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An alternative model to improve rape survivor support and perpetrator convictions in South Africa

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A Social entrepreneurship project submitted to the Faculty of Commerce, Law and Management, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Business Administration

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Declaration

I, Ronel Simantha Cara, declare that this social entrepreneurship project is my own work except as indicated in the references and acknowledgements. It is submitted in partial fulfilment of the requirements for the degree of Master of Business Administration in the Graduate School of Business Administration, University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in this or any other university.



_____

Signed at Pretoria on the 31st day of March 2022

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To the respondents in the study, thank you for taking the time to participate in my study. I am grateful for your time. To every respondent who identified as a rape survivor, I extend my explicit empathy for your experience. Your responses were profound and I pray that you find closure and healing but most of all justice.

Supplementary information

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Supplementary files:	Research instrument – online survey Data Set Participant information sheet Ethics approval letter Supervisor evaluation form

Executive summary

Globally, South Africa ranks the worst of reported rape statistics. Perpetrator conviction rates remain low whilst occurrences of rape continue to grow. As women form the larger part of the population in South Africa, this research paper focuses only on female rape survivors even though men are also victims of rape. This study took a qualitative approach which used an on-line survey to gather the views of rape survivors and built on other insights on the lack of progress made by government to control the rape epidemic in South Africa.

A key theme to emerge from this survey was that although there has been development in response systems, justice for rape survivors is slow and most often absent due to insufficient resources. Furthermore, rape victims often report a further experience of a second rape within the various interactions with state organs. This survey also highlighted the fact that rape remains highly under reported and in many cases this is due to a breakdown in trust between the South African Police Service and the community that they serve. The frequency of incidents of rape being committed by a person who is known to the victim is a further contributing factor to the high level of under reporting.

The recommendations in this paper provide practical opportunities to enhance both the first response process and also the efficient prosecution of the criminal case. The suggestions are scalable and will be able to support government in their attempt to curb the rape epidemic. Rape inhibits women from contributing in economic activity and other independence developments. It is alongside these experiences that partnerships and collective action is required by business and society. Though the findings in this research paper cannot be generalised, it remains important as people are the lifeblood of economic activity and healthy communities require government to consider other social interventions. The limitations of this research paper provide an opportunity for other researchers to expand on the findings in this paper.

Keywords

Rape; rape survivor; South Africa rape statistics; rape myths; women; gender based violence; perpetrator conviction rates; second rape; South African Police Services; alternative model.

List of acronyms

GBV	Gender Based Violence
SAECK	Sexual Assault Evidence Collection Kit
SOAA	Sexual Offences Amendment Act refers to The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007
SAPIs	Sexual Assault Preventive Interventions
SAPS	South Africa Police Services
SOCs	Sexual Offenses Courts
NSP	National Strategic Plan
MATTSO	Ministerial Task Team on the Adjudication of Sexual Offences

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1. Introduction to the Research

1.1. Context of and background to the research

Wasco (2003) found that rape cases place significant stress on an already severely stretched South African Health and Justice Systems. In the short term, the system battles to cope with the time sensitive collection of forensic evidence, as well as the provision of immediate psychological and emergency services. Wasco's (2003) review also pointed out that in the long term, because women who are raped tend to have a susceptibility to prolonged sexual violence, both the health and justice systems are continuously confronted with an ever increasing burden from repeat victim caseload.

In their analysis Borumandnia, Khadembashi, Tabatabaei and Majd (2020) reported that approximately 35.6% of women worldwide have been victims of sexual violence. United Nations for Women (2020) estimated that less than 10% of those in need considered reaching out to police services for help. Many victims do not look to formal institutions like police services for assistance, but rather choose to turn to family and close friends for support instead. Machisa, Jina, Labuschagne, Vetten, Loots, Swemmer, Meyersfield and Jewkes (2017) reported that most reported cases were done immediately after the incident, of which, only 38% of victims reported on the same day, with 49.5% of whom were adults. In this instance, "reported cases" refers to those cases that have been logged with the SAPS and have a corresponding case number.

There is a general preception that many reported cases in South Africa are never succesfully taken as far as a criminal trial, and those that are prosecuted in court have a very low conviction rate, even though specialist sexual offences courts SOCs have been established to improve the rate of convictions. Authors such as Basdeo (2018) and Boateng and Lee (2018) advanced numerous reasons for this state of affairs, and these include lack of empathy from the South African Police Services (SAPS), lack of privacy, inaccurate capturing of statements, court case cycle times, an absence of Sexual Assault Evidence Collection Kits (SAECK) and the historical relationship between the SAPS and the citizens of South Africa.

The Department of Women, Youth and Persons with Disabilities established SOC's in 2012 to address both the low conviction rates and delays associated with an unduly long court roll. In the decade since their inception, improvements in conviction rates and delays are indiscernible. The department is also required to implement a further 32 SOCs by 2023 in order to meet the National Strategic Plan on Gender-Based Violence & Femicide goal to "improve access to survivor support" (Department of Justice and Constitutional Development, 2013). The effects of rape, irrespective of whether the rape was attempted or committed have been investigated by Koss, Koss, & Woodruff, (1991) who found that rape exceeds the physical violation.

A further response by government to improve rape survivor experience was the implementation of Thuthuzela Care Centres. The aim of these centres was to test a multi-disciplinary methodology to rape and attempted rape, one-stop facility in other words (Barberton & Grieve, 2004). In partnership with the Bureau of Justice Assistance, Sexual Offences and Community Affairs (SOCA) Unit at the National Directorate of Public Prosecutions (NDPP), as well as other stakeholders and public volunteers, the initial Thuthuzela Care Centre was implemented in June 2000 at GF Jooste Hospital in Manenberg, Cape Town and a second Thuthuzela Care Centre in Mdantsane, East London at the Cecilia Makiwane Hospital in July 2001 (Barberton & Grieve, 2004).

Although it has been 22 years since the first care centre was opened, there is still a lack of awareness of these care centres amongst rape survivors as evidenced from the research findings in Chapter 3. Barberton and Grieve (2004) proposed additional funding requirements to improve the support structures and concept of the Thuthuzela Care Centres. However like most government funded structures in South Africa, there is mismanagement of funds and preference given to other sectors. Considering the general state of affairs of South Africa's healthcare system the impact of these centres has not been realised.

1.2. Research conceptualisation

1.2.1. The research problem

As additional funding is required to make the courts compliant with the 2013 MATTSO model as well as additional funding for the Thuthuzela Care Centres progress is limited to government funding. Both the 2003 Tracking Justice Study and the 2012 report on Investigation, Prosecution and the Adjudication of Reported Rape Cases report similar immobile guilty verdicts of 6.2% and 6.5% in 2003 and 2012 respectively for the Gauteng Province. Machisa, et al. (2017) further found that the percentage change is virtually immaterial for accomplishing increased guilty verdicts for rape victims.

