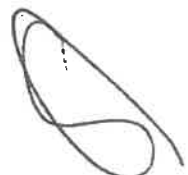
Lizle Loots, Olivia Dunseith and Collet Ngwane supervised the fieldwork and helped with both the post-coding and management of data. Olivia Dunseith also played a significant role in the planning and co-ordination of the court field work as well as the coding of the court data. Ruxana Jina assisted with coding the J88s. Bronwyn Harris and Sasha Gear provided important support to the fieldworkers. We also wish to acknowledge Jonathan Levin for his work on developing our sampling design. Data entry was undertaken by Alta Hansen.

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executive summary

An exploration of how the criminal justice system processes complaints of rape is essential for at least two reasons. Firstly, it establishes the measure of justice afforded rape complainants and thus enables South African society to hold criminal justice system personnel to account. Secondly, it provides insight into how and why justice may be eroded and the criminal justice system's consequent ability to deter sexual violence weakened. In pursuit of these objectives we undertook a study in Gauteng Province to describe the processing of rape complaints, as well as their outcome, from the time such complaints were reported in 2003, to the point at which they were disposed of by either the police or courts. The research also describes the characteristics of reported rape in the province.

Our study was undertaken in Gauteng Province where, in 2003, a total of 11 926 rapes were reported at the 128 police stations in Gauteng Province. A sample was drawn for the study using a two stage procedure. The first stage drew a sample of 70 police stations using probability proportional to size, where size was based on the number of rape cases reported to the police in 2003. Within each police station all the closed rape cases for the year were identified by their CAS numbers and a random sample of 30 dockets was selected (or all cases if fewer than 30 cases were reported in that year to the sampled police station). The dockets were then located either at the police station or at the specialist Family Violence Child Protection and Sexual Offences (FCS) Units and data abstracted. There was no replacement of dockets that were unavailable. This procedure provided a sample of 2 068 cases for the study. Records for those cases that went to court were obtained from both High Courts in the province, as well as all 30 magistrates' courts.



Key findings

Age significantly affects many characteristics of reported rape in Gauteng. Almost two-thirds of rapes (60.2%) reported in Gauteng in 2003 involved adult victims. Teenage girls (defined as girls between the ages of 12 – 17) comprised one in four victims (25.2%) and girls aged between 0 – 11 years one in seven (14.6%) victims.

The rape of women 18 years and older

- * Adults were three times more likely to be raped by strangers than were girls (48.1% vs 14.6%). Almost one in five women (18.8%) was raped by a current or former intimate male partner. Adults were twice as likely as young girls to be the victims of gang rape (20.0% vs 8.2%).
- * Half (49.5%) of the rapes perpetrated against adults involved an abduction where the perpetrator encountered the woman in one place and then forcibly took her elsewhere. Adult women were the group most likely to be attacked outdoors with more than one in four rapes occurring in an open space (24.9%) and a further (7.8%) occurring in an alleyway or by a road. A sizeable proportion of women were also attacked opportunistically in the course of their routine daily activities such as walking (51.9%), or while simply being at home (19.7%).
- * Rapes directed against adult women were the most likely to involve weapons, force, threat and injury. Perpetrators were ten times more likely to be armed with some sort of weapon when they raped adult women (40.9% of rapes) than when they raped girls (4.7%). In one in five cases (19.3%) this weapon was a gun. Some form of bodily force was used against 70.1% of adult women and more than one in three (38.3%) was threatened with death or injury. Injuries to the body were 20 times more likely in women as in young girls and found in 39% of adult survivors. One in two adults sustained some form of genital injury.
- * Adult women fared worst at the hands of the criminal justice system relative to girls and teenagers. Less than half of their cases (46.8%) resulted in arrests, with a trial commencing in about one in seven (14.7%) matters. By contrast one in five girls and teenagers' cases resulted in a trial. Those who raped young girls were twice as likely to be convicted (10.1%) as those who raped adults (4.7%).

