

**WOMEN'S EXPERIENCES OF REPORTING RAPE TO THE POLICE:
A QUALITATIVE STUDY**

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of Arts (Psychology) at the University of Stellenbosch.**

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STATEMENT

I, the undersigned, hereby declare that the work contained in this thesis is my own original work, and that I have not previously in its entirety or in part submitted it at any university for a degree.

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Signature

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Date

ABSTRACT

The issue of rape in South Africa has been widely documented and debated in the form of academic, legal, governmental and media reports. The statistics that inform us both of the incidence of rape and the number of women who report rape to the police have been vehemently contested. Secondary victimization of rape survivors by police, medical and legal officials, has been reported internationally in studies conducted in the United Kingdom, the United States and South Africa. The present study explored 16 women's experiences of reporting rape to the police in historically disadvantaged communities. Qualitative semi-structured interviews were aimed at eliciting information about the nature of their experiences with the police and how their complaints were responded to and dealt with by police personnel. Six categories and 18 themes emerged out of a grounded theory analysis performed on the data. All of the participants were reportedly dissatisfied with the manner in which they were treated or the way in which their cases were handled by the South African Police Service (SAPS). The results implied the existence of rape myths in police official's attitudes towards rape survivors, and the need to create awareness around the rights of rape survivors who report rape to the police, as well as to educate police officers with regards to the sensitivity of the issue of rape.

Keywords: rape myths; secondary victimization; police; survivors; criminal justice system; feminism; gender relations; rape in South Africa.

ABSTRAK

Die onderwerp van verkragting in Suid-Afrika is deuglik debateer en dokumenteer deur middel van akademiese, wetlike, regeering en media verslagte. Die statistieke wat ons in kennis stel van die aantal insidente van verkragtings en die aantal vrouens wat verkragting rapporteer is gedurig in 'n vurige en teenstrydige toestand. Sekondêre viktimisering van verkragting oorlewendes deur die polisie, mediese en wetlike amptenare, is gerapporteer op internasionale vlak in studies wat gedoen is in die Verenigde Koningryk, die Verenigde State en Suid-Afrika. Hierdie studie dek die ervarings van 16 vrouens, vanuit historiese agtergeblewe gemeenskappe, se rapportering van verkragting aan die polisie. Kwalitatiewe semi-gestruktureerde onderhoude is gemik daarop om inligting tot die lig te bring oor die natuur van hul ervarings met die polisie, hoe daar op hul aanklagte reageer is en hoe die polisie dit hanteer het. Ses kategorieë en 18 temas was die resultaat vanuit 'n gegronde teorie analise wat gedoen is op die data. Al die vrouens was ongelukkig met die manier waarop hul beweerde behandeling, of oor hul sake hanteer was deur die Suid-Afrikaanse Polisie Diens (SAPD). Die resultate het gewys op die bestaan van verkragtingsmities in polisie amptenare se houding teenoor die verkragting oorlewendes, en die behoefte om 'n bewustheid te skep oor die regte van verkragting oorlewendes wat verkragting rapporteer aan die polisie, as ook om polisie offisiere te onderrig ten opsigte van sensitiwiteit teenoor die saak van verkragting.

Sleutelwoorde: verkragtingsmities; sekondêre viktimisering; polisie; oorlewendes; kriminele justisie sisteem; feminisme; geslagsverhoudings; verkragting in Suid-Afrika.

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Chapter 1: Introduction and Motivation for Research

South Africa has the highest incidence of rape in the world of the countries that report reliable crime statistics (Snyman, 2005). According to the latest South African Police Services (SAPS) crime statistics, from the period of April 2005 until March 2006, some 54 900 rapes were reported to the police in South Africa (“Information management”, n.d). Of the rapes reported, the Western Cape has the fourth highest total reported rapes of the 9 provinces (6145 rapes reported). However, police statistics reflect crime reporting practices rather than the incidence of the actual crime itself (Vetten, 2005). Furthermore, there is significant confusion surrounding the statistics of how many women report rape to the police and how they are calculated. A national crime survey conducted by Statistics South Africa (SSA) found that one out of two rape survivors reported the matter to the police (SSA, 2000), while a Three Province Survey by the Medical Research Council on violence against women found that one in nine victims reported (Jewkes, Penn-Kekana, Levin, Ratsaka & Schrieber, 2001). While the decision to report rape is a complex one, there are many aspects of the criminal justice system response that may impact on this decision (Smythe, 2004).

Within the context of the UN Decade for Women (1976-1985) many countries began to recognize the problem of gender based violence. Three conferences on women (Mexico City 1975, Copenhagen 1980 and Nairobi 1985) raised the issue of gender violence and demanded special attention to the constraints that it places on women’s full participation in society (Stanton, Lochrenberg & Mukasa, 1997). Against this backdrop, it was in the

early 1980s that growing criticism of police behavior towards women who reported rape led to a radical reappraisal of police methods in dealing with rape cases (Temkin, 1997). Most rapists are men and most victims are women, a condition that makes gender an issue in the perpetration and prevention of rape, as well as in research and theorizing about rape (Martin, 1997). It becomes important then, to examine victim's responses to their interactions with the authorities. Women's responses include both overall satisfaction with the system, and interpretations of treatment received from agencies of law enforcement (Ward, 1995).

The unwillingness of women to report rape to the police has been well documented (Walklate, 1995). Victims of sexual violence and especially of intimate violence rarely resort to the criminal justice system (Gartner & Macmillan, 1995). A substantial contributing factor to the underreporting of rape can be attributed to the widespread existence of rape myths. The most powerful and over-arching rape myth that exists within the legal arena is that women fabricate rape accusations. Women's motives are assumed to be varied, but include malice, guilt and revenge. Furthermore, the treatment of victims of sexual violence is seen as the consequence of underlying misconceptions about rape and society's prejudicial attitudes towards women (Ward, 1995).

Since the 1980's, within the criminal justice system generally, pressure to recognize the rights and needs of rape victims has assumed increasing significance (Jordan, 2002). The police officer is the first representative of the criminal justice system the reporting victim encounters. The quality of her contact with the police officer may shape her perception of

the entire prosecution process (Jordan, 2002). Successful handling of rape cases by police also contributes to the victims' perception of a just world, and can help to restore the victim's sense of mastery and control. Good police-victim relations have been shown to lead to better victim adjustment (Brown, 1970, cited in Ward, 1995). Similarly, supportive responses from others are shown to be the most reliable predictors of post-rape recovery (Ward, 1995).

There is an evident absence of debate around policing as a gendered task, and on what policies are likely to succeed and with whom. If more light is shed on the policing task when viewed through a feminist framework, we are perhaps in a better position to understand the impact that police practice has on its recipients, both victims of crime and those who break the law (Walklate, 1995).

The study therefore seeks to explore:

1. Women's experiences of reporting rape to the police in general;
2. How women felt their reporting experiences with the police specifically impacted on their post rape recovery;
3. Women's perceptions of the existence or absence of rape myths and prejudicial attitudes amongst the police when reporting rape.

The aim of the present study was to obtain information from women who have been through the rape reporting process, in order to investigate in depth how women subjectively experienced the reporting of rape and to evaluate how rape victims' complaints to the police were responded to and dealt with.

Chapter 2: Literature Review

The following chapter will present and discuss the existing literature on the context, findings and debates around women's experiences of reporting rape to the police. The theoretical paradigm in which I have located the study will be presented first, followed by the literature on the psychological consequences of rape for women. The role of the police and issues of legislature are discussed next, and the chapter closes with a review of studies that have been conducted on secondary victimisation and attitudes towards rape survivors in South Africa.

2.1 Sexual violence and power

Artz (2001b) argues that violence against women is one method of maintaining social control. The use of violence as a form of social control can take multiple forms such as rape, domestic violence, prostitution and female genital mutilation. In terms of rape in particular, stereotypical views about male and female sexuality are often used to explain its incidence, and could explain why rape is socially sanctioned (Gavey, 2005; Kiguwa, 2004; White, Strube & Fisher, 1998). Seen from within this social control model, a women's body is fair game, unless she can prove that the violation against her was unwanted and unprovoked. This speaks to the hostile reactions that women often face when speaking out against violence or as Artz (2001b) calls it breaking the 'subordination boundary' (p.4). Women's struggles against subordination are extremely revolutionary in that they not only threaten male dominance and privileges but the whole social order (Artz, 2001b).

In keeping with recent feminist research on rape, it has been posited that the 'coercion of women is a manifestation of male dominance over women, an assertion of such dominance and an instrument in the establishment of dominant positions amongst other men' (Jewkes & Abrahams, 2002: p.1240). Therefore, we cannot view sexual violence as occurring within a vacuum. It will be argued that the occurrence of sexual violence, and the reactions that ensue when women advocate against this type of treatment, are mediated by the status of gender relations within society.

2.2 Rape Ideology and society

Mainstream feminist scholarship has argued that rape ideology encourages and justifies sexual coercion, trivialises sexual violence and devalues women who have experienced sexual assault (Brownmiller, 1975, cited in Westheimer & Lopater, 2005; Ward, 1995). Attitudes towards rape victims are affected by many factors and vary over time and across cultures. They have also been found to be strongly connected to other deeply held and pervasive attitudes such as sex role stereotyping, distrust of the opposite sex and acceptance of interpersonal violence (Burt, 1980). Some feminists see the criminal justice system as an embodiment of attitudes that exist in wider society, as gendered and male dominated, and a domain where men are privileged at the expense of the marginalisation of women (Stanton et al., 1997). What has been named the 'second rape' of the victim is the act of violation, alienation and disparagement a victim may receive when she turns to others for help and support (Madigan & Gamble, 1991). Jordan (2001) agrees, finding in his study of rape victims that the experience of reporting rape was experienced to be so

arduous, that for many women it replicated the violation felt in the rape itself, likening the reporting process to a second victimisation.

As the police represent the survivor's initial contact with the legal system, the manner in which they treat rape victims will undoubtedly have an effect on the individual's well being, and it will influence the survivor's perception of the system (Temkin, 1997).

Police are not only important in preventing secondary victimisation, but are also crucial in statement taking, gathering evidence, apprehending the perpetrators and determining whether a case will be prosecuted (Stanton et al., 1997). The police may hold even more biased and stereotyped attitudes towards rape victims than those who are unfamiliar with law enforcement policies and procedures (Ward, 1995). If victims rebuild their self-concepts based on others reactions towards them, than unsupportive responses from others can and will have a detrimental affect on recovery (Burgess & Holmstrom, 1978). Herman (1992) explains that in the immediate aftermath of trauma, victims crave the presence of a sympathetic person and that assurances of safety and protection are very important. Conversely, the internalisation of misconceptions about sexual violence can then have disastrous effects on a victim if she is later forced to confront her own sexual victimization (Ward, 1995). Many researchers have found that victims blame themselves for being raped (Herman, 1992; Madigan & Gamble, 1991; Ward, 1995) or fear that family, friends or law enforcement agencies will blame them (Vetten, 2000; Ward, 1995). It is these disbelieving and skeptical attitudes that are rooted in the acceptance of rape myths.

Rape myths serve the purpose of dividing and deceiving women, disguising the real level of male violence and its significance to all women. One myth is that rape can only be said to have occurred if the woman fights back, leading to self-blame and guilt on the part of the rape victim if she did not fight back. In a qualitative, longitudinal study, Thompson (2000) described the experiences of five women who had been raped. Despite significant differences amongst the participants with regards to when the rape had happened, between 6 and 40 years post-rape women in this study showed internalisation of rape myths in their narratives. It appears that these beliefs can be assimilated and therefore prompt women to question or blame themselves, knowing that others may do the same.

Sex role socialisation also encourages the rape victim to see herself as a possible contributor to her own victimisation (Williams, 1984). In her study of police officer's attitudes towards rape, Temkin (1997), found that several officers had fixed and stereotypical ideas of what makes a genuine rape victim, and that disbelieving attitudes towards rape victims persist. The police merely mirror the attitudes of society, however. Police personnel have been found to use the same defenses as the general public to distance themselves from the reality of the rape (Madigan & Gamble, 1991). Therefore, law enforcement agencies both influence and are influenced by the relationship between men and women in society (Ward, 1995).

2.3 The consequences of rape for women

Firstly, It is important that rape and sexual assault be understood as a traumatic event. Rape is not just unwanted sex but is usually experienced as life threatening and as an

extreme personal violation (Crombrinck & Skepu, 2003). The psychological consequences that often follow rape have been well documented (Foa & Rothbaum, 1998; Koss & Harvey, 1991; Koss, 1993; Rothbaum, Foa, Murdock, Riggs & Walsh, 1992).

For the purpose of the present study I refer to the symptoms of post-traumatic stress disorder (PTSD) as delineated by the *Diagnostic and Statistical Manual (DSM)*, fourth edition, revised (APA, 2000). The DSM-IV-TR Diagnostic criteria for PTSD describe it as an anxiety disorder precipitated by a traumatic event that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or other. The person's response to the event involves intense fear, helplessness or horror. PTSD is characterised by symptoms of reexperiencing, avoidance and numbing, and arousal, which persist longer than 1 month after the trauma. The symptom duration criteria includes the subtypes of "acute" if the duration of symptoms is less than 3 months and "chronic" if the duration of the symptoms is 3 months or more. PTSD is distinguished from other anxiety disorders by flashbacks, nightmares and most importantly, by numbing and dissociative symptoms.

Consistent with the diagnostic features of PTSD, researchers have noted that criminal victimization produces a variety of disturbances, including anxiety, intrusive thoughts and images of the assault, and sleep disturbances such as nightmares and insomnia. Anxiety can manifest in terms of intense fear of situations that evoke memories of the rape and in the form of general anxiety. With regards to depression, although also a

common reaction to rape, it appears to be less persistent than anxiety. Related to depression is suicidality, which has been found to be present in a significant proportion of rape victims post assault at different intervals (Foa & Rothbaum, 1998). Anger has also been repeatedly observed in rape victims. Certain assault variables such as the use of a weapon and the victim's response to the attack were found to predict anger response (Foa & Rothbaum, 1998). Rape victims reported intrusive thoughts and images of the assault that they actively attempt to avoid and 76 % of rape victims reported PTSD at some point within a year after the assault (Resnick, Veronen, Saunders, Kilpatrick & Cornelison, 1989 cited in Foa & Rothbaum, 1998).