I support the view that rape victims use mental and physical healthcare services more than women who are not raped (Koss, Koss & Woodruff, 1991) thus agreeing with Wasco (2003). Hanson (1990) advanced the theory that there is substantial impact of victims' psychological well-being harmonising his findings with Golding (1994); Waigandt, Wallace, Phelps and Miller (1990) also agree with Wasco (2003) and Koss, Koss and Woodruff (1991) on the impact on a victim's physical health. What occurs immediately after the rape event can be profoundly impactful on the victim's post-traumatic stress experience. Basdeo (2018) found that rape survivors require a unique type of care and support from any first responder.

Legacy relationship issues, amongst other factors, exist between South African citizens and the police services. These factors preclude the SAPS from being considered as the security and justice confidant of rape survivors (Basdeo, 2018). Machisa et al. (2017) investigated the reasons for attrition in rape cases and the stages at which they occur, illustrated in Figure 2, in Appendix A. Their investigation found that there were instances of missing basic details such as names and addresses of the victims, medical examinations and SAECKs were also found to be incomplete.

There is a small window of opportunity to collect evidence from a rape survivor. The omission of these basic details and neglecting to follow the evidence collection procedure, prejudice the rape survivor of a reasonable prospect of success at trial. In

some instances the case does not make the court roll due to poor docket quality. Coupled with employee fatigue and overall work load in the South African criminal justice system, a pilot parallel, data and evidence collection enterprise would address the gaps evident in the literature review and apparent in the low conviction rates in South African rape cases.

Gender violence researcher at the University of Johannesburg, Lisa Vetten expressed in an interview that “although police are constrained, the SAPS have an opportunity for them to collaborate with a range of institutions to understand how they can intervene in a more meaningful way” (Ismail, 2021).

1.2.2. The research purpose

If according to Borumandnia, et al. (2020), 35.6% of women globally have been victims of sexual violence, there is a considerable base of experience from which this research can be drawn. The current model of reporting rape in South Africa is ineffective which is apparent in the low perpetrator conviction rates identified by Machisa, et al. (2017). The frontline response through the SAPS is poor and police officers lack the requisite skills to deal with rape survivors as Basdeo (2018) asserted that rape survivors require a unique type of care and support from any first responder.

Wasco (2003) illuminated a view beyond the rape, towards a complete assessment of what else informs rape survivors experiences, from those close to the survivor and service providers throughout the rape process. Could these unspoken aspects be sources of additonal or secondary suffering? The manner in which rape survivors are questionned and treated cause a second rape according to Wasco (2003) is supported by Hengehold’s (1994) work where the author found that trauma response models fail to realise the quantum of the trauma experienced by the victim. These secondary rape experiences are detailed through various anecdotal experiences or through the knowledge, experience and conversations with various rape victims.

The research investigated and reported on poor confidence levels towards the SAPS which lead to non-reporting, withdrawal of cases and general secondary rape trauma impact. The partnership between a social stakeholder, the SAPS and other government institutions will lead to a victim-centred criminal justice systems, the reduction in secondary rape, and reduction in cycle times to finalize sexual offense cases. These are some elements which contribute to effective prosecution (Department of Justice and Constitutional Development, 2013) which can be remedied through this development. By developing and partnering with a social stakeholder, the preliminary data and SAECK collection in rape cases can be improved thereby freeing up time for comprehensive investigations.

As this research exercise attempted to understand the experience of rape survivors as well as the instances of a second rape, the data analysis took the form of words and sentences through the respondent's anecdotal understandings. This resulted in qualitative data being collected, which Kabir (2018) established would be best suited to the research methodology as the data addresses "feelings, emotions, or subjective perceptions of something".

1.2.3. Key research questions

1.2.3.1. To explore whether the presence of the SAPS as first response in rape cases affects rape survivor experience?

1.2.3.2. To explore what proportion of rape survivors experience a second rape in the current justice system?

1.3. Delimitations of the research

Walby (2004) observed that women who endured the savagery of sexual violence also bear the bulk of the burden of the associated financial costs which amount to as much as six times the expense for the state. If according to Basdeo (2018) rape survivors required a unique type of care and support from any first responder then a specialist structure is required to provide the care and support.

In their report, CARE International Secretariat (2015) outlined both the direct and indirect costs of violence against women. In their report the indirect costs included lost opportunity costs when a woman cannot contribute to economic activity as a result of the violent act leading to a loss of income and productivity due to physical injury as well as the Post Traumatic Stress Disorder (PTSD) identified by Wasco (2003) highlighted in section 1.4 of the report.

If the SAPS are excluded as the automatic first response as the security and justice confidant of rape survivors (Basdeo, 2018), then the solution provided in the form of government systems are failing which is evident in the low conviction and reporting rates (Machisa, et al., 2017). As a result, the fact that the immediate expenses contained in the avoidance and support services provided by the relevant government departments are lacking this leads to fruitless and wasteful spending. There is also the impacts of lost production on the GDP because of truancy by survivors and fees spent to track perpetrators (CARE International Secretariat, 2015).

1.4. Significance of the research

World Population Review (2021) reviewed the top 10 countries globally with the highest rape statistics, represented in Table 1 in Appendix B and placed South Africa at the top of the list. This places a burden on the South African justice system to reduce with these statistics but is seemingly failing at a basic level of evidence collection. The intervention of SOCS has not improved the system towards a victim oriented process which is evident in section 2.2.1 of the report. Therefore an alternative model needs to be developed which relieves the state of this burden, supports rape survivor experience and assists to improving perpetrator conviction rates.

March (1993) works cited by Wasco (2003) made a dynamic finding in trauma literature, that trauma victims are likely to experience post-traumatic stress disorder after surviving events like rape. In a country like South Africa where there is also a high prevalence of generally high crime rates not just rape, the disposition to develop PTSD is increased by the presence of potential day to day injury and threat. Therefore

post traumatic support centres like rape crisis centres in South Africa are forced to deal not only with the guilt felt by the victim but also the non-conviction of the perpetrator. Restoring survivor dignity from a respectful data collection process and adequate support service systems can improve survivor reintegration into society which includes the reduction of absenteeism at the workplace. Ellis, Atkeson and Calhoun (1981) supported this finding in their study where 50% of rape victims involuntarily had to abandon their jobs within 12 months subsequent their experience because of the magnitude of their reactions.

This research report is aimed to extend the findings of other research such as that of the CARE International Secretariat (2015) who described the urgency and need for action on the part of governments, donors and the private sector to avert and address violence against women and the investigation into the cost, management and ways of improving the Thuthuzela System by Cornerstone Economic Research cc (Barberton & Grieve, 2004). Part of their call was a partnership between governments, civil society and benefactors to commit long financing to support private projects. Also, it is fundamental that the private sector make assets accessible to aid the anticipation and reaction to brutality against women at all stages and levels of business, to such an extent that a protected and positive working environment climate is made (CARE International Secretariat, 2015).