The rape of adolescent girls (12 – 17 years)

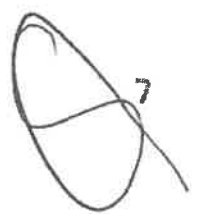
Reflecting their state of transition between childhood and adulthood, the rape of adolescent girls displayed features of both child and adult rape.

- * Friends/acquaintances and neighbours accounted for 43.4% of those who raped adolescents. Just over one in four (28.6%) teenage girls was raped by a stranger.
- * Almost half of the rapes of teenage girls were preceded by abductions (44.6%).
- * Repeat abuse was also evident amongst teenage girls, of whom 12.5% had been raped before by the suspect.
- * Teenage girls were the group most likely to be raped in the perpetrator's home (39.6%).
- * Like adult women, one in three adolescents (35.5%) was threatened with either death or injury. They were twice as likely as younger girls to be threatened in this way (18.6%). They were seven times more likely than girls to sustain injuries to their bodies.
- * As was the case with young girls (55.0%), a suspect was arrested in more than half of cases involving teenage girls (56.7%). One in five teenagers' matters went to trial (21.2%) and a conviction was secured in 7.6% of their cases. However, those who attacked teenage girls were more likely to be convicted of having sex with an underage girl (46.2%) than to be convicted of rape (38.5%).

Friends/acquaintances and neighbours accounted for 43.4% of those who raped adolescents.

The rape of young girls (0 – 11 years)

- * In 2003 some very young children were raped. We found 0.2% of victims were aged a year or less, another 0.9% were two years old while three year olds accounted for 1.7% of the sample. In total, victims aged three years and younger accounted for 2.8% of all victims in our study where an age could be determined.
- * One in six young girls (16.4%) was the victim of repeat or chronic abuse.
- * Girls were twice as likely to be raped by friends/acquaintances and neighbours than were adult women (52.1% versus 24.8%). Relatives also accounted for nearly one in three (31.8%) of those raping young girls.



- * Girls were more likely to be raped in their own homes (28.5%) than either adolescent girls (17.1%) or adult women (19.6%).
- * Weapons were very rarely used in cases involving young girls (4.7%) and those used were most commonly a knife or panga. Coercion based on adult perpetrators' abuse of their authority and power was most likely to be employed against young girls.
- * Any injury to the genitals or anus was recorded in two out of three girls (65.3%) and teenagers' (66.2%) cases. Where injuries to the anus were recorded, they were most likely to be found in girls (8.4%).
- * Young girls were the group most likely to be told not to tell others about what had happened and in one in three cases did not do so. Rather, the rape was recognised either from changes in their behaviour or because they reported symptoms indicative of sexual assault.
- * More than half of girls' reports resulted in an arrest (55.0%) and over one in five went to trial (22.1%). One in ten reports made to the police resulted in a conviction (10.1%).

Perpetrators

Information was available for a total of 1 090 suspects.

- * The youngest perpetrator in our sample was 6 years old and the oldest 76 years of age. Suspects were older than survivors and there was no difference in the median perpetrator ages by the different survivor age groups.
- * One in eight (13.1%) were juvenile offenders aged 17 years and younger. More than four out of five (81.2%) juvenile offenders fell between the ages of 12 – 17. Pre-teenage child perpetrators all acted against young girls.
- * Most suspects were first-time offenders. However, almost one in five (17.8%) of those arrested had previously been found guilty of other crimes, with one-third of these previous convictions (6% in total) being for rape.
- * Just fewer than one in five rapes (17.4%) involved two or more perpetrators, with the maximum number of perpetrators involved in a gang rape being 17. In another 13.9% of cases others colluded in the planning and commission of the crime, even though they did not participate in the actual rape. The collusion of others was most likely in cases involving teenagers.

Rape and disability

Approximately 1.9% of victims had some form of disability. A disability was recorded in 1.1% of adult victims, 1.3% of girls and 3.4% of teenagers. These figures fall below the prevalence of disability in Gauteng. Our figures suggest three possibilities: under-recording of disability on the J88s and dockets; under-reporting of rape of disabled victims; or a lower vulnerability to rape amongst disabled people. The last explanation seems unlikely, given research internationally.