Rothbaum et al. (1992, cited in Foa & Rothbaum, 1998) found that of 95 rape victims interviewed within 2 weeks after the assault, 95% met the symptom criteria for PTSD. However, the diagnosis of PTSD cannot be assigned to a trauma victim until the required symptoms have persisted for at least 1 month. The research findings that severe early reactions to trauma predicts chronic PTSD, combined with studies that suggest that dissociative symptoms during or after trauma are predictive of later PTSD, led to the introduction of Acute Stress Disorder (ASD) into the DSM-IV-TR. The symptoms for ASD are largely similar to those of PTSD, although the numbing and dissociative symptoms are emphasised more than in PTSD. ASD refers to symptoms that occur immediately after trauma, but if the symptoms persist for more than a month, PTSD is diagnosed. Dissociation during and immediately after trauma is noteworthy because of the impact it may have on a rape victim's recall and cognitive functioning. Dissociation can include amnesia, emotional detachment, and feelings of depersonalization, out-of-

body experiences, dream-like recall of events, feelings of estrangement, flashbacks and abreaction. A dissociative reaction can entail a disturbance in the normally integrated functions of identity, memory and consciousness. As a coping mechanism, dissociation removes the individual from an extremely aversive event when physical escape is impossible (Foa & Rothbaum, 1998).

Rape Trauma Syndrome (RTS) although not a psychiatric diagnosis, was the first attempt at referring to a cluster of emotional responses to the extreme stress experienced by a victim during a rape. Rape victims appear to experience different symptoms of RTS over time including shock and disbelief, confusion, fear, depression and anger, resolution, coping and long-term adjustment (Crombrinck & Skepu, 2003). The multitude of problems rape victims have been found to face post assault, is indicative of the complicated psychological and health related issues that often ensue after a woman has been raped.

Both PTSD and RTS have been criticised by feminist scholars (Koss & Harvey, 1991; Stefan, 1994; Wasco, 2003). The assumption behind the PTSD model is that a traumatic event is one isolated incident, whereas in non-western contexts trauma is more likely to be interwoven into the everyday realities of women's lives. It had been argued that both PTSD and RTS simplify and pathologise women's reaction to rape and do not capture the complex nature of responses to rape, particularly within contexts where poverty and oppression are commonplace (Stefan, 1994; Wasco, 2003). Other scholars have criticized the RTS model, arguing that most of the research was conducted with white middle class

women, and that women from minority groups were rarely identified as having RTS (Koss & Harvey, 1991). In South Africa however, the women interviewed in the present study do not form part of a minority group, but are rather the majority.

Having said this, the literature on the prevalence of PTSD amongst rape survivors cannot be ignored, and the implications for women reporting rape warrants discussion. The symptoms of PTSD and ASD, if experienced by the survivor, could severely impair the woman's ability to accurately recall the events and details of the trauma, thereby making it extremely difficult for her to give a statement to the police. Difficulty with recall during statement taking may lead to the police placing blame on survivors, as the way a crime is described may affect a listener's attributions of blame and responsibility to victims (Brems & Wagner, 1994).

Christofides et al. (2003) point out that it is important that a lack of overt distress is not interpreted as an indication that a sexual assault complaint is unfounded or that the impact on the survivor was in any way insignificant. In summary, there is no uniform response to rape. Any assumptions that rape survivors will always react within the confines of delineated symptom clusters or predictable response are not helpful because they attempt to typify what an archetypal rape victim is, and how she should respond, thus indirectly reinforcing rape myths. Having addressed the potential psychological implications of rape for women, the legal institution into which she enters on reporting rape to the police, will be discussed next.

2.4 Women and the Criminal Justice System

2.4.1 The legal definition of rape

The lack of a widely accepted definition of rape may result in a diverse set of estimates of prevalence and theories about rape; depending on how broadly and narrowly the violation is defined (Artz, 2001a). Presently in South Africa, rape is defined as intentional unlawful sexual intercourse with a woman without her consent. According to its current definition, it is committed by the insertion of the penis of the male into the vagina of a woman (Sexual Offences Act, 1957). No other form of sexual congress between parties will constitute the crime of rape. This narrow conception of the crime has been criticized, since other forms of sexual assault such as anal and oral rape may be as harmful and humiliating and are not currently recognized as rape (Burchell & Milton, 2005). Furthermore, under common-law, a man cannot be raped and a woman cannot commit a rape.

However, although these legal and legislative definitions inform criminal justice officials, one has to question how relevant the definitions will be outside of the legal discourse on sexual offences (Artz, 2001a). The differences between legal and popular notions of 'rape' have important implications for women who have experienced particular sexual experiences, how they make sense of them and for interpreting the magnitude of the problem of sexual offences (Jewkes & Abrahams, 2002).

2.4.2 The issue of consent

A controversial and widely debated premise of rape law is the issue of consent. Consent in sexual offences cases has also been implicitly assumed unless evidence to the contrary could be provided (Ward, 1995). If a rape complainant consumed alcohol and/or drugs, the woman may be considered suspect, even though the rape legislation states ‘there is no consent when the woman is reduced to a state of insensibility by intoxicating liquor’ (Burchell & Milton, 2005: p708). Related to consent are two other factors that are critical to the police assessment of the victim, which are the level of resistance displayed by her, and the physical injuries she displays (Madigan & Gamble, 1991). If a victim did not experience a high level of force, was not threatened with a dangerous weapon or was not seriously injured, women appear to be less likely to report rape to the police (Williams, 1984). Survivors of rape seem to internalize the fact that without signs of resistance it is difficult to prove that rape has occurred, and they are less likely to be believed by others. The essence of the offence of rape is that intercourse should have occurred without consent, regardless of whether the lack of consent was due to force, fear, fraud or incapacity to consent. However, officials may look for signs of physical resistance to determine whether a rape has been committed (Temkin, 1997). Although many legal systems including the South African legal system have moved away from the requirement of physical resistance as an indicator of consent, the central issue has now become how far away from this focus on consent the reform of the rape law should proceed. Secondly, the question of whether there is fault on behalf of the accused usually arises in connection with whether or not there was consent. If the accused genuinely believes that the victim

consents and intercourse ensues, even though his belief is unreasonable, he lacks fault (Burchell & Milton, 2005).

2.4.3. The Sexual Offences Amendment Bill (2003)

The following legal principles articulated by Stanton et al. (1997), define and inform how sexual violence is thought about in the South African Criminal Justice System:

- All crime is an act against the state and society, not against the victim. Therefore, a woman who has been raped is a witness or third party in the trial. The adversarial system that our law is based upon means that the victim's story only forms part of the evidence of the state;
- All accused are innocent until proven guilty, placing doubt on the rape victim's account;
- The accused has the benefit of putting forward evidence that could cast any reasonable doubt upon the rape victim's account. What is reasonable and what is relevant here are based on andocentric views of the law. For example, this law provides for the admissibility of evidence of the complainants sexual history, which is not only irrelevant but exposes the complainant to public humiliation (Burchell & Milton, 2005);
- The accused has the right to face the accuser in court. This legislature does not take cognizance of the fact that this may be traumatic and harmful to the rape victim.

Due in part to findings exposing experiences of secondary victimisation of rape complainants under current rape law, the South African Law Commission (SALC) has

submitted a draft Sexual Offences Bill to Parliament within which it is proposed that various legislature be altered (Burchell & Milton, 2005):

- The following terms define what will be considered a sexual offence:
 1. Rape: A person who unlawfully and intentionally commits an act which causes penetration to any extent whatsoever by the genital organs of that person into or beyond the anus or genital organs of another person, or any act which causes penetration to any extent whatsoever by the genital organs of another person into or beyond the anus or genital organs of the person committing the act.
 2. Sexual violation: A person who unlawfully and intentionally commits an act which causes penetration to any extent whatsoever by any object, including any part of the body of an animal, or part of the body of that person, other than the genital organs of that person, into or beyond the anus or genital organs of another person.
 3. Oral genital sexual violation: A person who unlawfully and intentionally commits an act which causes penetration to any extent whatsoever by the genital organs of that person.

The latest working draft of the sexual offences bill removes the reference to special offences of sexual violation and oral genital sexual violation and defines this conduct as sexual penetration and therefore rape (Burchell & Milton, 2005). The Bill also proposes the following:

- Certain protective measures for vulnerable witnesses (complainants) shall be enforced, such as closed circuit television for giving evidence, the provision of intermediaries and closed courts.

- The prohibiting of the cautionary rule and calling for corroboration of evidence from the complainant because the individual is a victim of sexual offence.
- The prohibition of questioning the complainant on her sexual history or using this evidence against her unless the court has granted leave to adduce such evidence or to put such a question to the complainant.
- A declaration that sexual penetration is unlawful if it occurs in coercive circumstances, which include the application of force, threats, abuse of power or authority, and the use of drugs.
- The gender specific nature of common law rape is addressed whereby it will be possible for a man to be convicted of the rape of another man.

Although the SALC had taken steps to promote gender neutrality within rape law, there is little evidence that changing the definition of rape increases the perception that rape is a crime of violence rather than uncontrolled sexual passion (Stanton et al., 1997). Some scholars have argued that legal reform is only symbolic in value, as the practical implementation and treatment of women remains the same (Artz, 2001b). Legislation becomes problematic once put into practice. Experiences from implementing the Domestic Violence Act show that a major blockage in terms of putting legislation into practice lies with the police, because of a number of factors such as low resource levels, heavy caseloads, poor training and the tenacity of myths that surround violence in the home. Furthermore, the lack of positive legal duties embodied in the proposed bill to enforce police to comply with their duties in the management of rape cases is a major omission. The imposition of enforceable positive duties not only limits the discretionary

power of police to unfound cases, but it provides a comprehensive set of guidelines for the management and investigation of rape cases (Artz, 2002).

2.5 Barriers to reporting rape

In the Three Provinces Study conducted by the Medical Research Council, it is reported that only 15% of women said they had reported being forced to have sex against their will to the police (Jewkes et al., 2001). The survey also found that having no education is seen as a major barrier to contacting the police and women with post-school education were 8 times more likely to report than those without. White women were most likely to report and Asian women were nearly half as likely. The findings of the study indicated that young women much more commonly disclosed rape (Jewkes et al., 2001).

According to Christofides et al. (2003), the level of rape reported in community-based surveys is considerably higher than the number of rapes reported to the police, which points to major barriers to reporting. Such barriers include fear of further trauma and not being believed, fear of retaliation by the perpetrator, lack of physical access to the police and believing that reporting would not lead to the arrest of the perpetrator. Women need to see themselves as victims of rape in order to report it. They are more likely to see themselves as victims if they were subjected to high levels of violence and injury.

Research has also shown that women are less likely to report rape if the rapist is an acquaintance or relative (Pino & Meier, 1999). Where the perpetrator is known to the victim, the victim may fear intimidation and threats to their safety if charges are pursued (Pretorius & Louw, 2005). A women's judgment about the costs and benefits of legal intervention might be shaped by her perceptions of institutional reactions to violence

against women (Gartner & McMillan, 1995: p. 398). One of the ways in which these reactions materialise is through survivor's interactions with the police. Pino and Meier (1999) found that reporting is strongly related to the seriousness of the offence. Acts of rape were almost twice as likely to be reported if the perpetrator was a stranger, and nearly 5 times more likely if something was stolen from the victim. The odds of reporting were increased if any injuries were sustained or if the victim required medical attention for injuries sustained during the rape. For women the above factors influenced reporting, as well as whether a weapon was present or not. As Pino and Meier (1999) compared the reporting behavior of men and women, it was found that the gendered social context of rape differs by the sex of the victim, demonstrating that context is important in understanding rape and rape reporting behaviour. These authors suggest that the use of qualitative research methods would be helpful in elucidating the gendered experience of rape in general.

The relationship between the victim and the offender appears to be an important factor influencing the decision to report and police response to the victim (Williams, 1984). Violence by known offenders is much less likely to come to the attention of the authorities than violence by strangers (Gartner & Macmillan, 1995). Women's chances of receiving sympathetic police responses are most commonly linked to stranger attacks and increased in accordance with the extent of the physical injuries suffered (Jordan, 2001). Further studies have found that the victim's account is more likely to be believed if her attacker is a stranger. Victim blaming by the police also comes prominently into play in acquaintance and date rape cases (Madigan & Gamble, 1991). In the past, it was the

general principle of the police not to intervene in a situation that existed between husband and wife in the course of which the wife had suffered some personal attack. Non-intervention may have been informed by the fact that up until 1993 in South Africa, intercourse without consent was not unlawful where it took place between a husband and wife (Burchell & Milton, 2005). The home was traditionally accepted as a private place where men have certain legitimate powers to discipline their partners (Heidensohn, 1985). Although the Prevention of Family Violence Act repealed this rule, it still seems to inform the acceptance of interpersonal violence which has been found to be the strongest predictor of rape myth acceptance (Burt, 1980).

2.6 The role of the police

Understanding the nature and impact of police culture on how the task of policing is performed is crucial to an understanding of how, in routine practice, the central task of policing is interpreted (Williams, 1995). There seems to be a clash between victim's needs and police responsibilities, combined with continuing impact of traditional rape myths and beliefs (Jordan, 2001).

Rose and Randall (1982) conducted an observational study involving 610 reports of rape over a six-month period in the United States. The study found that police officers based their investigative decisions on the evaluation of four factors: victim credibility; victim consent; seriousness of the offense and victim characteristics. The above criteria used to identify the existence of sexual assault clearly disadvantage the rape victim. Since rape is likely to be an unobserved crime, victims may not have corroborative evidence and police

therefore argue that their first and foremost priority is to establish the facts of the case reliably before proceeding. The criteria of victim credibility and victim characteristics mean that the victim's character often comes into question, and her evidence is challenged on this basis (Heidensohn, 1985). Victim credibility can be further influenced by factors such as age, race, marital status and relationship to the rapist (Williams, 1984). By calling into question a victim's character and morals, the police reinforce the cycle of victim blaming that makes rape the most underreported crime (Madigan & Gamble, 1991).

Police feel as professionals that they must retain control of proceedings. At times, the police's focus on their own procedures appears to obscure their appreciation of how these may impact on the victim (Jordan, 2001). Many feminists and social scientists argue that the gender of the police officer receiving the complaint is important and that women are better equipped to deal with rape victims. Competency, assertiveness, technical proficiency and rationality are deemed to be masculine traits. Conversely, care taking, emotionality and subservience are said to characterize women. These gender stereotypes are carried over into occupations, and the police service is no exception (Brown, 1998). It has been hypothesized that men are less able to understand the perspective of the female victim (Krulowitz, 1981, cited in Brems & Wagner, 1994). However, research on women's supposed greater sympathy and support for victims is inconclusive and mixed (Martin, 1997). Women may blame a rape victim because of their need to feel that they are in control of a violent situation involving a woman and because of their need to distance themselves from the victim (Brems & Wagner, 1994). Further recent evidence

refuting the premise that women are more sympathetic to rape survivors comes in the form of a study conducted by Kalichman et al. (2005). The study examined rape myth acceptance and gender attitudes in a sample of 542 men and women at risk for HIV transmission. The authors found that one in five participants across genders agreed that rape usually occurred as a result of the actions of a woman and that she can often be blamed for it (Kalichman et al., 2005).