1.5. Preface to the research report

This research report has six chapters. Subsequent to this introductory chapter, chapter 2 provides a literature review which addresses the problem, the past studies, and a summary of the literature review. Chapter 3 discusses the research design, strategy, procedures, target population, sampling techniques, reliability and validity measures of this study as well as its limitations. Chapter 4 and Chapter 5 presents and discusses the findings, respectively, cross-examining our research questions against the literature and summarising the findings while Chapter 6 concludes the research with the conceptual recommendations.

2. Literature review

This chapter has three objectives and the aim is to understand the research problem (Section 2.1), to identify the knowledge gap (Section 2.2), and to develop a framework for interpreting the research findings (Section 2.3). The knowledge gap forms the academic foundations on the impact of rape on society, South Africa's rape statistics and the social impact of rape compounded by the low conviction and attrition. The writings considered rape in terms of its legal definition within the South African context.

2.1. The research problem analysis

2.1.1. Definition of rape

The Sexual Offenses Act, Act 23 of 1957 was revised numerous times (Department of Health, 2005) to include the ambits of changing societal issues. The Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (Sexual Offences Amendment Act or SOAA) defined rape as "any person (''A'') who unlawfully and intentionally commits an act of sexual penetration with a complainant (''B''), without the consent of B, is guilty of the offence of rape". "A ''complainant'' means the alleged victim of a sexual offence" (South African Government, 2021). The act provides protection for victims of rape.

In 2008 an updated SOAA was promulgated into law which expanded the number of crimes defined as a sexual offence together with a wider definition of rape. Burt (1980) defined rape as "the logical and psychological extension of a dominant-submissive, competitive, sex role stereotyped culture." Kelly, Lovett and Regan (2005) refer to rape as a "unique crime, representing both a physical and psychological violation" and the post rape process is considered secondary trauma or the second rape as referred to by Campbell and Raja (1999).

The European Institute of Gender Equality definition of rape included terms such as lack of consent, use of force, sexual acts or sexual intercourse, gender neutral and inclusion of aggravating factors (European Institute of Gender Equality, 2016). Author Basdeo (2018) identified that there is a global overall understanding that rape is a

gross violation but, like with most sexual crimes, it is surrounded by many myths which will be discussed in section 2.2.2.

2.1.2. South Africa's rape statistics

Barberton and Grieve (2004) attritbute the pervasiveness of rape to numerous traditional, socio-economic and other factors. They also attribute this to the fact that an immense number of rapists rape with immunity from any sort of consequences as they they are unreported by victims, hardly placed under arrest, prosecuted and imprisoned (Barberton & Grieve, 2004).

World Population Review (2021) reported that South Africa has a population of 60,041,994 people. Measured per 100,000 people, South Africa's s rape statistics are 29.83% higher than the country with the second highest incidence per 100,000 people and 75.86 % than the tenth ranking country. For every 100,000 people in South Africa, 66,196 people are victims of rape (World Population Review, 2021). Although there are countries with higher number of incidents per 100,000 people, the relation to total population size should be considered when making comparisons. South Africa's population by province is depicted in Figure 1, in Appendix A. Approximately 30.5 million people, being 51.1% of the total population of South Africa, are female. The rape statistics arranged in Table 1 in Appendix B do not consider unreported rape incidents.

Unreported rape cases are a very important aspect to consider when comparing South African rape statistics with that of somewhere else. This research has been conducted from respondents within a University setting. Finchilescu and Dugard (2018) authored a research paper on the experiences of gender based violence at a South African University, and observed that instances of gender-based violence on university campuses it was rare for the offense to be reported to the SAPS. This under reporting makes it difficult to measure the incidence rate of the problem. This also implies that the reported statistics are certainly likely to be a lot lower than the actual occurrences of rape within South Africa.

During the release of the quarter two crime statistics 2021/2022, Police Minister Bheki Cele, reported that 9,556 people were raped between July and September 2021. This represented an increase of 634 cases, amounting to a 7,1% increase compared to the previous reporting period. 6 144 rape cases were used in the sample which revealed that 3 951 of the rape incidents took place at either the home of the victim or the rapist (South African Government, 2021). About 400 rape cases were domestic violence related, which meant that the victim and perpetrator had a relationship (South African Government, 2021), as was also evident in Moss' (2011) study.

2.2. Research knowledge gap analysis

2.2.1. Sexual offences courts (SOCS) in South Africa

The Wynberg Project launched the first SOC at the Wynberg Regional Court in 1993 in Cape Town. The aim of the restoration of SOCs is to underpin a system that is seen as a victim-orientated court, which is swift, responsive and effective (Department of Justice and Constitutional Development, 2013). "Court preparation services, pre- and post- trial trauma debriefing services, intermediary services, private testifying room/closed court services, private waiting rooms for adult and child victims and witness fee services" shape the services of a SOC (Department of Justice and Constitutional Development, 2021).

In 2016, research which surveyed the number of courts established in Table 3 in Appendix B, exposed the fact that the Department of Justice and Constitutional Development did not sufficiently budget for the cost of SOCs (Basdeo, 2018). However the department have not advanced other reasons for the low number of courts implemented. Statistics South Africa (2020) found that 22% of people from rural areas would require approximately 2 hours to arrive on foot at their nearest courts. Just over one third of SOCs are located in rural areas as indicated in Table 4 in Appendix B. The statistics in Table 5 in Appendix B, indicated that the implementation of SOCs has not drastically improved the rate of reported cases to the SAPS over a 5 year period.

2.2.2. Rape myths

Researchers cited in Burt's (1980) analysis, reason the impact of stereotypes and myths on rape. They describe them as being "prejudicial, stereotyped, or false beliefs about rape, rape, victims, and rapists" which have the effect of creating a hostile climate for rape victims. Basdeo's (2018) research supported the findings of the researchers cited by Burt (1980) who also found that myths and stereotypes control the rape case narrative. Artz and Smythe (2007) warned against the danger of allowing police to use their discretion to deduce the validity of a case as it is often based on misinformed truths about what establishes a 'real' rape.

In the South African context, colloquial examples of myths on rape are beliefs such as "you cannot be raped by an intimate partner" or "consent is not necessary within a relationship" which are misinformed foundations to the lay definition of rape. Basdeo (2018) contributed the following statement as an example of a myth "where there are no signs of violence it is unlikely that a rape has occurred" (Basdeo, 2018). After consideration of many researchers, Burt (1980) defined myths as "false beliefs about rape".