Rape and injury

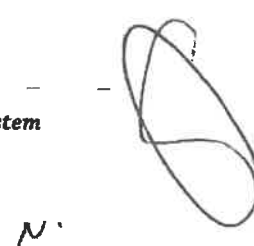
Penetration may actually be more forceful in rape in South Africa, with 57.5% of cases resulting in an ano-genital injury. This is a higher proportion of such injury than has been found in studies conducted in the developed world. Nonetheless, a key finding of our study is that in a high proportion of rapes there were no injuries to either the genitals or other parts of the body. This confirms findings from other countries which vigorously argue that absence of injuries should not be interpreted as indicating that no rape took place.

The attrition of rape cases through the criminal justice system

Summarised below are the outcomes of the 2 064 cases in our study:

- * Half of cases resulted in arrests (50.5%) but only 42.8% of perpetrators were charged in court.
- * Trials commenced in less than one in five cases (17.3%).
- * A conviction for any crime resulted in just over 1 in 20 (6.2%) cases. However, some of these convictions were for lesser charges so overall only 4.1% of cases reported as rape resulted in convictions for rape.
- * 15.6% of rape convictions received less than the mandated 10 years minimum sentence. The other prescribed sentence for rape, life imprisonment, was very rarely observed. Thirty-four (or 41%) of men convicted of rape were eligible for life imprisonment. This was handed down in only three cases.

Trials commenced in less than one in five cases (17.3%).



The majority of rape cases (55%) in our sample were disposed of by the courts, rather than the police (45%).

- * More than half of the cases closed by the police were closed because the perpetrator could not be identified or located (52.3%). Notably, descriptions of the perpetrator were absent from more than three-quarters of victims' statements (78.4%). In more than half the dockets (52.7%), an instruction to arrest the suspect had to be issued twice or more before the investigating officer complied with it. In 30.2% of the cases where an instruction was issued on two or more occasions to arrest the suspect, he had disappeared. These particular examples of inadequate policing point to where attrition could potentially be reduced.
- * Courts disposed of cases in three ways: *nolle prosequi* decisions (16.1%), the withdrawal of matters (20.1%) and the striking of matters from the court roll (2.2%). The greatest proportion of cases were nollied on the basis that there was too little evidence to warrant a prosecution (25.7%) while the greatest proportion of cases were withdrawn due to the victim becoming untraceable (33.5%).
- * One in three (36.4%) accused was granted bail. On average, bail was set at R2 000. Only six accused skipped bail and disappeared.

Medico-legal evidence

The J88 was available for our scrutiny in 77% of cases. According to the dockets:

- * In 67% of cases a Sexual Assault Evidence Collection Kit (SAECK) was completed and in 51% of cases sent to the police's forensic laboratory. A report from the laboratory containing the results of DNA testing was available in 2% of dockets. Worryingly, in only 16.4% of cases where a suspect was arrested was his blood taken. Collecting DNA evidence from the victim is a meaningless exercise if it cannot be tested against a suspect's DNA.
- * 39% of young children had a kit completed as compared to 61% of teenagers and 77% of adults. The SAECKs of girls were significantly more likely to be analysed and a report made available after being sent to the FSL, than adults.
- * The presence of injuries, severe or otherwise, made no difference to the likelihood of a suspect being arrested. Following an arrest, cases

involving children were twice as likely to go to trial if there was a genital injury with a skin or mucosal tear.

- * A conviction for a sexual offence in adults was three times more likely if there was a bodily injury and more than four times more likely if there was a genital injury. The availability of a report on DNA made no difference to the likelihood of conviction (although DNA reports were available in very few cases).

Survivors' engagement with the criminal justice system

A sizeable proportion of victims (37%) opted out of criminal justice system processes, with two-thirds (67.2%) doing so during the course of the police investigation. Overall, 14% of victims withdrew their cases for various reasons while over one in five victims (22.9%) became untraceable. The disappearance of victims is another major point of attrition and may also disguise corruption as we cannot assume that every victim who became untraceable chose to become uncontactable.