What has ultimately been shown to matter most to survivors of sexual assault was to feel that they were believed, to be treated with sympathy and sensitivity, to retain contact with police and to be kept informed of the developments in their cases (Jordan, 2001; Stanton et al., 1997). Of critical importance was the extent to which the victim felt believed and the degree to which the police were able to validate that what happened to her was traumatic and was not her fault (Jordan, 2001). When victims are treated insensitively, this reinforces their beliefs about an unjust world and can result in victim alienation and feelings of meaninglessness, powerlessness and isolation (Norris & Thompson, 1998, cited in Pretorius & Louw, 1995).

Victims in a study conducted by Wemmers (2004, cited in Pretorius and Louw, 2005) expressed a strong desire to be kept informed about development's of their case and that being treated in a friendly and considerate manner contributed to their sense of self worth as a person. Interestingly, the study found that the treatment of victims by authorities (police and prosecution) indirectly influences the victim's sense of obligation to obey the law.

The assumptions that underlie rape myths are that women are natural liars, they make false accusations and they 'ask for it' (Heidensohn, 1985). Furthermore, the criteria relied upon by police investigators are even more stringent than those embodied by the legal code (Ward, 1995) and no other violent crime requires any level of victim resistance as evidence of an offense having been committed (Madigan & Gamble, 1991). While survivors of rape will often have genital and other bodily injuries as the result of rape, often injuries will not be overtly visible as in order to protect themselves they will offer little resistance (Christofides et al., 2003).

2.7 Research on secondary victimization in South Africa

Stanton et al. (1997) conducted a study to assess the Wynberg Sexual Offences Court model (WSOC) in South Africa and found that the majority of their sample (13 women) expressed dissatisfaction with the services they received from the police. In six cases women were critical of initial contact with the police due to:

- Disbelieving attitudes and being accused of lying;
- Normalising what had happened in the case of acquaintance rape;
- Being sent to another police station and being told to repeat the statement, with no explanation of why it was necessary;
- Humiliating treatment in the charge office;
- Failure to understand the need for privacy and disrespectful treatment;
- Police not arriving at the hospital or the victim's home to take a statement;
- Being given incorrect information and;

- Drunk police officers in the charge office.

Seven women from the sample recollected that the police directly contributed to making the process of reporting traumatic, especially by being made to repeatedly state what had happened to them and having to give multiple statements. The majority of the sample felt blamed and exposed to prejudicial attitudes and found that the police displayed a lack of sympathy and interest (Stanton et al., 1997). The study concluded that the following factors relating to the police service, were not successfully addressed and overlooked by the Wynberg Sexual Offences Court model:

- The scope and complex nature of secondary victimization;
- Written policy statements and procedural guidelines for officials in each Criminal Justice System (CJS) agency;
- Specialised training for officials in dealing with sexual offences cases;
- Official mechanisms to provide information to complainants within WSOC;
- Effective communication and information systems between different state agencies
- Referral systems for complainants;
- A special or independent complaint mechanism;
- The lack of adequate crime statistics;
- The stressful nature of working with sexual offence cases on a daily basis.

Crombrinck & Skepu (2003) conducted a study examining rape victim's experiences of the criminal justice system, with a specific focus on the issue of bail. The researchers interviewed eight women who had been through the process and held focus group

discussions with rape crisis counsellors. They found that victims and counsellors reported major difficulties in establishing and maintaining contact with investigating officers (IO).

- One victim had never met the IO in her case;
- Victims were prepared to make significant efforts to contact IOs;
- The limited availability of IOs was compounded when they failed to respond to messages left by victims;

In terms of the relationship between the victim and IO, victims recounted numerous instances of secondary victimisation arising from the conduct of IOs including:

- Blaming the victim for getting raped;
- Displaying a lack of interest in investigating the case;
- Recommending that the victim drop the case;
- Failure to provide the victim with information;
- Failure to obtain information from the victim and instead questioning others around her.

Victims and counselors reported that IOs appeared to lose interest in case and often cases were transferred from one IO to another. The impact on the victims was clearly negative and resulted in a break down of trust and confidence. Positive experiences were closely linked to the expectation that the perpetrator(s) would be arrested and being in contact with the IO (Crombrinck & Skepu, 2003).

- Counselors noted their concerns about police corruption, especially in cases where gangs were involved;
- Counselors recounted instances of police complicity in attempts to 'buy' victims off to withdraw charges;

- Perceptions of police corruption and complicity (partnership in wrongdoing) lead to a loss of trust and confidence in the CJS;
- Victims and counselors reported high levels of intimidation from the perpetrator and when it was reported officials seldom intervened (Crombrinck & Skepu, 2003).

Victims who believe that their reactions are a sign of weakness appear to appreciate the reassurance that their feelings of anger, fear and discomfort are regarded as normal. Furthermore, providing information to the victim not only contributes to the victim's peace of mind, psychological recovery and satisfaction with the police, but it is also a prerequisite for access to other services such as counseling and legal advice (Pretorius & Louw, 2005).

Interestingly, a study comparing South African and Australian student respondents' attribution of rape blame conducted by Heaven, Connors and Pretorius (1998) found that white Afrikaans South African respondents were more likely than Australian respondents to blame the victim. The researchers speculate that this finding may be attributed to the fact that white South Africans score relatively highly on just world measures, therefore they are more likely to attribute blame to the rape survivor. The researchers recommend that future research investigate the attributions of blame to rape survivors among other racial groups in South Africa.

Similarly, Jewkes and Abrahams (2002) suggest that cross-cultural qualitative research might be particularly valuable in investigating different meanings of sexual coercion, in order to probe experiences that questionnaires may not be capturing. Furthermore, because women are not a homogeneous group their experiences are far from identical and the design and reporting of research needs to capture this complexity (Vetten, 1998). The criminal justice system and police need to be investigated in terms of the experience that they are providing to survivors of rape, and because “their performance in response to complaints of rape is a yard stick against which the seriousness of the crime is measured” (Jewkes & Abrahams, 2002: p.1244).

Evidently, police attitudes about rape and women influence their assessment of a case as founded or unfounded. No element affects the direction of the case so much as the attitude of the individual assigned to investigate the crime (Madigan & Gamble, 1991).

The police are pivotal in their ability to influence which offences are recorded, investigated and passed through the court system (Jordan, 2002). Perhaps even more important however, is the psychological impact that police can have on victims.

Women’s efforts to regain power and autonomy can either be enhanced or undermined by the police response. Furthermore, attitudes expressed by the police dramatically contribute to the process of restoring the victim’s sense of self and safety in the world (Jordan, 2001).

What is clear is that the criminal justice system’s knowledge of violence against women is systematically biased (Gartner & Macmillan, 1995). Relations of inequality within the

criminal justice system across lines of race, class, gender and sexual orientation mediate the attitudes of the individuals who deal with women throughout processing (Stanton et al., 1997).

It cannot be denied that the rates of reported rape in South Africa are abnormally high. It has been documented that many women who decide to report rape to the police are experiencing secondary victimisation at the hands of legal professionals. The experience of being treated with disbelief and suspicion following rape has been found to have a negative impact upon recovery. Furthermore, police responses to rape complainants are informed by gender relations within society and the existence rape myths. These responses have an impact on both the outcome of the case and the mental well being of the survivor. Further qualitative research is needed in order to investigate, in-depth, women's experiences of reporting rape to the police. The present study locates itself within a theoretical paradigm that takes cognizance of local gender relations and discourses in order to better understand women's experiences of reporting rape to the police.

Chapter 3: Method

3.1 Feminism

Feminist researchers start with a political commitment to produce useful knowledge that will make a difference to women's lives through social and individual change (Artz, 2001b; Eagle, Hayes & Sibanda, 1999). They are concerned to challenge silences in mainstream research both in relation to issues studied and the ways in which study is undertaken. The assumption is that there is a common material reality that all women share which is characterised by exploitation, inequality and oppression, but women are not all oppressed in the same way (Kiguwa, 2004). It is therefore important to recognise that while oppression is common, the form that it takes is informed by race, age, sexuality and other structural, historical and geographical differences between women. A fundamental link remains between listening to what people have to say about their lives and identifying patterns and relationships that expose the operations of power and oppression (Letherby, 2003). Therefore, the aims articulated above are situated within the theoretical position that violence and oppression are embedded in social institutions, including basic legal principles and within civil society (Artz, 2001b).

3.2 Reflexivity

Feminists concern themselves with the process of knowledge production and the role of the researcher in the process of knowledge production (Letherby, 2003). The use of 'I' in this report explicitly recognises that all knowledge is contextual, situational and specific, and that it will differ systematically according to the social location of the particular knowledge producer. Furthermore, writing as 'I' takes responsibility for what is written,

and indicates an awareness on the part of the researcher that all knowledge is constructed. Reflexivity in what is recorded, transcribed, analysed and subsequently written up means acknowledging that as a researcher one immediately situates oneself in a position of power as the researcher. This position of power is informed by the fact that I am white, and have access to resources such as money, transport and education. The women that I interviewed were all black and did not share my access to resources such as a car and a university education. Similarly, it is recognized that respondents are active participants, not just subjects or objects, and we must acknowledge that they are not passive in the role that they play. They too share in the role of the knowledge production process in the way that they choose to present themselves and their narratives. Respondents have their own view of the researcher and the purpose of the research (Letherby, 2003), and this view will be informed by differences between participants and myself across lines of class and race, which will undoubtedly have an impact on the findings of the present study.

The role of emotions in research

According to Campbell (2002) the emotional dialogue between our inner feelings and our research can be an important intellectual tool. Examining our feelings and the emotional impact that research has on the researcher can bring deeper intellectual understanding of a social phenomenon. By distancing ourselves from the research process we distance ourselves from the participants too, thereby disengaging from each individual's unique perspective. Emotions have traditionally been seen as clouding scientific research. Yet bias is a natural part of inquiry because it cannot be removed and thus should be studied in its own right. Artz (2001a) agrees with this perspective, arguing that distancing

oneself from values, interests, and emotions generated by one's class, race or sex results in social science that decontextualises and detaches the researcher from the research or as Collins (1990) suggests, separates information from meaning. Lastly, Campbell (2002) argues that careful documentation and reflection upon feelings that are evoked when studying violence against women could help inform our theories of violence and could provide an exemplar for the social sciences regarding the reciprocal nature of knowledge.

3.3 The aims of feminist research

According to Artz (2001a), what is essential in sexual violence research is that the contribution that is made to a body of knowledge is meaningful to women, that it is not exploitative towards women as a source of knowledge and that the research attempts to reduce secondary victimization within the criminal justice system. Letherby (2003) has articulated the following pointers concerning feminist research:

- Give continuous and reflexive attention to the significance of gender as an aspect of all social life and within research and consider further the other differences between women;
- Provide a challenge to the norm of 'objectivity' that assumes that knowledge can be collected in a pure uncontaminated way;
- Value the personal and private as worthy of study;
- Develop non-exploitative relationships within research;
- Value reflexivity and emotion as a source of insight as well as an essential part of research.

In keeping with the principles of feminist research, I kept field notes throughout my fieldwork, detailing thoughts, feelings and ideas that came up. I also filled in a reflections form, adapted from Stanton et al. (1997) after interviewing each woman, which recorded my impressions of that interview (Appendix C). These records served as useful reference materials to go back to during the analysis. These techniques were also conducive to the methods of grounded theory that I used in the data analysis.

3.4 The ‘victim-survivor paradox’

There is considerable debate among researchers concerning whether to term people who have experienced violence, particularly sexual violence, as either the victim or the survivor. The term ‘survivor’ carries connotations of strength, recovery and being over the rape whilst the term ‘victim’ denotes experiencing a degree of harm and injury, being affected by the rape but may also be taken to mean being weak and powerless. These terms mean different things to different women at different stages post rape. Thompson (2000) found in her study of women who had been raped, that the status of the term ‘victim’ was appropriate as a form of identity from which the women in her study could draw, at particular times after the experience of rape. The term ‘victim’, while implying the refusal of blame and responsibility, was found to be an undesirable identity for women to draw on in the long-term. Drawing on the different identities at any time can have positive and negative consequences for the participants. The ‘victim-survivor paradox’ as named by Thompson, illustrates how behaving in a way that depicts either identity can influence the way others respond to you. Furthermore, the choice of language used to describe oneself in relation to the rape can result in different experiences for

different women. Thompson argues that in order to ensure that the seriousness of rape and its traumatic impact are appreciated one must be free to adopt the victim identity. However, adopting a victim identity also runs the risk of being pitied and regarded as weak. This paradox creates difficulties for women if they wish to draw on both identities to reflect their own understanding of the trauma and to elicit a response from others, which is both sympathetic and respectful (Thompson, 2000). Therefore, in reporting on my research I have referred to the women as they refer to themselves in the interviews, thus reflecting how women in the study narrate their experiences.

3.5 Location of the study

The site for this research was the Thuthuzela Care Centre (TCC) at GF Jooste Hospital in Manenberg, Cape Town. Thuthuzela is a 'one-stop' center run by the National Prosecuting Authority in partnership with donor organizations such as UNICEF, and provides women with medical treatment and examination, counseling and advice on how to go forward with their case from a victim support officer. The women were initially approached by a nurse or counselor and were asked if they would be willing to speak to a researcher, and once they had agreed, I obtained informed consent (see Appendix A) and a time that suited the participant was arranged in order to conduct the interview. No participant was enrolled in the study without a signed consent form. Thirteen interviews were conducted at Saartjie Baartman Center for Women and the remaining three at TCC. All interviews took place in a private and comfortable room.

3.6 Participants

Of the 21 women approached, two declined to be part of the study. Nineteen women were recruited for the study of which three did not arrive for interviews, which yielded a total of 16 interviews. The women's ages ranged from 17 to 49 ($M=27$). In the case of the 17-year-old participant, informed consent was obtained from both her and her parents.

Fourteen of the participants were Black¹ women and two were Coloured². Their levels of education ranged from Grade five (standard three) up to first and second year college.

The women all resided in the areas that TCC serves namely Gugulethu (5), Phillipi (5), Mitchell's Plain (2), Nyanga (2), Khayelitsha (1) and Heideveld (1). Nine of the women were unemployed (this included one Matric student) at the time of interviewing and seven were employed. Of the seven employed, two of the women were studying at college level at the same time. Eight of the women were single and nine were partnered. None of the participants were married. The earliest reported rape occurred in August 2003 and the most recent case reported was on the 29th October 2006. All rapes were reported on the date they occurred or within 24 hours of happening. Convenience sampling was used to recruit participants into the study, which entailed interviewing the first 16 women that were available and willing to take part in the research. I also sampled to redundancy, thus once various themes started to continuously recur in interviews I stopped recruiting women for the study.