Basdeo's (2018) findings offered the view that myths stem from patriarchal views of women and are the origins of poor prosecution and conviction of rape. Borgida and White (1979) cited by Burt (1980) established that the influence of rape myths on judgements in rape trials using mock-jury influenced the outcome of trials in countries which have a jury trial system, as they create preconceived biases. Muehlenhard and Peterson (2004) addressed the role of widespread myths on how victims intellectualised their own experience of rape. For example, it only dawns on a wife overhearing others speak whilst travelling in public transport, pondering her denied consent of the previous night that the concept of sexual abuse can result from an intimate partner or spouse.

Burt's (1980) ground breaking work on rape myths allows continuous amendments to the definition and provide a foundational understanding of the impact of rape myths on systems, victims, outcomes but primarily the post rape process. Myths affect the

number of rape incidents that are reported, and for those rapes which are reported, these myths affect the way in which the rape statement is captured, as well as the way in which the case is processed and prosecuted (Basdeo, 2018).

2.3. Summary and Conclusion of literature reviewed

Boateng and Lee (2018) conducted a longitudinal study which supported the findings of Machisa, et al. (2017) confirming the ineffectiveness of the SAPS. Inferences by Machisa, et al. (2017) together with Boateng and Lee (2018) both suggested that major system refurbishments are required. The requisite refurbishments according to Machisa, et al. (2017) included freeing up time for comprehensive investigation, addressing the confidence levels within the SAPS and incentivising SAPS to tackle more difficult rape cases.

Boateng and Lee (2018) further recommended that the information is used to progress hands-on policies agreeing with Naidoo's (2013) observations that although regular improvements are made to justice and health policy, no tangible improvements have been made to improve or provide quality services to rape survivors. Considering the trust deficit between the SAPS and society it is logical that other trusted first responses and victim support structures may stimulate the reporting of rape incidences. The establishment of dedicated SOC's has done little to improve conviction rates in South Africa (Machisa, et al., 2017).

3. Research methodology

In Section 1.2.3, two research questions were posed that this research report intended to answer. These were, ‘whether the presence of the SAPS as first response in rape cases affects rape survivor experience?’ and ‘what proportion of rape survivors experience a second rape in the current justice system?’ The research questions were explored, using post positivism methodology, as the socially constructed view by rape survivors about their first response experience with the SAPS and whether they experienced a second rape.

This chapter identified and described the research approach, design as well as the procedure and methods that were employed in this research to collect, process, and analyse the data. Broadly, it has three objectives; namely, to identify and describe the research design (Section 3.1), the research strategy (Section 3.2), as well as the procedure and methods (Section 3.3). The chapter also describes the reliability and validity measures (Section 3.4) that this research applied to make it credible as well as the technical and administrative limitations of the choices made (Section 3.5).

3.1. Research design

Dannels (2018) determined that research design was the manner and procedure in which the research is to be carried out, including the collection, measurement and analysis of the data. There were three major types of research studies identified in the literature, these being: explanatory, exploratory and descriptive studies (Harrison, Birks, Franklin, & Mills, 2017). According to Harrison, et al., (2017) qualitative models are comprehensive and could encompass descriptive, explanatory, exploratory, or interpretive methodologies.

Although each of the methodologies are unique, they all have a common stimulus to explore, gain an understanding of the experiences of the respondents in a research study and understand the perspective of the respondents under the study. These are numerous ways in which researchers may gather the data and these include interviews, analysis of the respondent’s words as well as observations (Harrison, et

al., 2017). In this study the researcher used an analysis of respondent's words and identified the consequential themes emanating.

Data was meant to be collected through an online survey and one on one interviews. The survey and interview questions both included standard qualitative closed end and open-ended (exploratory) questions. Kabir (2018) defined data collection as the procedure "of gathering and measuring information on variables of interest, in an established systematic fashion that enables one to answer stated research questions…"

Qualitative data was collected only in the online survey questionnaire as there were no requests from respondents for face to face interviews. Kabir (2018) offered the following definition of qualitative data as data which is typically non-numerical and usually descriptive or nominal. The data took the form of words and sentences. As we attempted to understand the experience of rape survivors, it was best suited to the research methodology as the data addresses "feelings, emotions, or subjective perceptions of something" (Kabir, 2018).

3.2. Research strategy

Noor (2008) advanced an explanation on post-positivism which is a socially constructed view of reality rather than objectively gained as in positivism. The benefit of post-positivism is that it assisted social scientists to understand "meanings that people place on their experience." Positivism deals with the fact of the matter and utilises quantitative methods of analysis. As post positivism requires a subjective understanding of social phenomena, it takes a qualitative approach. Sloane-Seale (2009) explored three research strategies qualitative, quantitative, and mixed which could be used. The two research questions in this study were effectively explored through the use of qualitative data analysis.

In a similar qualitative research study, titled "A phenomenological understanding of acquaintance rape and the subsequent trauma as experienced by young South African

women” Moss (2011) used the findings of Giorgi (1985) and Bryne (2001) to argue for the use of a qualitative research strategy. Both Giorgi (1985) and Bryne (2001) argued that vital parts of lived experiences are absent from quantitative methods. Moss (2011) purported that the lived experience of rape is enhanced through qualitative methods.

3.3. Research procedure and methods

3.3.1. Research data and information collection instruments

Kabir (2018) identified questionnaires as the most commonly used instrument in surveys. For the purposes of the research both a questionnaire and an interview schedule were created for the collection of the data. As this topic could trigger feelings of past trauma both instruments were offered to rape survivors as alternatives to respond. However, respondents did not opt to have interviews.

The questionnaire did not request and collect any personal identifying details such as names or addresses, which allowed the respondent to remain anonymous. We also assume that due to the lack of anonymity with face to face interviews, respondents did not wish to take part in interviews. We further assume that the added complexity of navigating the Covid-19 pandemic with social distancing rules in place, minimised the opportunity for contact interviews to be conducted.

As surveys can be completed almost anywhere Kabir (2018) found that it was also the most convenient method of data collection. The questionnaires could be completed in approximately 30 minutes in private either on a mobile phone, computer, tablet or laptop and provided a respondent with this convenience. Therefore the data collected from the questionnaire responses which detailed a list of structured questions (open ended and closed ended questions) provided adequate data sets to deduce and conclude findings to this research which are presented in Chapter 4.

The questionnaire was divided into two parts. The first part of the questionnaire which had 20 questions, was aimed at addressing research question one of ‘whether the presence of the SAPS as first response in rape cases affects rape survivor

experience?' and the second part of the questionnaire addressed in 4 questions, research question 2 on 'what proportion of rape survivors experience a second rape in the current justice system?' Open ended questions were used in both sections to gain a deeper understanding of the lived experiences of the respondents which Moss (2011) agreed was most suited to collecting data around issues of rape in her similar study.