- * The victim's residential address was not recorded in the docket in 2.5% of cases and a work address not captured in three-quarters (75.2%) of the dockets. In only 17.8% of cases were the details of a contact person in addition to the victim captured.
- * The median number of attempts made to contact untraceable victims was three, ranging from no effort whatsoever, to a maximum number of 15 attempts. In 25% of cases where the victim disappeared, as few as four days had passed between the investigating officer's first and last attempt to trace her.

The disappearance of victims is another major point of attrition and may also disguise corruption as we cannot assume that every victim who became untraceable chose to become uncontactable.

Recommendations

1. *Changing social norms on rape: ending the culture of entitlement and impunity*

Rape is a sexualised act of humiliation and punishment. Rape is also perpetrated by men acting on a sense of sexual entitlement, one indication of which is the finding that more rapes took place in the perpetrator's home than the victim's home, with some perpetrators even falling asleep afterwards. Such men clearly saw no need to conceal themselves. Even if they did understand the wrongfulness of their actions, then it suggests that such men feel empowered to act with a sense of apparent impunity. The fact that others acted to assist the perpetrator in committing abduction and rape, rather than preventing its occurrence, highlights the extent to which sexual violence is socially tolerated and supported. Taken together, these various behaviours show the importance of changing social constructions of masculinity predicated on the control of women. The criminal justice system needs to improve the investigation and prosecution of sexual crimes so that men and boys realise that they cannot rape with impunity.

2. *Protecting young children: childcare arrangements*

The study findings confirm the vulnerability of some children to rape by family members and those they know. In preventing child rape the quality and safety of childcare arrangements must be emphasised. This may include developing a greater understanding amongst parents and other caregivers of the degree of supervision required to protect children in our violent society. The government needs to raise awareness of childcare as an important aspect of child protection and to work with the private sector and non-profit organisations to provide safe, accessible and affordable childcare.

3. *Protecting adult women: safe environments and transport*

The findings show that many adult women live in unsafe environments that allow for opportunistic attacks by strangers, both in their homes and in public spaces. It seems likely that attention to a variety of components of urban safety could play a role in reducing some of the risks that women face. Aspects of environmental design that need attention include providing good street lighting; avoiding the location of transport nodes in deserted areas or spaces that are not peopled for parts of the day or night; avoiding the creation of

places where women may be easily trapped such as tunnels and alleyways; and designing parks and public spaces that are open to surveillance and do not provide hiding places for attackers. The government should consider economic measures that enable low income women and families to afford effective security for their homes.

4. *Strengthening protection of children*

Evidence from the dockets suggests that police officers are failing to grasp their role in child protection and, in particular, their responsibility to prevent children's repeat victimisation and intimidation. Police officers need to be trained to ensure that when children are sexually assaulted, their primary caregiver is established and documented. The Department of Social Development and child protection agencies designated by the Children's Act (32 of 2005) must be involved in assessing children who have been raped. The police should never close cases of child sexual abuse without having received an assessment report from such child protection services first. To remind the police of their duties in this regard, a child safety checklist could be developed and included within the docket.

5. *Strengthening protection of disabled women and girls*

Prosecutors, police officers and health professionals need to be trained to identify disability and make appropriate referrals when disabled people are sexually violated. Both the police dockets and J88 should record whether or not a complainant is disabled, as well as the particular form the disability takes. To increase awareness of sexual violence against people with disabilities, this information should be incorporated into the regular reporting of crime statistics. When adults with learning disabilities are raped, a referral should be made to the Department of Social Development for an assessment of the home circumstances to ensure that efforts can be made to reduce future vulnerability.

6. *Keeping victims involved: enhancing record keeping in dockets and information to victims*

While some of the attrition documented by the study may be unavoidable, there is also evidence of avoidable attrition. Victims and other witnesses' contact details should be verified when cases are reported and contact details obtained for others (such as family and friends) who could help make contact with victims. Workplace addresses or, in the case of children school addresses, should also