¹ The publication manual of the American Psychological Association suggests that researchers ask participants about preferred designations and preferably use more specific terms regarding racial identity. The participants in this study were asked how they would classify themselves in terms of race and were represented accordingly.

² In 1950, the government of South Africa passed the Group Areas Act, which set aside certain areas where only certain races were allowed to live. Today, many South Africans continue to live in racially homogenous areas. The term "Coloured" refers to persons of mixed race and Khoisan descent, who during the Apartheid era were classified as neither White nor Black. It is acknowledged that the term 'coloured' is not uncontested.

3.7 Procedure

All participants were recruited at TCC. The interviews took place between the 14th of June and the 14th of November 2006. Once contact was made with participants whom I met at the clinic, I arranged a time as soon as possible in order to meet them. I conducted the first 10 interviews following my interview schedule on reporting rape to the police. The following six interviews formed part of a larger PhD research project that was being conducted by Anastasia Maw, a registered clinical psychologist and former director of the University of Cape Town's Child Guidance Clinic. Ms Maw's research seeks to investigate what the psychological impact of rape trauma is in a group of women who live in historically disadvantaged communities. The interview eliciting women's experiences of reporting rape to the police formed part of a larger interview that I conducted with the last 6 women on behalf of Ms Maw's doctoral research.

3.7.1 Feminist ethics

Anonymity and confidentiality were of paramount importance to protect the identities of the women involved in the study. Each participant gave their name and contact information (where applicable) to the researcher for the purposes of staying in touch. Participants were assured that no identifying information would be published or made public in any way or form. The participants were given the option not to answer any questions that produced discomfort. It was stressed to each participant that she was free to withdraw from the study at any time and that such a withdrawal would in no way compromise or effect any medical or counseling care which she may have been receiving.

Once issues of confidentiality, anonymity and the option of not answering questions that are at all invasive were addressed, it was assumed that the interviewee would become more comfortable with the process of interviewing. It was also important to include the women as far as possible in terms of decision making regarding the structure of the interview, by inviting them to give their own opinions and recommendations with respect to interview process. The inclusion of participants was in the interests of giving women an active voice and avoiding a situation where they felt that something was being taken from them that was beyond their control. I attempted to connect with participants on a basic level before I began the interview, by offering tea or coffee, making sure they were comfortable and asking them about themselves.

3.7.2 Referral mechanisms

If, during the research process, a participant became distressed, or if the researcher become concerned about the participant's psychological or physical well-being, a referral to a counselor or medical practitioner would be made by the researcher. However, such referral would only be made after consultation with Thuthuzela/ Trauma Unit staff in order to ensure that there is no duplication of referral or miscommunication with regards to the care of the participant. With reference to counseling services, several Non Governmental Organisations (NGOs) were available in the area to provide counseling for survivors of rape, including Rape Crisis at the Saartjie Baartman center where most of the interviews took place. During the course of the interviews, no referrals were necessary.

3.7.3. Renumeration

The first 10 participants were compensated to the value of R³30 in order to cover their transport to and from Jooste hospital where the participants were met and then transported to Saartjie Baartman Women's Centre. In the case of the further six participants, they received a R50 food voucher and R20 for transport as they were part of the larger study and were being compensated by Ms Maw.

3.8 Data collection methods

3.8.1 Qualitative interviewing

Qualitative semi-structured interviews were used, as they have been shown to be particularly helpful in shedding light upon police procedures and are well suited to pinpointing those aspects of police practice in rape cases that have produced unfavorable outcomes (Temkin, 1999). Qualitative methods are also appealing because of the potential for connection between the researcher and the researched, which can contribute to a setting of open disclosure and dialogue (Campbell, 2002).

Provision was made for the women to have a support person with them if they wished, and in two cases the women chose to have their partners present. The in-depth interviews aimed to give the respondents a voice to express ideas, opinions and feelings about the process that they have experienced. Interviews were conducted in a supportive and sympathetic manner, while assuring not to assume the counseling role (Jordan, 2001). Prior to conducting the interviews, I had completed the Rape Crisis counseling and advocacy course in 2006 in order to familiarise and equip myself with the skills of interacting with rape survivors.

³ 'R' represents ZAR, or South African rands, the country's currency.

3.8.2 The interview schedule (Appendix B)

The emphasis of the interview schedule was on the women's perception of events from the point at which the incident was first reported to the police. Women were asked about each of the following stages of the process, outlined by Jordan (2001):

- Initial contact with the police;
- Police statement taking and interviewing, location and atmosphere, the number of people present and the gender of the interviewing officer;
- Police overall response;
- Case progress and follow-up by the police.

Within these broad topics, information was requested concerning whether the participants were granted the rights afforded to them in the South African Police services' manifesto, as made explicit on their website (Retrieved June 25, 2005, from

<http://www.saps.gov.za/crime%5Fprevention/women/sexual%5Foffences.htm>)

- The right to have a friend or family member present, as long as that person is not a witness;
- The right to make a second statement if the first was incorrect or incomplete;
- The right to obtain a copy of the statement;
- The right to give the statement in the victims own language.

Various probes detailed in Appendix B were used to elicit further information around each of the above points.

3.8.3 Translation

Seven of the interviews took place in the presence of a third person who served as a translator/ co- researcher. This co-researcher was a colleague whom I had the opportunity to get to know and work closely with before the commencement of the research. All interviews were transcribed, translated and back translated where necessary. In the case of the back translation, an individual's services were contracted to back translate 3 interviews where there was dialogue in Xhosa. In the case of Afrikaans text, I translated and transcribed the interviews myself, with the assistance of an Afrikaans speaking co-researcher who speaks the same type of Afrikaans that is spoken on the Cape Flats. Both my co-researchers have also completed the Rape Crisis counseling training course and are experienced in working with survivors of rape.

3.9 Data Analysis

The interviews were recorded on a digital recorder, and once each interview was completed, the audiotapes were transcribed and analyzed. In total 175 pages of transcription were coded and analyzed.

Grounded theory

Grounded theory is one particular approach to qualitative research and analysis that emerged as part of the 1960's debates around the merits of quality versus quantity. It was first introduced by the sociologists Barney Glaser and Anselm Strauss (Pidgeon & Henwood, 1997). Glaser and Strauss chose the term grounded theory to express the idea

that theory is generated by (or grounded in) close inspection of qualitative data (Pidgeon & Henwood, 1997). Theory evolves during actual research, and does so through an ongoing interplay between analysis and data collection (Strauss & Corbin, 1998). This approach to data analysis was chosen because of its concern with reflecting participants' constructions of the world and its adaptability as an approach to the systematic analysis of unstructured qualitative data. Furthermore grounded theorists aim to link the concepts and categories that emerge from the text into already existing theories and literature in the field.

After I had thoroughly read all the data, I put together an array of concepts and categories derived from overall inspection. This involved open coding where labels were generated to describe what was going on in the data on both a detailed and abstract level (Pidgeon & Henwood, 1997). This initial coding process was assisted by asking questions about the data and breaking down the data into bits and pieces (Corbin, 1986). In order to collapse these codes into a manageable size, they were then grouped into clusters based on differences and similarities. Each cluster was then labeled, fully described and coded for its range and variations. Data were then reworked and categories were adjusted (Swanson, 1986). Codes and categories were sorted, compared and contrasted until saturated, that is, until the analysis produced no new categories or codes. In vivo codes were then allocated to each category.

As the process of coding unfolded, the coded concepts were refined, extended and related to each other as further material was explored (Pidgeon & Henwood, 1997). Constant

comparative analysis was a technique utilized throughout the process in order to identify differences and similarities that existed between instances to ensure that the full complexity of the data was explored (Pidgeon & Henwood, 1997).

In summary, 16 women were recruited from TCC in order to participate in semi structured qualitative interviews regarding their experiences of reporting rape to the police. Issues of confidentiality and reflexivity were taken into consideration and participants were paid a fee to cover travel costs. The interviews were conducted in a private and comfortable space and counseling organisations were available for referral, should participants become distressed during the interview. Once the interview data had been collected and recorded, the audiotapes were transcribed and coded. The method of data analysis was informed by grounded theory. The next chapter outlines the findings of the data analysis performed on the transcripts of the 16 qualitative interviews.

Chapter 4: Results

4.1 Themes and categories

Six categories emerged out of the data collected from the qualitative interviews with 16 rape survivors. The categories and their respective themes will be explained in the following order:

Table 1.

Categories and themes that emerged from the data

Categories	Themes
The rape	Fear of death
Decision to report	Relationship to the perpetrator Medical attention Family decision to report Access to the police station
Reporting, police reaction and procedure	Police prioritisation Waiting time Police insensitivity and disorganisation Drinking and drug use
Social implications and psychological consequences	Safety concerns Symptoms of PTSD Stigmatisation
Police follow-up	Police apathy Wanting case information Receiving incorrect information
General attitude	Unsatisfactory service Alternative justice Past experiences

The categories are therefore represented in the sequence of events in which they occurred. All quotations are cited verbatim from the interview transcriptions and are used as examples to demonstrate my findings. Square brackets and footnotes show and explain the translation of words used by participants that are Afrikaans or Xhosa while speaking English. Categories are indicated in bold and themes in italics.

4.2 The rape

Table 2 summarizes each participant's demographic information and the details of each case of rape. It is important to note that every survivor reported the rape to the police a maximum of 24 hours after it occurred. The number of perpetrators ranged from one in most cases to up to three perpetrators in three cases. The table indicates whether or not a weapon was used, and whether or not the participant knew the perpetrator. In ten cases the rape occurred in either the survivor's home or the perpetrator's home or car. In six cases the rape occurred in a public and open space, for example a beach or open field.

Table 2.

Participant and Rape Information

Participant no.	Age	AOR	MS	HLOE	E/U	DOR	DR	NOP	Perp. K/U	Weapon used
1	38	Gugulethu	S	G11	E	27/05	27/05	1	K	No
2	49	Gugulethu	S	G5	U	23/03	24/03	1	K	No
3	22	Nyanga	P	G11	U	05/05	06/05	1	U	Gun
4	26	M/Plain	P	G11	E	22/06	22/06	1	U	Gun
5	30	Nyanga	S	G11	U	23/07	23/07	1	K	No
6	38	Gugulethu	S	G12	E	23/07	24/07	1	U	Screwdriver
7	17	Gugulethu	S	G11	U	06/05	07/05	1	K	No
8	32	Khayelitsha	S	G7	E	08/2003	08/2003	1	K	No
9	19	Phillipi	S	G10	E	02/09	03/09	2	K	No
10	25	Phillipi	P	G12	E	19/08	19/08	3	U	Gun
11	25	Gugulethu	S	G12	U	07/09	08/09	2	K	Knife
12	28	Phillipi	P	G8	U	14/09	15/09	3	U	Knife
13	19	Phillipi	P	G12	U	24/09	25/09	3	U	Mase, knife
14	30	Phillipi	P	G12	U	16/10	16/10	1	K	Gun
15	21	M/Plain	S	G10	U	18/10	19/10	2	U	Gun
16	20	Heideveld	P	G12	E	29/10	30/10	UK	K	No

Note. AOR=area of residence; MS=marital status; HLOE=participant's highest level of education; E/U=employed/unemployed; DOR=date of Rape; DR=Date reported; NOP: number of perpetrators; Perp. K/U= perpetrator known or unknown to participant; S=single; M=married; P=partnered; K=perpetrator known; U=perpetrator unknown; U/K: unknown.

Fear of death

A number of participants expressed that they had experienced the rape as life threatening.

The following quote illustrates that the participant reportedly complied with the perpetrators demands because she feared that if she didn't he would kill her:

P14: What if that guy killed me? I survived, because I let him do what he wants to do to me. If I didn't let him do what he wanted he'll kill me.

Participant 3 described how she pleaded with the perpetrator not to kill her by explaining that she had a child and was a single parent.

P3: I thought he was going to kill me so I begged him since I have a child. I told him I have a child, my child doesn't have a father, please man, spare my life...

Participant 4, who is also a single parent, explained how the perpetrator used the knowledge that she had a child to force her to comply with his demands, and she did so:

P4: ...the guy wanted to rob me, and he saw in my purse a photo of my son, and just the way he talked about my son, he said if I wanted to see him what would I do to see him again, um so I was thinking about that, grateful for going to see my son...

Participant 9, who was abducted by two perpetrators, described how in the midst of the attack she told the perpetrator that she had a child, and the perpetrator reacted violently.

P9: ...he said you must go back to the car and I said no I don't want to go back to the car I want my baby, he said oh you have a baby, I said yes, and he beat me...

Of the women interviewed, 15 of the participants were released by the perpetrators after they had been raped. They were either dropped off or left to make their way home after the rape. In only one case did the perpetrator actively try to stop the survivor from

⁴ 'P' indicates that the participant is speaking, followed by the participant number.

leaving once the rape had occurred. In only two cases there were witnesses to the rape, and in one of those cases the witnesses were small children who lived in the home of the survivor.

4.3 Decision to report

Once the rape had occurred, at least five survivors reported that their first concern was to get medical attention and they therefore presented at a hospital or clinic, after which they reported the rape to the police. Six women called the police from their homes, or else family members contacted the police. In 11 cases the women said that it was their own decision to report the rape and in five cases others had notified the police.

Relationship to the perpetrator

The survivor's relationship to the perpetrator reportedly influenced the women's decision to report the rape in at least eight cases. In the following quote participant 1 explains that rape is unpleasant even if one is involved in an intimate relationship with the perpetrator.

When asked how she came about the decision to report the rape she said:

P1: Because I didn't like it. No one will like it if you raped by someone you don't even know, even if it's your boyfriend. How can you live like that?

Participants 6 and 10 said they thought going to the police would be futile because they did not know the perpetrators who raped them and therefore the police would not investigate the case:

P6: I didn't want to go to the police but one of my neighbors say I must go, and I say I know the police, when I say I don't know this man they are not going to follow this case...

P10: ...but to the police for what because I don't know the...those men. I didn't know that I could open the statement if you don't know the person.

Participant 9 reported that the perpetrator had told her family that she was his girlfriend in defense against the charges of rape that she laid with the police.

P9: He said I am his girlfriend he didn't rape me he sleep with me...he didn't say anything about love...

Participant 3 reported that if she knew the perpetrators she would not have reported the case to the police as she would rather take justice into her own hands:

P3: ...if I knew the person who raped me I wouldn't tell the police.