3.3.2 Research target population and selection of respondents

3.3.2.1. Research target population

The complete number of cases from which a sample is drawn is called the population (Taherdoost, 2016). The target population were all female students at The University of the Witwatersrand. According to The University of the Witwatersrand, 2019 summary on student data it was indicated that there are 22 333 female students apart from staff members who could make up the population (University of the Witwatersrand, 2020). Data was collected from female students throughout the University of the Witwatersrand in Johannesburg, South Africa.

This convenience sample provided a wider age range for the research which was easily accessible. A convenience sample also known as also known as haphazard sampling or accidental sampling as defined by Etikan, Musa and Sunu (2016) as a sample which has the relevant closely located, easy convenience, are willing to participate and are available at the time of the study. In their investigation on 'Gender Differences in Attitudes and Beliefs Associated with Bystander Behavior and Sexual Assault', Amar, Sutherland and Laughon (2014), also used a convenience sample of students at a university campus.

One of the objectives of the study were to understand if there were similar themes resulting from the different age groups. The benefit of this target population is the ease of access to the population as determined by various authors. A large number of females could be reached with through the dissemination of a single questionnaire. The additional benefit was that there is a large population of female respondents who

could form part of the sample required for the study. This population also offered a wide range of age categories which were one of the requirements of the research design.

3.3.2.2. Sampling the target population and sampling method

Taheerdoost (2016) suggested the process of sampling should begin with the selection of the sampling frame, proceeded by the choice of sampling technique, then the determination of the sample size and the conclusion of the data collection process as the final step.

As it would be unmanageable to collect all the data relevant to the research from the entire population, a sample was drawn from the population which includes all available cases. The population was 22 333 female students apart from staff members from the University of the Witwatersrand in Johannesburg. The Yamane formula (Adam, 2020) was used to calculate the suitable sample size:

$$n = \frac{N}{1 + N(0.05)^2}$$

$$n = \frac{22333}{1 + 22333(0.05)^2}$$

$$n = 392$$

Where:

n = sample size

N = population size

0. 05 = acceptable sampling error

A sampling technique is used to reduce the population (Taheerdoost, 2016). Taheerdoost (2016) further indicated that a sampling frame is the number of tangible cases. In respect of this study data was to be collected only from rape victims within the University of the Witwatersrand with the exclusion of male respondents.

The sample size indicated the physical number of members selected as the number of respondents required to take part in the research (Saunders , Lewis, & Thornhill,

2009). The design sample size required 3 respondents from each age category at the University of the Witwatersrand, where there was the relevant sample frame. However, final research data was collected from 54 respondents, of whom 21 were rape survivors and 33 respondents who were not rape survivors but articulated their experiences, mostly to research question 1.

Even though the final sample size was 54 and not 392 according to the Yamane formula (Adam, 2020), it is acceptable in qualitative research to use a smaller size than in quantitative research, as the aim of qualitative researcher aims to gain a thorough and deeper understanding of the phenomenon being explored (Dworkin, 2012).

Broad sampling techniques refine the research into the two types of sampling techniques which are probability or random sampling and non- probability or non-random sampling (Taheerdoost, 2016). Due to the time constraints for completion of the research, a convenience sampling method was used. As this study is a case study, and qualitative in nature, the primary non-probability testing was most suitable for the research.

To manage the ethical and legal considerations of the data collection process respondents had to confirm their age by means of a disclaimer being used as the first survey question, where respondents had to confirm that they were older than 18 years old. The survey was conducted in English. Personal identifiers and other biographical details were immaterial to the study.

3.3.3 Ethical considerations when collecting research data

An additional quality control measure in qualitative research is the issue of reflexivity (Berger, 2015). A researcher needs to be aware of the contribution to the construction of meanings and lived experiences through the research process. Berger (2015) provides an argument that reflexivity “challenges the view of knowledge production as independent of the researcher producing it and of knowledge as objective.” In the words of Berger (2015) directed that a researcher remains objective in the

interpretation of the data to not influence the direction of respondents. As reflexivity is aimed at keeping the research ethical this is an important issue for the researcher.

3.3.4 Research data processing and analysis

Linneberg and Korsgaard (2019) described coding as the process which allowed the researcher to tell the story in a coherent manner. The raw qualitative data collected required qualitative coding. Labels or codes are assigned to data such as themes, key words, pages and paragraphs which allow the researcher to analyse the content (Linneberg & Korsgaard, 2019). It is not random and is an early form of data analysis as the researcher codes themes become apparent. For the analysis of the data a thematic analysis of the data was done (Linneberg & Korsgaard, 2019).

Gentles, Charles, and Ploeg (2015) recommended that the data is analysed in a systemic manner. The initial stage of data analysis was data abstraction which the authors described as the selection and typing of the applicable passages, recording the themes and the frequency of these themes. This is done with the use of tables with quotes copied in abstract or exact form from the respondent's feedback (Gentles, Charles, & Ploeg, 2015). These are set out in Chapter 4 under the presentation of the research findings.

The authors also recommended that comprehensive narrative summaries and the final conclusions which are aligned to the purpose of the research are also prepared as the next progressive steps in qualitative analysis (Gentles, Charles, & Ploeg, 2015). These are recorded in Chapter 5 in the presentation of the research findings.

3.3.5 Description of the research respondents

The demographic was chosen as major adults, who according to South African law is anyone 18 years and older. Anyone younger than 18 years old is considered a minor under South African law. Due to the sensitivity of the topic, anonymity was important except for respondents who desired to respond in a face to face interview. Undefined demographics such as sexual orientation; education; race / ethnicity; sexually active;

employment status, income and whether their rape was inflicted by heterogeneous or homogenous person were be excluded from the questionnaire.

3.4. Research strengths — reliability and validity

Reliability is an idea generally utilized for testing or assessing quantitative analysis, however the thought is also now frequently utilized in a wide range of exploration including qualitative analysis. Assuming we see testing as a method of data elicitation then the main trial of any subjective review is its quality. To guarantee dependability in subjective exploration which is qualitative analysis, assessment of reliability is vital (Golafshani, 2003).

The idea of validity is depicted by a wide scope of terms in qualitative analysis. Albeit a few qualitative analysts have contended that the term validity isn't pertinent to qualitative analysis, there is an understanding that there is a requirement for some sort of qualifying check or measure for their qualitative analysis (Golafshani, 2003).

Therefore, according to Golafshani (2003), the nature of qualitative analysis was connected with generalizability of the outcome and in this way to the testing and expanding the reliability and validity of the analysis. As there was a small sample of 54 respondents used for this study, the study cannot be generalised. Crotty (1998) as cited by Golafshani (2003) defined constructivism from the social perspective as "the view that all knowledge, and therefore all meaningful reality as such, is contingent upon human practices, being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context" (Golafshani, 2003).

