

**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.