Medical attention

It is clear that in five cases wanting medical attention was the reason that participants reported, and survivors often presented at hospitals or clinics first. Participant 10 explains how she first presented at Mitchell's Plain hospital where she was told she had to report to the police station before receiving medical attention:

P10: ...I went to oh to Mitchell's Plain hospital and the sent me to the police station. They said I must go to the police station first so I go to the police station after that. From the police station they take me to Jooste Hospital.

Similarly, participant 5 recalled that she first presented at a clinic as is reported by the translator:

T2⁵: She first went to the day hospital and then from the day hospital she go to the police station, which is the following day after the rape.

Participants 11 and 12 reported that their first concern was to seek medical attention.

When asked what they were expecting from the police they replied:

P11: At that moment I just wanted to see a doctor first.

P12: I was just going to report the case; so that they know something like this happened. Even though I don't know the rapists, I wanted to be helped in a way of seeing a doctor.

⁵ 'T' indicates the words of the translator followed by the participant number.

The participants' quotes are indicative of the fact that their primary concern was to seek out medical attention and reporting the rape to the police was in some cases, a secondary issue.

Family decision to report

In four cases participants' family made the decision to phone the police. The following participant recalls how her stepfather phoned the police, and that had the decision been her own, she would not have reported the rape. When asked what happened after the rape she said:

P4: I went home and I told my step father and he called the police.

I: Do you think you would have if you were alone?

P4: Maybe. I'm very private. I don't think... I think um I wouldn't have.

Participant 7 explained that when she got home her brothers did not want to report the rape because they wanted to deal with matter themselves, but her mother decided that they needed to report the rape. When asked how she came to the decision to report the rape she replied:

P7: Um, they didn't really want to go because they...they wanted their own justice so they weren't going to go to the police station themselves, but my mom insisted that we go to the police station, ja so we went.

In the case of participant 15, she said that her mother had notified the police on her behalf as she reported feeling disorientated after the rape. Participant 10 explained that she was confused as to what to do after the rape and her family took her straight to the police station. When asked who made the decision to report the rape to the police she said:

P10: Mm, I don't know what I can do when I'm in the problem, in a big problem like that, so it's them, it was... their decision, I didn't know what to do.

Three of the participants' family members then made the decision for the participants that the rape needed to be reported. The three women quoted above may very possibly have chosen not to report the rape had their family not intervened.

Access to the police station

In five out of six cases in which the police were contacted by telephone, they came to collect the survivors from their homes. In the remaining ten cases the women made their own way to the police station either on foot or by public transport. Participant 1 said that although she was scared and it was dark she walked to the police station alone.

P1: It was dark, I was going there alone, I was going there alone, I was scared but I say I'm going alone I don't care, going straight to the police station.

I: And you walked there?

P1: I walked to the police station.

Participant 6 reported that she called the police after the rape but no one answered the phone, so she waited until the next morning and then took a taxi to the police station. I asked her how she got to the police station to which she replied:

P6: Because it was early in the morning, like it was past 12 you see in the morning I didn't go to the police that time, I tried to phone the police but there was no answer from my cell phone, and I go to the police like 8 o' clock I think, in the morning...

The majority of the sample then reached the police station without the assistance of police officials or police transport.

4.4 Reporting, police reaction and procedure

Table 3 indicates which police station each survivor reported to and summarizes the experiences of reporting based on what is promised on the SAPS website as referred to

earlier in the text. Notably, no women received copies of their statements and only three women were offered the opportunity to read or check their statements. The police stations where each woman reported are listed in order to show that in all but one case, the women reported to the nearest police station to their area of residence. All women except one also made their statements in a language that they were comfortable with. Four of the perpetrators had been arrested at the time the interviews took place.

Table 3.

Details of Reporting and Arrests

Participant no.	Police station	Read/checked stmt	Copy of stmt	Gender of PO	Comfortable lang.	Case no.	Perp. A/NA
1	Gugulethu	No	No	F	Yes	Yes	NA
2	Gugulethu	No	No	M	Yes	Yes	A
3	Nyanga	No	No	M	Yes	Yes	NA
4	M/Plain	Yes	No	F	Yes	Yes	NA
5	Gugulethu	No	No	F	Yes	No	NA
6	Gugulethu	No	No	F	Yes	No	NA
7	Gugulethu	Yes	No	F	Yes	Yes	A
8	Khayelitsha	No	No	F	No	Yes	NA
9	Nyanga	No	No	F	Yes	Yes	A
10	M/Plain	No	No	F	Yes	Yes	NA
11	Gugulethu	Yes	No	F	Yes	Yes	NA
12	Nyanga	No	No	F	Yes	No	NA
13	Nyanga	No	No	F	Yes	Yes	NA
14	Nyanga	No	No	F	Yes	Yes	A
15	M/Plain	No	No	M	Yes	No	NA
16	Manenberg	No	No	M and F	Yes	Yes	NA

Note. M= male; F=female; NA=not arrested; A=arrested; stmt=statement; PO=police officer taking statement.

Police prioritization

In three cases police prioritized obtaining statements from the survivors over attending to their medical needs. Participant 3 explained that she had to wait for the police to take statements from others around her, and return to the scene of the rape before she received medical attention for a gunshot wound. She expressed her frustration at the fact that it was not acknowledged that she was shot.

P3: First they could have checked where... they didn't even check where I was shot. What if like the bullet went into my bones or went... like if the bullet like made me not to walk again, like it was connected to my spinal cord. They didn't know that, they didn't even look at me.

Once the participant 3 finally made it the hospital, the officer assigned to her case went off duty and as a result she was left at the hospital and had to make her own way back to the police station. She recalled what happened when she wanted to leave the hospital:

P3: The other guy said they weren't supposed to leave me at the hospital they were supposed to wait for me. Those guys said they were supposed to go home, it was the end of their shift and so they left me there.

Participant 11 had been stabbed with a knife during the attack and she said that the police took her statement before taking her to the clinic, despite her being in pain.

P11: They first took my statement and then they took me here to the Thuthuzela at Jooste.

I: But you were injured you were in quite a lot of pain?

P11: I was in pain...

It is clear from the quotes regarding medical attention that the women's desires to receive medical attention were overshadowed by police procedure and protocol.

Waiting time

Once survivors arrived at the police station, they reported waiting from between 1 and 5 hours in order to give their statements. All women except one gave their statements in the victim support room, which is meant to provide privacy and make the survivor feel safe to give as accurate a statement as possible. In the following quotes, participants 1 and 7 explained that they had to wait for the police to attend to the other people who had arrived at the police station before them:

P1: I waited a long time...because there are other people mos [like] they are sitting there on the chairs. They can't help me first because you must wait sitting in the chairs...

P7: Um when we got there we had to wait because there were still a lot of people who were there before us and they had to get them first so we waited...

Participant 6 recalled that she waited for more than four hours to make her statement at the police station, as she had arrived there before 8 o'clock in the morning and only left after 12 o'clock in the afternoon. The police told participant 3 that she had to wait for the Family violence Sexual offences and Child protection unit (FCS) to arrive before she could give her statement. Below she explains what happened when she got to the police station:

P3: When I took a taxi to the police station and then I waited for the guy from the FPS and they said they couldn't like they didn't deal with rape crimes, so I had to wait for someone and I waited...

Participant 8 was told that she had to wait for an ambulance to transport her to the clinic from the police station, which also resulted in a long waiting period.

P8: They called the ambulance... they say, the police say when you're raped you can't go without the ambulance to Thuthuzela, you must take the ambulance. So it takes a long time, I stay there thinking and crying you see.

Waiting for long hours at the police station was a recurring and frustrating concern for many of the women in my sample. Three of the participants indicated that they expected to wait substantial periods of time, although 11 of the women reported that the waiting times were physically and emotionally draining.

Police insensitivity and disorganization

At least four women experienced irrelevant, judgmental and repetitive questioning from the police. Participant 7 explained how she had to repeat herself while giving her statement and how she felt judged by a policewoman's comments and questions.

P7: ...she was like asking other questions that had nothing to do with what happened relating to me and him. Like um, she asked me 'how do I know him?' and then I told her and she asked me if I went out with him and I said yes, and then she was like 'oh and then?' as if like how stupid kind of thing so ja...

Participant 10 said that she felt that a question about why she was out late at night from a policewoman was unnecessary and insensitive. The policewoman reportedly accused the participant of being drunk as is indicated in the quote below:

P10: No she was not sensitive but there were some or other questions I didn't like. She asked me 'why did you walk at that time?' so I didn't like that question... 'Why did you walk at that time, you were drunk', I said 'no I'm not taking alcohol'...

Participant 1 talked about the difficulty she had with the repetitive questioning while giving her statement. The following quote illustrates the problems with recall that survivors of rape sometimes experience, particularly if they are trying to verbalise what has happened to them shortly after it has occurred:

P1: I didn't feel comfortable you know mos [like] when these people they ask a lot of questions and they repeat one question all the time. Sometimes you don't remember, sometimes you forget also you know, yoo⁶, a lot of questions.

⁶ This is an exclamation commonly used by Xhosa speakers, which is similar to the English 'wow' or 'gee'.

Participants 1 and 8 both described how police officials asked them questions that made them feel uncomfortable. Participant 8, who had previously been in a relationship with the perpetrator, reported the type of questions that the policewoman asked her regarding her relationship.

P8: She asked me um... how long we together, with my boyfriend and then she asked me 'Why would he do such a thing like that eh?', and then she asked me if he's been arrested before and I said no. Then he asked me how many years we together, I tell her.

Similarly, participant 1 described her emphatic response to being asked who it was that took off her clothes by the policewoman taking her statement.

P1: They asked me about... what they say, 'who take your clothes off?'. I say to them no that guy take my clothes off. I said to him I won't take my clothes off because I'm not going to sleep with him, I don't want to sleep with him because I'm not his girlfriend. He took off my pants not me, not me, not me.

Participant 16 experienced extreme disorganization on the part of the police when she arrived to report her case. In the quote below she describes being referred to multiple different officers, and the difficulty she experienced when trying to give her statement:

P16: I came to Manenberg police station um, I was sent from one person to the next um, I had to explain myself over and over and then they um... I was sitting there for more than three hours waiting for somebody to take to me to Jooste and um the lady that took my statement never finished it um because they were eating, walking in and out um talking...

Insensitive and disorganized statement taking procedures on the part of the police made some participants feel judged, and the procedures were unhelpful to both the women reporting and to the police officials trying to follow the cases.

Drinking and drug use at the time of the rape

Four participants told the police and myself that they were drinking or drugging at the time of the rape. Participants 1 and 7 said that they could not clearly remember

⁷ 'Eh' is similar to the English hey and commonly used at the end of questions.

everything that had happened on the occasions that they were raped because they had been drinking. Both women however report that they remember being raped. One stated:

P1: I don't remember mos [like] because I was... I can't say I was drunk I was not drunk because he took advantage of me.

The other reported:

P7: I can't remember like some of the stuff that happened but I wasn't like drunk enough... like that drunk to not remember a lot of things but then ja, I don't remember quite a lot...

Overall, although women felt believed and treated with empathy in some cases, they seldom received information regarding their case number, who their investigating officers were and how to contact the investigating officer. In only four cases the perpetrators were arrested, and of those three, only one perpetrator was in custody at the time of the interviews.

4.5 Social implications and psychological consequences

Safety concerns

Once a charge of rape had been laid against the perpetrator/s, ten women expressed that they did not feel safe in their homes and communities. The participants below reported that the perpetrators and their families intimidated and threatened survivors adding to their sense of fear and lack of trust in the police. Participant 1, who lives in the same street as the perpetrator described how the perpetrator sent someone to speak to her mother in order to convince the survivor to drop the charges.

P1: We stay mos [like] in the same street. He send someone else there at home to talk to my mother, my mother must talk to me to drop these charges.

In the case of participant 2, the perpetrators mother reportedly threatened the survivor as the translator from this interview stated in the following quote:

T 2: That mother, Joe's mother, said to her if she doesn't want to drop the case she will stab her.

Participant 7 recalled an incident when the perpetrator reportedly tried to knock her over with a car, and she experienced taunting and name calling from girls that she attends school with.

P7: I got to school quite early so as I'm walking, going to the gate, they arrived with the... his cousin or brother or something like that and he came and then he tried to knock me over with the car and was swearing at me, and the girls were calling me a bitch, a ho and all of that, and a slut...

Similarly, participant 16 said the perpetrator chased her brother with a gun in an effort to intimidate the family.

P16: Yes they chased him with a gun um so he had to run into other peoples house because they knew he's my brother.

Participant 8 expressed frustration at the continuous intimidation and vandalism directed at her by the perpetrator who she used to be in a relationship with, and who has been incarcerated before:

P8: I feel scared ne⁸ because when he's out he calls me, and says 'I'm out now' and then I know eh... later on he will come to my house, make a noise, snoop around, broke the windows, everything.

Participant 9 reportedly felt as if she had to move houses in order to avoid the perpetrators, who she would see on a regular basis on her way to work.

P9: I don't know where can I stay cause I saw them everyday... even if I'm going to work...

Fearing for their own safety within their respective communities was another common concern reported by the participants post rape. The low level of arrests in the case of the 16 women I interviewed could have contributed to the feelings of physical insecurity expressed by the participants.

⁸ Ne is a Xhosa expression that could be likened to the English 'you know'.

Symptoms of PTSD

Given the occurrences of threats and intimidation from the perpetrators, it is not surprising that at least six participants demonstrated symptoms of Posttraumatic Stress Disorder and expressed that they did not feel safe in their communities. Participant 3 described experiencing symptoms such as difficulty falling or staying asleep, hypervigilance and exaggerated startle response (criteria D1, D4 and D5).

P3: Mm. It seems as if I sleep something will happen and then I will wake up and then see something like...

Participant 10 stated that she was experiencing recurrent and distressing recollections of the event (criterion B1).

P10: But my problem is when I look at men I always look for that one I recognise, even if I'm in the station it seems like I'm gonna see that face again, that thing doesn't want to end in my mind.

Participant 6 described difficulty falling or staying asleep (criterion D1) and hypervigilance (criterion D4).

P6: Yes even now sometimes at night I'm scared, but I know... you know what I'm doing, I'm setting my cell phone for 1 o'clock, for 11 o'clock, for 3 o'clock. I'm setting my alarm every time till 5 o'clock, 11, 1, 3 and 5...

Participants 11 and 16 felt that they not want to leave their homes in fear of encountering the perpetrators in their communities. They described their efforts to avoid activities, places or people that arose recollections of the trauma (criterion C2) in the following quotes:

P11: I do feel scared because like I'm afraid to walk around.

P16: It's unfair that I should stay in the house and live like a prisoner while these guys are walking free in the road and outside and stuff like that.