As the data in this research was collected through an online tool and not in interviews, the data expressed in this study was collected in its original form from each of the respondents. This prevented potential subjectivity in the data analysis by the researcher through their own perceptions and world views.

3.5. Research weaknesses — technical and administrative limitations

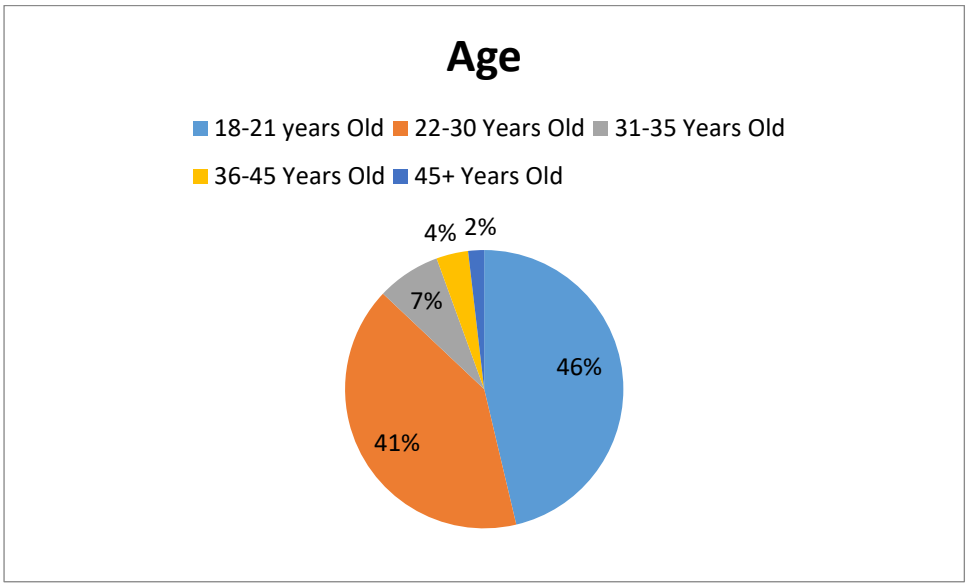
Drawing on different strategies of observation, interviews and interpretations will lead to more substantial, dependable and the development of different views. To expand on the analysis and comprehension of others, triangulation is a step taken by analysts to include peer reviews and additional researchers on a single study who could translate and confirm the themes in the data analysis (Golafshani, 2003). As the data in this research study was analysed by a single researcher, it is considered a limitation of the research.

Golafshani (2003) proposed that triangulation could also include multiple methods of data collection and data analysis. As data was only collected through an online questionnaire and not the additional data collection tool of one on one interviews, this may also be considered a further limitation of the study. However the approach of the triangulation method to test the validity and reliability of a study depends on the research requirements and were not a requirement of this study.

A further limitation of the study is that there were no rape survivors from the 31 – 35, 36 – 45 and 45 + age categories. Therefore the final results only reflect the experiences of 11 rape survivors in the 18 – 21 year category and 10 rape survivors in the 22 – 30 year category, even though there were a total of 54 respondents. Further study should include these age categories to further strengthen the findings.

4. Presentation of research findings

Figure A: Age of respondents



Source: Researcher's own from data analysis

The majority of respondents were between 18 – 21 years followed by 22 – 30 then 31 – 35, 36 – 45 and 45 + years old.

The inconsistency in the number of responses per question indicates that some respondents did not answer some questions and chose only to answer those they felt comfortable responding to.

4.1. Research question 1

To explore whether the presence of the SAPS as first response in rape cases affects rape survivor experience?

4.1.1. Are you a rape survivor?

Table A : Respondents who are rape survivors

Theme	Frequency of response
No	33

Yes	21

21 of the respondents of this study were rape survivor while 33 respondents were not rape survivor as depicted in Table A.

4.1.1. Who was the first person you encountered after the rape?

Table B : The first person encountered after the rape

Theme	Frequency of response
Friend or family	20
A SAPS officer	1
Other	6

20 respondents as depicted in Table B, said that the first person they encountered after rape was a friend or family member. One respondent said a SAPS officer was the first person she encountered while 6 respondents did not specify (other) the first person they encountered after the rape. If 21 respondents in Table A above identified as rape survivors then we assume that 6 respondents in Table B, do not consider themselves rape survivors, which is consistent with the number of respondents in Table C, where the majority of respondents did not report the rape and may not consider rape in the context of its legal definition.

4.1.2. Was a case opened at the SAPS?

Table C : No. of rape cases opened

Theme	Frequency of response
No	20
Yes	7

As depicted in Table C. Only 7 respondents opened a rape case at the SAPS while 20 said they did not open any rape case at the SAPS.

4.1.3. What was the reason for exercising your right, to not report the rape?

Table D : Reason for not reporting the rape case

Themes	Frequency of response
I was a child when it happened	6
Societal stigma	1
Threatened	1
No trust in SAPS and/or Judiciary system	3
Sympathy towards the perpetrator (family)	2

According to 6 respondents, the reason why they did not open a rape case was that they were still under age when the rape happened while 3 respondents claimed they do not trust the SAPS of the judiciary system in the country.

"…It happened to me as a child. I only realized what it was when I was older. It was a family member who had done it to me and me opening a case would be pointless cause no one would believe me (he's well-liked by the family and there's no evidence) and where I'm from they don't get convicted…" (Respondent 28).

One respondent said she was threatened by the perpetrator.

"…I was threatened that if I opened a case, they would come after me and my family…." (Respondent 12).

Another respondent said she did not report the rape case because of societal stigma.

"…Fear of having to face the accused during court procedure and the societal stigma ass with being a rape victim…" (Respondent 14).

Two respondents say they did not open a case because either the perpetrator family was already going through much or did not want to give the perpetrator a bad name thus still showing the perpetrator (or his family) some sympathy.

> *"…The perpetrators family was already dealing with so much (death and sickness), I didn't want to add on this to that…." (Respondent 25).*

4.1.4. How long after the rape was the case reported?

Table E : Time taken to report the rape case

Theme	Frequency of response
Immediately	1
Within 72 hours	4
After 72 hours	6

6 respondents claim that they reported the rape case after 72 hours while 4 respondents reported it within 72 hours and 1 respondent reported the case immediately as depicted in Table E.

4.1.5. All my details were correctly taken the first time around?

Table F : Details were correctly taken the first time around

Theme	Frequency of response
No	6
Yes	6

6 respondents assert that their details were correctly taken while opening the case while 6 claim that their details were not taken correctly.

4.1.6. Was a SAECK used to collect evidence?

Table G : No. of instances were a SAECK was used

Theme	Frequency of response
No	8
Yes	6

8 respondents claimed that a SAECK kit was not used to collect evidence while 6 respondents claimed that the SAECK was used to collect evidence.

4.1.7. What was the reason a kit was not used?

Table H : Reasons why a kit was not used

Theme	Frequency of response
+ 72 hours evidence collection window	4
Not available	4

According to 4 respondents, the reason why SAECK was not used was because they did not report the case within the 72 hours evidence collection window while 8 respondents said the SAECK was not available at the moment of reporting the rape case.

4.1.8. How long did it take for the evidence collection process to be completed?

Table I : Duration of evidence collection process

Theme	Frequency of response
1 – 2 hours	1
3 – 5 hours	4
5 or more hours	4

1 respondent say that it took 1 to 2 hours for the evidence process collection to be completed while 4 respondents say it took 3 to 5 hours and 4 respondents claim it took 5 hours or more.

4.1.9. How did the respondent feel during the evidence collection and statement process?

Table J : Feelings during the evidence collection and statement process

Theme	Frequency of response
Comfortable /safe	1
Further violated	2
Safe	2
Safe/uncomfortable	1
Uncomfortable	4

4 respondents say that they felt uncomfortable during the collection of evidence. 2 respondents said they felt further violated while 2 respondents said they felt safe. 1 respondent said she felt comfortable and safe. 1 respondent claimed that she felt safe but at the same time uncomfortable. . We assume that 13 respondents who identified as rape victims in Table A above chose not to answer this question.

4.1.10. Do you believe that SAPS have the necessary skills to deal with rape cases?

Table K : Requisite skills by SAPS

Theme	Frequency of response
No	24
Yes	2

24 respondents claim that they do not believe SAPS has the necessary skills to handle rape cases while 2 respondents claim that SAPS has the necessary skills to handle rape cases.

Table L : Reasons for responses in 4.1.10.

Theme	**Frequency of response**
Rape cases handled unprofessionally	18
Lack of empathy and sensitivity	3
Unresolved cases	2

18 respondents assert that reason why they believe SAPS does not have the necessary skills to handle rape case is because of rape cases are handled unprofessionally at SAPS. 3 respondents claim it is because of the lack of empathy and sensitivity while handling the cases and one respondent say it is because of unresolved cases.

"…They were extremely unprofessional and made me feel like a burden. They did not seem to know what they were doing and they took long to communicate with me. It was as if my case was irrelevant and they did not care. They also kept asking me to repeat the traumatic experience to them after I had told them so many times. After all of that they still did not get all the information correct. …" (Respondent 4).

"…There is very little empathy for victims. They are picky about the cases they take seriously…*" (Respondent 10).*

"…Because of rape cases that are unsolved …" (Respondent 20).

4.1.11. The victim was provided with the investigating officers details?

Table M : IO's details

Theme	Frequency of response
No	3
Yes	4

4 respondents claim that they were given investigating officers details while 3 respondents say they were not given investigating officer details at the end of the process.

4.1.12. Victim was kept updated during the course of the case?

Table N : No. of victims kept updated

Theme	Frequency of response
Withdraw or abandoned the case	3
No	5
Yes	2

5 respondents claim that they were not kept updated during the course of the case while 3 withdrew or abandoned the case and 2 were kept updated.

4.1.13. What can factors can you attribute for not following through with your case?

Table O : Factors for not pursuing the case

Theme	Frequency of response
No faith in the South African Justice systems	3
No contact from The investigating officer	1
Long process	2

3 respondents claim the factor that motivated them not to follow up with the rape case is that they do not have any faith in the SAPS or judiciary system while 2 respondents claim it was because of long process and one respondent claim it was because lack of contact with the investigating officer.

4.1.14. As a rape survivor, have you heard of Thuthuzela Care Centres before?

Table P : No. of victims who know about Thuthuzela Care centres

Theme	Frequency of response
No	20
Yes	4

20 respondents claim that they were not aware of the Thuthuzela Care Centres while 4 respondents claimed they were aware of the Thuthuzela Care centres.

4.1.15. How do you believe the SAPS impacted your rape survivor experience?

Table Q : Positive vs. Negative impact of SAPS presence

Theme	Frequency of response
Negatively	14
Positively	0

14 respondents claim that the SAPS negatively impacted their rape survivor experience.

4.1.16. How do you believe the outcome of the case affected by the SAPS?

Table R : Positive vs. Negative impact of SAPS intervention

Theme	Frequency of response
Negatively	11
Positively	2

11 respondents believe that the outcome of their case was negatively affected by the SAPS and 2 respondents believe it was positively affected by the SAPS.

4.2. Research question 2

To explore what proportion of rape survivors experience a second rape in the current justice system?

4.2.1. Do you believe that this was your experience?

Table S : No. of secondary trauma experiences by SAPS

Theme	Frequency of responses
No	7
Yes	17

17 respondents believe that they were victims of 2nd rape (based on the definition of 2nd rape in this study) while 7 respondents do not believe so.

4.2.2. How did the SAPS Officer respond to your case?

Table T : Response of officer

Theme	Frequency of responses
Did not report the case	3
Poorly	4

Positively	1

4 respondents claim that SAPS poorly responded to the rape case while 3 respondents do not know SAPS responded to the case as they did not report the case and 1 respondent claim SAPS responded positively to the rape case.

4.2.3. Was the statement taken by a male or female SAPS Officer?

Table U : Prevalence of male or female officers

Theme	Frequency of responses
Female	3
Male	5

4 respondents claim that their rape statements were taken by a male SAPS officer while 3 respondents claim it was taken by a female officer.

4.2.4. The officer who took my statement…

Table V : Feeling of victim

Theme	Frequency of responses
Made me feel like it was my fault	2
Not empathetic	2
Sensitive	4

4 respondents claim that the officer who took their statement was sensitive while 2 respondents claim the officer made them feel like it was their fault and 2 respondents felt the officer was not empathetic.

5. Discussion of research findings

5.1. Overview of Chapter

Data was collected from 54 respondents at the University of the Witwatersrand, in the Gauteng province only, 33 of whom were rape survivors and 21 who were not rape survivors. When considering sexual offences reported to the police by province, 2013/14 to 2017/18 represented in Table 5 in Appendix B, Gauteng had the highest average number of incidences for the period with 9,969 cases, followed by Kwa Zulu Natal with 8,915 cases, followed by the Eastern and Western Cape with averages of 8,579 and 7,146 cases respectively. The relation to total population size should be considered when making comparisons as discussed in Chapter 2.1.2 when reviewing South Africa's rape statistics.

The age of the complainants illustrated in Table 2 in Appendix B had 76.70% of complainants who were older than 17 years old. The majority of respondents in this research were between 18 – 21 years and provided a good sample for the research followed by 22 – 30 then 31 – 35, 36 – 45 and 45 + years old respondents.

This chapter provides a discussion of the research question 1 (Section 5.2) and the research question 2 (Section 5.3), as well as a summary and conclusion of research findings (Section 5.4).