The PTSD-like symptoms expressed by participants seemed to be compounded by the fact that they felt very unsafe and vulnerable in their environments, especially after experiencing the trauma of rape.

Stigmatisation

A fear of stigmatisation and ridicule from others in the community emerged in interviews with participants 1 and 7 when they stated that they feared what others would say about them should they find out that the women had been raped.

P1: I feel scared because I hear the rumors, 'oh she was raped, this girl was raped', you know mos [like] the people they laugh at you sometimes you see, 'ooh you was raped' what what what you know.

P7: I was very nervous because I was scared like what's gonna happen now, and what if people find out, what are they gonna say and all of that...

The quotes regarding stigmatization demonstrate participants' negative expectations of community reaction to rape.

4.6 Police follow up

Participants often felt responsible for their own cases once they had given their statements to the police. In all but one case, participants had not received any follow up information or contact from the police about their cases and even though they wanted to proceed with their cases, the women were not sure how to go about it. The participants wanted to take action and were frustrated with the slowness of the criminal justice system.

Police apathy

When incidents of intimidation and threats from the perpetrators were reported, the police brushed them aside and the women were told to report back if the intimidation reoccurred, or they were simply turned away. In the case of participant 7, she explained that both her parents tried to inform the police that the perpetrator was intimidating her but they received no response, as the following quote indicates:

P7: My dad does like try call the inspector who's in charge of the case and tell him, well he did call him and tell him so they didn't do anything about that. So then my mom tried to go the next time we saw him again and I was with my mom this time, so she went to get an interdict and they wouldn't give it to her.

Participant 16 tried to alert the police to the whereabouts of the perpetrators in her case who were intimidating her, only to be told that the police had a shortage of vehicles every time she called them. She had therefore not been able to leave her house for two weeks after the rape. She said:

P16: ...and um there's never a vehicle to come and fetch these guys and that's why I have to stay in the house because um I'm too scared to come out because maybe they can do something to me.

Participant 10 was in possession of information that may have lead to the arrest of the perpetrators in her case. However when she contacted the investigating officer, she was told that he was not interested in the information because it was incomplete. When asked how she would like her case to proceed she said:

P10: I just want to tell the inspector about this but he didn't do nothing, and he was not interested.

The police told participant 15 that she didn't have a case because she did not know the perpetrators in her case and there were no witnesses. When she approached the investigating officer with additional information, she was told that because she had failed

to mention this information when she gave her statement and she had 'withdrawn' the case on police advice, she could not reopen it.

P15: When we got there and then the inspector said to us I didn't tell the right story in the beginning and the law works differently now, because they said that if you withdraw a case, you can't open it ...

Participant 14 also had information she wished to add to her statement that she believed might help apprehend the perpetrators. However when the investigating officer arrived at her home she was not given the opportunity to present the information to him.

P14: He didn't ask me, he seemed to be in a hurry. He didn't ask me. He was standing at the door like someone in a hurry.

The perpetrator in the case of participant 8 had evaded incarceration for over three years. On numerous occasions the participant had been intimidated and terrorized by the perpetrator and the police told her that she should find out where the perpetrator is and then he could be arrested. She stated that she felt the police would continue being complacent unless she pressured them to act.

P8: But I try... the police... if I stay home the police stay, they forget about that... So if I stay home they don't care, even the inspector.

Wanting case information

On numerous occasions the women expressed the need to receive information about the status of their cases and a desire to continue with their cases. If women did know whom the investigating officer in their case was, it seemed difficult to get into contact with the officer and even more difficult to get any information. The following quote demonstrates the difficulty that participant 4 had in contacting the investigating officer in her case:

P4: I was supposed to be at the police station on Friday um, and so I called in the morning and they said that the officer isn't on duty... isn't in office I mean and um he called about four o'clock and I was... I wasn't at home at the time.

Participant 14 had great difficulty getting into contact with the IO in her case and was continuously told to wait without being provided with any information regarding the state of her case. She expressed that she was keen to face her perpetrator in court.

P14: If maybe I, if I could maybe get in contact with them and they could tell me when the case is going to court, things like that. Because they have always been saying, I should wait and wait ...

The need to be kept updated with case information by the police was expressed by participants in a number of different contexts. It appeared that not knowing what the status of one's case made participants feel powerless and frustrated.

Receiving incorrect information

According to what the survivors reported in the research interviews, individual officers misinformed three women when they contacted the police with questions and the information they were given was simply untrue. Participant 14 was told that the perpetrator in her case, once finally arrested, was released by the police because they could only hold the man for 45 hours. He had not paid bail.

P14: Yes, and one of the police officers told me that after 45 hours people get out.

Participant 10, a resident of Phillipi, was told by a female officer that people from the Phillipi area should not use the Mitchell's Plain police station as it was not 'their' police station.

P10: For example she tells me about, the lady, she said ooh, the people of your place they like to come to this police station but its not your police station, its not the police station you're supposed to come to, you're supposed to go to Nyanga police station not here...

Finally, participant 15 described feeling shocked and powerless when the police told her that she could not lay a charge of rape because she did not know the perpetrators.

P15: I was shocked and I couldn't say anything. I couldn't talk and I couldn't understand why there isn't a case because I didn't know the guys and my mother also couldn't understand why they withdrew the case... Now there's nothing I can do.

4.7 General attitude towards the reporting

Unsatisfactory service

In ten cases the participant's attitudes towards the service they received from the police were negative. The women who openly complained about the police did so only towards the second half of the interviews. Those that felt that they had gotten all they could have from the police seemed to have low expectations to begin with. When asked if she would advise other women to report rape to the police, participant 3 explained that she felt as if she was reporting a theft:

P3: You have to know that if you are gonna report a rape case you'd be just reporting like a stolen phone or something you wouldn't be different from being raped or your phone being stolen.

Participant 6 was convinced that if a rape survivor does not know who the perpetrator is and cannot identify him then the police would not take on the case.

P6: Yes. I don't think they are going to do something because if you don't know the person they are not following the case.

Participant 16 felt that the police were simply not doing their jobs at the police station where she reported her rape. In the following quote she describes the bad service that she experienced:

P16: I don't think they are doing their job because um you can go there and lay a charge and for me it's almost like they are going to tell you that your docket is lost or something, because people are sitting there for hours and they are doing nothing, because they walking in and out, going to their friends, talking, and having lunchtime before it is their

lunchtime and stuff like that so that's why people don't want to come and report their rape case or other stuff because they know the people are going to sit there and do nothing.

Participant 8 below described how her perception of the police changed from thinking she would receive help and support to believing that the police simply do not care about people, based on her experiences at the police station.

P8: Ja, yes because when you go to the police you think you safe you see, and that you've found help. Instead of helping you it stresses you. You ask for help and no one takes time to help you, you see... if I go to the police I feel sick, I feel sick because they don't care about the people.

Participant 10 summarised the attitude that it is most likely that the police will not take action and if they do the perpetrators will be back in the community, as they probably will not get convicted.

P10: Most of the people they advise me to not to go to the police if I can find information, not to go to the police because there is nothing they are going to do. Yes they are going to do something but after a month those guys are gonna come and kill me so it's a risk.

What this means for the survivor is that when reporting rape to the police there is a risk that the perpetrator will seek her out if he is not convicted or is let out on bail.

Alternative justice

As a result of dissatisfaction with the police, intimidation from the perpetrators and lack of arrests, whilst thinking retrospectively, six participants and/or their families considered alternative forms of justice. Participant 14, who found the perpetrator herself and then alerted the police, expressed that perhaps beating up the perpetrator would have been a better option than arresting him, as he was soon released on bail.

P14: Yes I found him myself. So we do think that perhaps we should have taken him and beat him to death because the police don't seem to care. Perhaps we should have taken him... all of us should have beaten him up as a community.

Similarly, participant 10 said that family members had advised her to exclude the police, as perhaps teaching the perpetrators a lesson would be a more effective and expedient option.

P10... my brother said to me if we can find these boys I can find a way to sought them out without the police because if you gonna mix this thing with the police it's gonna take time...and after some time they come back to the location, its like that.

Participant 7 regretted reporting the rape but the decision to report it was out of her hands, particularly since she is 17 years old and still a student. She, however, also wishes that her brothers had dealt with the situation. She stated:

P7: Um, I don't know in my case I feel that I shouldn't have been to the police, my brothers should have actually took the situation into their own hands because of my mom she stopped them, if I were her I wouldn't...

Participant 3 felt that if she had to come across the perpetrator she would take justice into her own hands because the situation affects her alone and she had learnt from experience that she cannot depend on the police to act on her behalf.

P3: I don't know I think they are not going to do anything about it until I stand on my own two feet... I think I'm gonna leave the police out of it... I'm gonna sort this out on my own because in the long run it only affects me alone...

Past experiences with crime

Participant 4 reported feeling apprehensive about reporting the rape to the police, as she had experienced not being believed by an authority figure in the past.

P4: The reason why I wouldn't have gone to the police or maybe not even tell anyone is because um... I would have thought that they wouldn't believe me.

I: Why do you think that?

P4: Um, I was um, sexually abused when I was younger and when I told my mother they said that it's not true.

Participant 8 described an incident when she went to go and report a stolen cell phone and an inspector told her not to accuse anyone after asking her how she had lost the phone. Later on a man who was bleeding from the head was reportedly left in the waiting room until he collapsed. According to the participant she has a negative perception of the police because she has experienced indifference and judgmental attitudes on their behalf in the past. After witnessing a man with a head injury collapsing in the waiting room, and being yelled at for reporting a stolen cell phone she commented:

P8: But he don't care, he don't care really, I hate police stations, I'm sorry to tell you, ja... it's our brothers and sisters over there but he must help us because it's a job you see.

Participant 12 already had little hope that reporting the rape to the police would result the arrest of the perpetrator. Not only had she been raped before but she had reported her physically abusive partner to them on a number of occasions only to find him released the following day.

P12: I thought that they had no care because I have always been reporting my boyfriend but he gets locked up for one night and then gets released the next day. And I would be injured at home.

Finally. Participant 3 had lost her brother in a shooting a number of years ago. Although there was an arrest and a conviction, the perpetrator was released after a few months in jail. This, according to her is why if the police hadn't arrived at the scene of her rape, she would have probably not reported the incident to them.

P3: I think it was two years back I lost my brother in front of a police station in Gugulethu. They got the person that shot my brother but... then they set him free after a few months, so that I didn't understand. That's why I say maybe if they weren't there I could have been raped and I could have gone straight home.

The 16 narratives of the women I interviewed clearly illustrate the unpleasant experience of reporting a rape to the police. Since all the rapes were reported so promptly, the trauma

was still fresh and survivors were only at the very beginning of the process of trying to make meaning out of what had happened to them. Issues such as access to the police station and other's decision to report on the survivor's behalf may have impeded upon recovery before they had even arrived at the police station. The lack of prompt medical attention and long waiting periods in crowded and chaotic waiting rooms, did not serve to make the process physically or emotionally comfortable. Survivors reported judgmental attitudes from the police, and overall, the inability of the police to provide survivors with case information and to help them feel safe and protected after the rape, emerged to be a major omission in the service that the SAPS provided. The next chapter expands upon and discusses the implications of the themes and categories that emerged from the data.

Chapter 5: Discussion

The categories that emerged from the interview data provided a template for the sequence of events experienced by the women that I interviewed upon their entrance into the criminal justice system. The details of the individual rapes and the participant's demographic information varied, as did their respective experiences with the police. The categories came about because they were stages that women reported as significant within their narratives. Although I focused on certain stages of the reporting process in the interview schedule, the women guided the direction of the discussion and the time allocated to each topic. The results were the six categories and 18 themes presented in the previous chapter that seemed to recur in the narratives. Within each category a number of events and possibilities occurred but the experience and salience of each category was common to almost all the participants interviewed.

5.1 The SAPS in context

It is important at this point to mention a number of issues that arose during the research process. Although I found that a number of women had had unsatisfactory experiences with the police, there were other issues that contributed to the results. The high incidence of rape in South Africa and an understaffed, overworked and underpaid police service serve to increase the likelihood of secondary victimisation. Policemen and women are exposed to extreme violence and life threatening circumstances on a day-to-day basis, particularly in areas where crime levels are high (Pienaar & Rothmann, 2005), such as the catchment area served by the TCC. The lack of vehicles, qualified officers and proper training makes them ill-equipped to deal with the staggering number of crimes of sexual

assault that are reported to them (Pienaar & Rothmann, 2005; Rasool, Vermaak, Pharoah, Louw & Stavrou, 2003). Moreover, police personnel seldom receive counseling or have access to support systems in order to adequately cope with the trauma inducing nature of their jobs (Besdziek, 1996). It should also be mentioned that the TCC served as a protective factor towards the women that I interviewed. The center provided services such as counseling, medication and rape case management to all the women interviewed. Furthermore, it is significant that TCC is a place where the police can and do bring survivors, in order for them to receive these basic services.

5.2 Reflexivity and data collection

Power differentials

In the present study, I was an outsider, and I felt the weight of the identity that was attached to me when I first entered the field. I am a white middle class woman, with access to resources and knowledge, while the women I interviewed were black, often living in extreme poverty, and had had little education. It is assumed that the differences in class and race impacted on the manner in which the participants chose to narrate their experiences during the interviews. What became clear is that narratives change over time. In a single interview, I was told a version of how women were feeling on that day, and only a snapshot of their experiences was revealed to me. As Letherby (2003) argues, there are no overarching truths, no answers, only partial knowledges that are constructed in the specifics of time and place. Nevertheless, I felt myself being treated as if I had the power to do something for my interviewees. The potential to benefit from participating in the interviews may have been assumed by the participants because of the fact that I

represented privilege and access to resources. For example, one participant asked me to accompany her to court because she presumably felt that having me there would in some way help her to be accepted into the court system. She expected to face her perpetrator in court that day, but in fact she had been summonsed to meet with the prosecutor in her case. This is indicative of the lack of information conveyed to her by the police in terms of how her case would proceed through the criminal justice system, and what her role would be.

Bridging the divide

I attempted to address the power imbalances in the manner in which I conducted the interviews and the space I left open for the women to express themselves. It would be naïve however to believe that the relations of power along the lines of race and class did not impact upon the type of data that I collected. It was hoped that our common gender and sensitivity to issues such as rape, helped to bridge the gaps that had been created by differences of race and class. At the end of almost all interviews, women expressed that they had found it helpful and relieving in some cases to speak freely about what they had experienced.

5.3 Translation

Translation also became layered into the participant's narratives. In the interviews in which I did not have a translator present, I felt the connection between the women and I was better, even if we were challenged in expressing ourselves and understanding each other. I felt that the presence of a third person in the room not only transformed what was being said by the participant but somehow broke down the connection that needed to

exist between the participant and I, particularly when talking about issues as sensitive as rape. When no translator was present, the participant and myself had to talk directly to each other, as opposed to a broken telephone scenario that often occurs during translation. A distance then seemed to appear between myself the white researcher and the Xhosa speaking participant. During the interviews with Afrikaans speaking participants I could understand the language and I felt the participants were able to express themselves freely in both English and Afrikaans. When I had the Xhosa dialogue from the interviews translated, I found changes not so much in the content of what was being said by the participant but more in the way ideas and answers were expressed. As the translator did not translate verbatim, but rather paid more attention to what she thought I wanted to hear from the participants, thus placing more emphasis on certain parts of the answers than others. Swartz (1998) explains that an alliance sometimes forms between the interpreter and the interviewer, in which the interpreter aligns with the interviewer rather than with the participant, because the interpreter is part of the 'mental health team' (p. 30). As the translator was employed and trained to be part of the study being conducted by Ms Maw, she did become aligned with me during the interviews. The implication was that at times there was no alliance between myself and the participant, which did not always facilitate a meaningful interpersonal connection. Back translations illustrated what was really being said and in what manner, but the presence of a translator certainly changed the way the process was experienced by both the participant and myself. Below is an example of an answer given to me by the translator and the actual translated words of the participant:

T12: Um, she doesn't think that they will catch the perpetrators but she thought maybe they will rape someone else one day and then maybe they will be caught by that person,

you see, not the police actually, so for her to say that she doesn't recognise even one of them you see...

P12: I think maybe they might be caught, perhaps get caught by someone else. Perhaps they rape someone else and then they get found out like that. But I don't remember that they'll get caught, I don't have the vaguest idea who they are.

The issue of translation always poses a challenge to researchers working in culturally and linguistically diverse fields of study and particularly in qualitative research. Nevertheless, the data I received would have no doubt been less in-depth and descriptive had I not had the help of my co-researchers in communicating with the participants. Having the translator present also helped to build rapport with the women before the interviews, particularly during the car journey when traveling to the interview location. It is hoped that my friendship and familiarity with my co-researcher and translator served to lighten the mood and put participants at ease before the commencement of the interview.

5. 4 Reflections on the findings

The 16 qualitative interviews with women on their experiences of reporting rape to the police mirrored much of the literature reviewed earlier in the report. The categories I found will now be discussed in terms of their resemblance to what has been reported in the existing literature.

The amount of time that it took participants to report that they had been raped to the police did not exceed 24 hours in all 16 cases. The relatively small time period between the occurrence of the rape and reporting it indicates an awareness of the need to report rape in as timely manner as possible. It is also likely that a decision to report the rape or seek out medical attention was made fairly quickly. Secondly, it seems that the women I

interviewed had a strong sense that something wrong was done to them. The participants seemed to feel a need for justice to be served in terms of the incarceration of the perpetrators. It is important to note that the women in my sample were recruited at TCC and were brought to the clinic by the police, therefore all but one of them were what is termed 'fresh cases'. Had I recruited my sample in a context that was not linked to the SAPS, the time elapsing after the rape before reporting may well have been longer.

The fact that 10 of the 16 rapes occurred at either the survivor's home or the perpetrators' home or car and that almost all the survivors were released, indicates that the perpetrators acted with a perceived sense of impunity. Moreover the nature of the perpetrators' modus operandi is indicative of the fact that women's bodies are indeed 'fair game' as Artz commented (2001, b). The recurring theme of survivors fearing for their lives during the rape speaks to the seriousness of the crime committed against them and seemed to aid the decision to report the rape. This theme also confirms that rape is usually experienced as life threatening and an extreme personal violation, as reported by Crombrinck & Skepu (2003). The fact that survivors appealed to perpetrators to stop the rape by mentioning that they had children indicates that they were perhaps concerned for the well being of their child/children, and they feared their own death. The participants' references to complying with the perpetrator's demands speak to the literature on rape and blame attribution by the police. The women experienced questioning attitudes from police officials who questioned their levels of resistance to the rape via statement taking.

On a broader level, the participants' adopting of the mother or care giver identity could be an attempt to desexualize oneself, and the situation, in order to stop the rape. A possible insight into this strategy for self-protection can be found in Wendy Hollway's early work on gender relations. By playing out what Hollway termed the 'have hold discourse' (1984, cited in Gavey, 2005), survivors access a role that is relatively asexual and essentially procreative, thereby switching identities within the context of the rape. Survivor's actions are then deeply embedded in gender relations and traditional sex roles in society. The survivors who reported fearing for their lives also displayed little physical resistance as a strategy for self-protection. As a result, the majority of women sustained non-critical physical injuries. The survivors relative lack of physical injury and the fact that they may not have physically attempted to fight off the perpetrators, contributed to disbelieving attitudes from the police, a similar finding to that of Madigan & Gamble (1991). As Christofides et al. reported, displaying little physical reaction is not a surprising reaction to rape (2003).

Legal implications

In terms of the legal definition of rape, one woman's story illustrates how the definitions of what is considered rape and what does not are blurred. Participant two was raped anally by a man and she reported to the police that she had been raped. The police and the nursing staff however maintained that she was not raped, but was indecently assaulted. Police and medical officials are uncertain about the definition of rape, although the SALC is now in the process of redefining rape law, in order for all forms of penetration to be considered rape or sexual assault (SALC, 2003). This example is indicative of how theory

takes a long time to become practice and that the implementation of legislation is a time consuming process.

Another issue that arose concerning legislature was the issue of witnesses. As was mentioned earlier in only two cases were there witnesses to the rape of participants and in one case those witnesses were children. As our criminal justice system presumes that children's testimony or credibility as witnesses needs to be treated with caution (Schwikkard & Van der Merwe, 2002), nearly every participant's case then lacks the corroborative evidence that seems to influence conviction rates in rape cases. The absence of witnesses in the rape cases I reviewed is an example of why the issue of corroborative evidence is so problematic in reality. Furthermore it undermines the credibility of women's statements and is embedded in the rape myth that women are natural liars.

If the literature is to be believed, a lack of physical resistance on behalf of survivors, the confusion around the legal definition of rape and the lack of witnesses then disadvantages women before they have even entered the reporting process. As a result, there is an increased chance that they are going to be treated with disbelieving attitudes by criminal justice system representatives. When participant 15 was told that she could not continue with the case because there were no witnesses and she did not know the perpetrators, she accepted that this was the way of the law. The rejection of her case based on these grounds sent the message that her statement was inadequate and needed to be corroborated. As none of the women were critically injured as a result of the rape, except

in the two cases, the participants' experiences of rape were undermined by the police's assessment of the credibility as victims of rape. Although no direct questions regarding the women's reaction to the rape were reported, unnecessary questioning around the women's relationship to the perpetrator is indicative of police underestimation of the seriousness of the acquaintance rape. An apathetic attitude towards acquaintance rape on behalf of the police has been widely reported on (Madigan & Gamble, 1991; Pino & Meier, 1999; Ward, 1995), and my finding in this regard therefore is in keeping with the literature.

Demographics of the sample

Although the present study is not quantitative and the findings are not generalisable, an interesting finding regarding levels of education emerged. Of the women in my sample, only two had post-school education. This finding could indicate that they are in the minority of women within their demographic who report rape to the police, as women with post school education were found to be nearly 8 times more likely to report than those without (Department of Health, 1999 cited in Jewkes & Abrahams, 2002). Perhaps this finding is indicative of the fact that women are more aware of their rights and the services that are available to them, seven years after the Department of Health study. The relatively young age of my sample (most of the participants were in their twenties or younger) is in keeping with the literature that young women much more commonly disclose rape (Jewkes & Abrahams, 2002).

Relationship to the perpetrator

The issue of the relationship to the perpetrator is a complex one. The literature suggests that women are less likely to report the rape if the perpetrator is known to the survivor as they may fear retaliation and threats to their safety if the charges are pursued (Madigan & Gamble, 1991; Pino & Meier, 1999). Similarly, it has been found that women are twice as likely to report the rape if the perpetrator is a stranger and that police are more likely to respond sympathetically (Jordan, 2001). The majority (9) of participants I interviewed knew the perpetrators, while seven women did not. Two women made reference to the fact that the perpetrators were not their boyfriends and being in a relationship with someone seemed to somehow lessen the seriousness of rape. Two other women believed that not knowing the perpetrator meant that the police would not investigate the case. In one case the police told a participant that she could not lay a charge because she did not know the perpetrators. Another woman had such little faith in the police that she explained that if she knew who her rapist was she would not have reported the case as she would have rather taken justice into her own hands. The victim-perpetrator relationship then mostly confirms what has been found in past studies (Gartner & Macmillan, 1995; Madigan & Gamble, 1991; Williams, 1984) on reporting behavior, but the participants revealed a different construction of rape, that is, one that lessens the seriousness of the offense if the participant is in an intimate relationship with the perpetrator. At least three survivors made reference to the perpetrator not being their partner or boyfriend as part of their narrative about being raped. By doing so the participants reveal their acceptance of the assumptions of the traditional heterosexual relationship. The 'male sexual drive discourse' described by Holloway (1984, cited in Gavey, 2005) holds that the

uncontrollable need to have sex is part of the make-up of normal, healthy men. The participants thus demonstrated the internalization of the cultural truth that if they were in a relationship with a man, they would conform to being the objects of this discourse. Moreover under these circumstances, it is then far less likely that women would consider coerced sex to be rape.

Medical attention and access issues

The expressed needs of the women to seek out medical attention ahead of reporting the rape to the police indicated the desire to access such resources. The fact that survivors sought out medical attention following the rape, mirrors the finding that the odds of reporting are increased if any injuries were sustained or if the survivor required medical attention (Pino & Meier, 1999). TCC provides women with medication to prevent them from contracting HIV, sexually transmitted diseases and pregnancy prevention. Women are referred to TCC after any other critical injuries have been addressed such as gunshot or knife wounds. It was found that police were fairly timely in coming to collect participants once the rape had occurred, but one woman phoned the police only to receive no answer on the other end and therefore had to walk to the police station herself. Access to the police station was an issue of concern for the participants. In 10 cases survivors made their own way to the police station either due to lack of transport money or access to a telephone. The other six participants were either collected by the police or as in one case, were driven to the police station by family. Although access to police stations has been found to be a barrier to reporting rape (Artz, 1999), it seems that the women in my

sample were determined to report, despite obstacles such as transport and access to telephones.

The role of the police

Police prioritizing of statement taking and procedure over ensuring that the survivors received medical attention was reported by three participants, one whom had a gun shot wound and the other a stab wound. This is a worrying finding and suggests that the police's focus on their own procedures may indeed obscure their appreciation of how these procedures may impact upon the victim (Jordan, 2001). In one case a participant was abandoned at the hospital and left to make her own way to the police station because the officer on duty's shift had ended. While this does indicate negligence and is similar to the findings of the study on the WSOC conducted by Stanton et al. (1997), it also has to do with the nature of police work and organisational problems that arise while doing shift work.

The experiences of the women within the charge offices were problematic and difficult. Long waiting periods were a frequent concern as were police statement taking procedures. No women were giving copies of their statements and none seemed to be informed of their rights to have a support person present. In terms of what is promised on the SAPS website, the police performed poorly. Judgmental or repetitive questioning by the police experienced by one third of the sample supports the findings of the Stanton et al. (1997). Examples include being questioned repetitively around their relationship to the perpetrator, why they were out at that time and who removed their clothing. These lines

of questioning indicate the existence of rape myths amongst the police and beliefs about what the ideal rape victim is. The women who admitted to me to have been drinking or drugging at the time of the rape did so in a self defensive way as if they perceived that this cast great doubt on their story. Police attitudes to this kind of behavior included knowing looks, lectures and even refusing to investigate the case in one situation. The greater likelihood of the police to attribute blame to survivors if they had been drinking or drugging is in agreement with the findings of Ward (1995). It seems then that disbelieving and judgmental attitudes, repetition of statements and being given incorrect information are still common practice in certain police stations. The finding that 1 out of 16 perpetrators were in custody at the time of interviewing is a worrying statistic with regards to police efficacy in arresting perpetrators. The low level of arrests and therefore arguably potential convictions found in the participant's rape cases is not surprising and in keeping with the literature documenting low conviction rates in rape cases (Smythe, 2004; Temkin, 1999; Vetten, 1999). Questioning and disbelieving attitudes and lack of arrests on behalf of the police could lead to the internalization of rape myths and a decreased sense of self worth for the survivors. Not only can this lead to an increase of distrust in the police but moreover a sense that nobody cares and recognizes the seriousness of the experience of rape.

Social and psychological implications

Six participants reported that they experienced intimidation and threats from the perpetrator or his family once they had reported the rape to the police. The literature reports that women are less likely to report rape for fear of perpetrator retaliation, but the

women in my sample had the conviction to report anyway. The police did not handle complaints of intimidation effectively and often times just ignored them. The interview data illustrates that women's pleas for help were not taken seriously and were met with excuses. Again women received incorrect information and negligence seemed to occur on the part of the police. The response from the police at this stage could not then possibly aid the participants sense of a just world and safety in their communities.

Despite the criticisms leveled against the use of PTSD and RTS trauma models in non-western contexts, the women's narratives illustrate subjective descriptions of symptoms that closely resembled those listed in the DSM-IV-TR under post-traumatic stress disorder. The PTSD-like symptoms described by the women include flashbacks, nightmares, intrusive thoughts and avoidance and this finding is consistent with the literature reviewed that 95% of women met the symptom criteria for PTSD within two weeks post assault (Rothbaum et al., 1992, cited in Foa & Rothbaum, 1998). The fact that women realized at this point that they could not rely on the police to ensure their physical safety then led unsurprisingly to thoughts of alternative justice as detailed in the results chapter. The police were turned to in order to ensure the survivors a sense of safety and protection and ultimately justice. Once they failed to do so, in a manner that again took the power away from survivors, it seems that the women had no other option but to think of alternative methods to ensure their survival. Although no participants had acted upon these thoughts at the time of the interviews, the community had become involved in the case of participant 14 when the survivor and her partner found the perpetrator and beat him. When conventional methods of law enforcement seem hopeless and at times

uncaring, it does not seem surprising that groups of people in South African communities would take the law into their own hands. The widespread nature of communities taking to alternative forms of justice, particularly in historically disadvantaged communities has similarly been reported by Sekhonyane & Louw (2002). Moreover, the sense of betrayal and hopelessness seems to have had a negative impact upon recovery, summed up by one participant when she reported that when she thinks of the police she feels physically sick at their seemingly apathetic attitudes. The feelings of powerlessness evoked in survivors of rape with regards to unsupportive responses from others have been similarly reported the world over (Snyman, 2005; Stanton et al., 1997; Temkin, 1997; Ward, 1995).

Case progress

In terms of case progress, the findings of the present study mirror those of Crombrinck & Skepu (2003). Examples include lack of interest in investigating the case; recommending victims drop the case and failing to obtain information from the victim. Participants' needs to have access to information and to be kept informed about their cases progress were not met. Participants had seldom heard from their investigating officer, and most did not know who the relevant officer was. Participants consistently expressed the desire to be kept informed about the developments of their case but were almost never informed when the perpetrator was let out on bail or could not be found. The desire to be kept informed of case progress and the inability of the police to provide consistent updates was similarly reported by Stanton et al. (1997). The responsibility of obtaining information about the case then became solely the participants, and even so, their efforts were mostly futile.

5.5 Feminist standpoints

Female subordination does not stem directly from legal constraints placed on women; it is much more deeply entrenched (Kiguwa, 2004). Therefore, it was argued early in the present work that gender relations in society mediate the treatment of women by social institutions. Furthermore, social institutions such as the SAPS play a role in the perpetuation of violence against women (Boonzaier, 2003), and the lack of institutional support evidenced in the present study is indicative of this. Gender is seen as a tool of oppression when men occupy positions of social power over women (Kiguwa, 2004). The beliefs about women's identities that arise out of patriarchal systems are beliefs that are essentialised and fixed. Essentialism perpetuates the existence of rape myths and stereotypical attitudes towards women who have been raped. An example of essentialism is the belief that the active sexual person is male and sexual violation is a consequence of men's hormonal natures. Furthermore, virginity and naivety are prescribed for women regarding their own basic knowledge about their sexuality and reproductivity (Shefer, 2003).

In the present study, underlying patriarchal and oppressive ideologies toward women became apparent in the way in which the participants described their experiences of reporting rape to the police. The 16 women I interviewed described men as being perpetrators and protectors. The men who raped the women were the perpetrators, and the perpetrator's actions were understood by the participants in terms of Hollway's male sex drive theory, as reviewed earlier in the chapter (1984, cited in Gavey, 2005). The women reported the rape to the SAPS, and when police action was found to be inadequate, the

women turned to their brothers, partners and fathers as a source of protection and a means to alternative justice. Research on police subculture has indicated that police services are characterized by male dominance and oppressive ideologies (Coombs, 1987). As the gatekeepers of the criminal justice system, the police symbolise protection and restoration of order in the context of victimisation. Moreover, the participants' male family members and partners were the second group of males who took on the role of protectors of the women in their lives who had been raped. The polarised identities of men as protectors and men as perpetrators, as described by participants, made the women vulnerable to and dependant on the actions of men.

The participants also revealed essentialised ideas about female identity, and who is deserving of protection after rape. The notion that good women deserve protection and bad women deserve to be raped was evident in both the women's own understandings of what had happened to them and the police questioning of participants. The implication of this dichotomy is that women who buy into the patriarchal discourse will be exempt from male violence. The rape myth that women deserve or ask for rape and that rape only happens to certain kinds of women has been described by feminist scholars such as Koss, Heise and Russo (1994) and Burt (1980). The responsibility lies with the survivor of rape to prove that she was a real victim and is therefore deserving of male protection. The participants' emphasis on issues such as being forced to undress, denying alcohol and substance abuse and narratives around relationship to the perpetrator revealed their need to be perceived as good victims and women. The internalization of the good victim discourse also became apparent within both male and female police officer's treatment

and questioning of rape survivors. In this way, the impact of the rape was minimized and undermined. In terms of the female police officers, minimizing the impact of rape and a judgmental attitude towards participants served as a method of distancing them from the survivors. For this reason, unsympathetic and ostracising treatment of rape survivors by female officers is not an uncommon occurrence (Brems & Wagner, 1994).

Variables such as drinking and drugging at the time of the rape, relationship to the perpetrator and extent of physical injury were all issues that the police focused on in order to prove that rape survivors were in some way responsible for their own rape. One of the most widespread rape myths, that women are natural liars (Burt, 1980; Koss, Heise & Russo, 1994; Ward, 1995) underlies the police's suspicious questioning of the participants around the above-mentioned circumstances surrounding the rape.

Seen from within patriarchal discourse, rape is an act of sexual objectification. Behaviors such as drinking or drugging, dressing seductively and being out late at night are understood as provoking rape. Being raped often lessens a women's value in both her own eyes and those of society, and she is perceived as damaged. The reactions of male relatives and partners to rape in the present study suggested the need to avenge the damage to their property because it had been dirtied and devalued. Within the act of rape and the avenging of rape, women are objects, belonging either to the perpetrators or the protectors. The trauma women experience as a result of rape is informed by this stigmatization and in order to be treated with sympathy, women either deny or minimize the impact of rape, or attempt to prove that they were innocent victims.

Feminist scholarship challenges the supposed natural discourses of sexuality and argues that identity should be viewed to be in a state of constant flux and lacking a fixed essence, in order to combat the perpetuation of rape myths (Kiguwa, 2004) and the consequences thereof. The shared assumptions and ideas regarding gender and sexuality mentioned above are one channel through which systems of patriarchy maintain structures of male domination. The present study has highlighted the subtle yet widespread existence of stereotypical beliefs about women who have been raped, that both perpetuate gender inequality and the existence of rape myths.

5.6 The way forward

Recommendations

The police in the cases of the 16 participants that I interviewed, like the perpetrators, seemed to act with the sense that there would be no consequences for their actions. None of the women that were interviewed had any intention to complain about the police services through any official channels. I attribute the non-questioning attitude partly to unawareness of the ability to lodge complaints and partly to simply having other more pressing issues in their lives to deal with. Following are my recommendations that could better women's experiences of reporting rape to the police.

- Survivors' rights when reporting rape need to be more publicly advertised and available. I recommend pamphlets distributed at police stations and clinics such as TCC informing women of what they should expect from the police and

delineating roles in these situations. An organization such as Rape Crisis could be involved in the production and distribution of such documents.

- Complaint mechanisms and channels need to be advertised, should women find the police service unsatisfactory. This would not only improve community-police relations but could also serve as a monitoring system through which police efficacy could be evaluated.
- The issue of police accountability needs to be addressed. I concur with Artz (2002) that the lack of monitoring mechanisms forcing the police to comply with their duties in the management of rape cases is still a major omission in the legislation. We can broaden the definition of rape and attempt to make the law less gender biased, but if the police are not accountable for their actions then we cannot hope to decrease incidences of secondary victimization by the police.
- It is imperative that police officials dealing with sexual assault cases are brought in on the process of awareness -raising around rape. At the very least the SAPS should implement a basic training programme addressing the sensitive issues involved in the management of rape cases.

Failing these recommendations, and an overall decrease of secondary victimization in general, women who are raped and report it will find themselves in a cycle of violation, disempowerment and low levels of self worth.

Further research

Further research is needed to follow women through the criminal justice system in a longitudinal study, focusing on relationships with investigating officers and prosecutors.

A longitudinal study could reveal the incidence of self-blame and the internalisation of rape myths in women, and how the treatment of women throughout the court proceedings, and the outcome of the case, impacts upon the psychological recovery of rape survivors.

5.7 Conclusion

At the time of the interviews, the role that the police had played in the participant's journey post rape was, in almost all cases, a negative one. The police service, as an institution, is an organisation of social control and power. The women who took part in the present study are marginalized on the basis of gender, class, race and marital status. They seldom had access to the resources that would enable them to protect themselves, such as safe housing and reliable and safe transport, which arguably made them more vulnerable to rape (Boonzaier, 2003). When their bodies were violated, they chose to turn to the police for protection and some form of retribution. The police however, contributed to ostracizing the women further, with regards to how they treated rape survivors. The way that rape law is defined in South Africa at present is indicative of how our society thinks about women who have been raped, and the police are the most visible representatives of the law. Not only are attitudes towards rape related to occupational understandings and beliefs with regards to the police work, but they are deeply embedded in gender relations within society. Police attitudes towards women who have been raped mirror the beliefs and attitudes of wider society. "Social change can be achieved only when women are able to question the structures and institutions in their society that sustain oppression" (Kiguwa, 2004: p291-292). There is no room for the marginalised rape

survivor to in anyway question the service she receives from the police, and in this way, as a body of social control, the police service maintains the status quo and contributes to the oppression and silencing of women.

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Appendix A: Informed consent form

University of Stellenbosch, South Africa
Department of Psychology

CONSENT TO PARTICIPATE IN A RESEARCH STUDY

Why is this study being done?

Ms Anastasia Maw and her research team at the University of Cape Town are conducting a research study with people who have been raped. Ms Maw wants to understand more about how people feel over time after the rape.

I am being asked to participate in this study because I was recently raped.

What happens in the study?

If I agree to participate in the study,

- 1) On that day
 - I will be asked questions about how I feel and what happened to me.
 - If it is too hard to answer these questions now, I can ask to answer them at my next study visit.

- 2) At my follow-up visits at 1, 4, 12 and 24 weeks:
 - I will be asked questions about how I am feeling now.
 - If I did not answer all the questions at my last visit, I can answer them now, or wait for my next visit if it still feels too hard.

Risks and discomforts

Questions:

I might feel bad answering some of the questions. I may refuse to answer any questions that I think are too personal.

Confidentiality:

Participation in this research will involve a loss of privacy. The researcher will keep information about me as confidential as possible, but complete confidentiality cannot be guaranteed. My name will not be used in any reports or publications resulting from this study.

Benefits

There is no benefit to me for participating in this study.

Alternatives

If I choose not to participate in this study, my care will not be affected in any way.

Costs

There will be no cost for participating in this study.

Reimbursement

I will be given R20.00 to cover my transport costs for each visit I make to Jooste Hospital for the study.

Questions/Contacting the investigator

This study has been explained to me by _____ and my questions have been answered. If I have questions about the study or I experience a study-related problem, I may call Ms Anastasia Maw at 6503901.

Consent

I have been given copies of this signed and dated consent.

Participation in any research is voluntary. I have the right to decline to participate at any time in this study without it affecting my care. If I wish to participate, I should sign below.

Participant's signature

Printed name

Date

Signature of person obtaining consent

Date

Appendix B: Interview schedule

Women's experiences of reporting rape to the police

Interview Schedule

University of Stellenbosch

Psychology MA (thesis)

Nina du Plessis

Explain:

- Why this research is being conducted
- That the researcher is not doing this on behalf of the police/justice
- How the information from the interview will be used
- Reiterate confidentiality and anonymity issues
- Explain that the main focus of the interview will be on her experience of going to the police, and that if she wants to talk about details of the rape that is fine but that is up to her, and is not the main focus of the interview.

Check if there are any questions before the interview starts.

Explain that the participant does not have to answer these questions if she does not want to but it would be useful to the research. Explain that one of the things that matter in the research is whether different women were treated differently, e.g. if you are young or old.

Demographic Information

1. What is your age/ how old are you?
2. What is your area/suburb of residence?
3. How would you classify yourself in terms of a racial group?
4. Are you currently employed (formally or informally)? If so what is your occupation?
5. What is your highest level of education?
6. Are you currently married?
7. When did the rape occur and how long after the rape did you report it?

Assault variables

8. How many perpetrators were involved in the assault?
9. Did you know the perpetrators? If so, how?
10. Were there any witnesses?
11. What time of day and where did the rape happen?

Initial Contact with the police

12. Which police station did you report the rape at? *Was this the nearest station to which the rape occurred?*

13. Was it the first place that you reported the rape? *If not where else? Probe disclosure, to who and when. Were the police the first to be told, how did this impact on you?*
14. Did you or someone else phone the police or did you go straight to the police station? *How did you get there?*
15. Did the police fetch you if you reported the rape by telephone?
16. What were your expectations of the police? *Probe what they thought the outcomes would be, what did they hope to achieve by going to the police.*
17. What were your initial impressions of the police reaction? Were you made to wait or met with a prompt response? *Probe the atmosphere on arrival, feelings and mood.*
18. Tell me about the things that influenced your decision to report the rape... *Probe people that could have influenced this, nature of the relationship, pressure to report or not. Reasons for reporting, for example to get perpetrator in jail, a sense of responsibility to others, fearing for own safety etc.*
19. Tell me about how you were feeling at this time... *Probe feelings about having to go to the police, apprehensions, past experiences etc.*

Statement taking

20. Did you wait at all before giving your statement? If so, where did you wait? *Probe how it felt in this space, atmosphere and mood, seating, noise levels, people in the waiting area.*
21. Where was your statement taken?
22. What was the atmosphere here like and did you feel comfortable? *What were the things that made you feel comfortable/ uncomfortable?*
23. How many people were present and were they male or female?
24. Did you feel the gender of the officers present made a difference to you in any way? *In what way?*
25. Did you feel uncomfortable in this situation? Tell me more about this... *the language, race and age of the officers and how this impacted on the process.*

26. Were you asked any questions that you felt were inappropriate or irrelevant? Tell me about this... *how it made you feel about being there.*
27. Did you feel believed and treated with sensitivity? *What things were said or done that made you feel believed or not?*
28. How many statements did you give and how long did this take?
29. How did you find actually telling your story? *Probe what was said and how they were said, what was left out/ included, why did you choose to leave out/include certain things.*
30. How did you feel about this stage of the process in general?
31. Were you told you may have a support person present? If not would you have wanted someone to be with you?
32. Did you give your statement in a language that you were comfortable speaking? If not how was this for you?
33. Were you given a copy of your statement?
34. Were you given the option of re-reading or checking your statement? If not, would you have liked to have done so?
35. How did you feel after giving your statement?
36. Were you referred to any counselling or support services?
37. What do you think the police thought about what you had told them? How did this make you feel?

Case progress and follow up

38. Were you given the option of making a second statement? If not would you have liked to have done so?
39. Did the police ever suggest you drop your case? If so for what reasons? *How did this make you feel?*
40. Were you given a case number or given the contact details of the investigating officer?

41. Did the police keep you informed about your case progress?
42. If so, who were you contacted by and on how many occasions?
43. What kind of information was given to you about your case?
44. Did you contact the police at any stage and what was the response you received?
45. Did you attend an ID parade? If so what was this like?
46. Were you given any information or preparation about going to court?

General

47. How did you feel about the whole process overall?
48. Do you feel that reporting the rape made you feel better or worse?
49. Why do you think this?
50. Would you advise other women who have been raped to report rape to the police?
Why do you say so?
51. What could the police have done or not done that would have improved your experience?

Appendix C: Reflections after the interview

Interview code.....

Date of the interview.....

Place of the interview.....

Length of the interview.....

General impressions of the interview

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Problems or difficulties during the interview

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Were there any notable non-verbal gestures, reactions or responses?

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Questions or concerns she raised

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General comments

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