5.2. Discussion of research question 1

Research question 1 investigated whether the presence of the SAPS as first response in rape cases affected rape survivor experience?

61% of respondents to this research, represented in Table A above, were rape survivors. As Dworkin (2012) found that it was acceptable in qualitative research to use a smaller size than in quantitative research with the aim of gaining a thorough understanding of the phenomenon being explored it is acceptable to analyse the sample size of 54 respondents even though 33 were not rape survivors by definition of rape in this study.

Only 82% of rape survivors responded to the question on who the first person was which the victim encountered after the rape. 20 of the 27 respondents recorded in Table B, reported that they opted to report the matter to a family member first instead of the SAPS, with only 1 respondent who reported directly to the SAPS. This supports Basdeo's (2018) submission that the SAPS are excluded as the automatic first response as the security and justice confidant of rape survivors, as well as United Nations for Women (2020) who estimated that less than 10% of those in need considered reaching out to police services for help, as in this instance only 3.7% of victims reported the matter to the police services. This could further support Machisa, et al. (2017) reasoning to the low conviction and reporting rates. 6 of the respondents 27 respondents elected to report the matter to other persons in their respective incidents.

There was an absence of rape survivors in the age categories of 31 – 35, 36 – 45 and 45 + years old. However, respondents from these categories countered their general experiences with the SAPS which ranged from a lack of professionalism as was evident from respondent 20 and 50 and a lack of sensitivity from respondent 40.

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> *"Saps does not act professionally in handling rape cases, and does not treat victims of rape with the sensitivity they deserve." (Respondent 20).*

> *"I am not a rape survivor but have experienced their lack of capacity (professionalism and emotional) when I've had an issue as an SA citizen" (Respondent 50).*

> *"Rape cases are sensitive and need a social worker, perhaps SAPS should liaise with social workers instead of the victim. Or they can have a unit specially trained for such sensitive incidents." (Respondent 40).*

Of the 27 respondents who reported their incidents to a friend or family member, a SAPS officer or other, 20 of them did not decide to open a case with the SAPS. Only 7 of them opened a case to the SAPS as illustrated in Table C. Respondents illustrated in Table D, where asked what was the reason for not reporting the rape, there were 5 themes which emerged from the analysis. These ranged from being minors when it happened, the societal stigma attached to being raped and feeling or being threatened, having no trust in SAPS and/or Judiciary system as well as having sympathy towards the perpetrator (family). When considering that only 33.80% of evidence is collected correctly from minors as illustrated in Table 2 in Appendix B, where the majority of respondents elect not to report the matter.

In their analysis Machisa, et al. (2017) reported that most reported cases were done immediately after the incident, of which, only 38% of victims reported on the same day. In this instance only 9.1% confirmed that the incident was reported immediately and more than 90% reporting the incident much later conflicting the findings of Machisa, et al. (2017) that 38% of victims reported on the same day.

Reasons advanced by authors Basdeo (2018) and Boateng and Lee (2018) that inaccurate capturing of statements and evidence taken lead to victims not reporting the matter to the SAPS. The data represented in Table F confirmed the author's findings that the correct details are only recorded correctly 50% of the time with Table G confirming that less than 50% of cases had the proper evidence collected with the use of a SAECK. Table H displayed the reasons why a kit was not used as none were available half the time. The South African government has a responsibility to provide the means to SAPS for collection of evidence. The absence of the primary evidence collection tools, limits a reasonable prospect of success at trial which Machisa, et al. (2017), described in Figure 2, in Appendix A, as one of the reasons for the attrition of rape cases once they are in the judicial system at Stage 4.

The duration of the evidence collection process depicted in Table I may be another assumption which supports Machisa, et al. (2017) findings for the other reasons at pre – trial stage where victims do not pursue the matter. Victims may not wish to subject

themselves to lengthy and inefficient processes. There are no firm reasons for the disparity for the time taken to collect primary evidence but Hengehold's (1994) found that trauma response models fail to realise the quantum of the trauma experienced by the victim and subjecting them to lengthy processes could add to the primary trauma experienced which supports the findings in Table J that most respondents felt uncomfortable during the evidence collection and statement process.

The reasons advanced in Table L for the reasons why victims felt that the SAPS did not have the skills to deal with their case leaned primarily to the reasons that rape cases are handled unprofessionally by the SAPS. Even though the investigating officer's details were provided to the victims, 30% of victims opted to withdraw the case and 50% of victims were not kept abreast of the progress of the case. Amongst the reason for not pursuing the case, the most prevalent reason amongst these factors are a lack of faith in the South African Justice System, followed by the fact that the process was too long.

These findings further support Basdeo (2018) and Boateng and Lee (2018) that there is a lack of empathy from the SAPS confirmed in Table W, a lack of privacy, inaccurate capturing of statements, court case cycle times depicted in Table O and the historical relationship between the SAPS which are some the factors for not pursuing the case where victims felt that the SAPS negatively impacted the rape survivor experience as well as the overall outcome of the case as evidenced Table Q above.

Thuthuzela Care centres are an additional government intervention to support rape survivors however 83% of respondents did not know of the facility, whether they were rape respondents or not.

5.3. Discussion of research question 2

Research question 2 investigated what proportion of rape survivors experienced a second rape in the current justice system?

Rape is often viewed as a single event and Wasco (2003) warned against this ideology and cautioned that it will hinder our learnings in rape not just being a single event. In her cross cultural research, she identified that disturbing memories of the trauma are experienced among diverse ethnic groups (Wasco, 2003). Table S described the frequency of victims who believed that they were victims of 2nd rape, based on the definition of 2nd rape in this study. This secondary trauma is exacerbated a lack of empathy as experienced by Respondent 7 and having to relive the experience multiple times as qualified by Respondent 22.

> *"Like my sister was reporting a case of stolen candy. Did not show any empathy." (Respondent 7)*

> *"Multiple statements were taken and I was never contacted again." (Respondent 22)*

The danger of allowing police to use their discretion to deduce the validity was reflected by Artz and Smythe (2007) who warned against it. There is evidence in this research study that members of SAPS exercise their discretion by deciding on the validity of a case from the outset as experienced by Respondent 31.

> *"First there was a complete lack of response. I did not speak to an officer until a week after the incident. They threatened me and my family with perjury and told me I was wasting their time. They then spent all resources on finding the blame with me and falsely accused me of multiple things. They asked me no questions just made me write a statement and took all my belongings. I was never updated on anything." (Respondent 31)*

Victims also felt that the SAPS officer responded poorly to their case as shown in Table T. These findings further support those of Basdeo (2018) and Boateng and Lee (2018) about police confidence.

The commonness of male or female officers set out in Table U could be an additional factor to why victims did not feel comfortable evidenced in Table J and is the leading reason why the feelings of victim displayed in Table V above articulated that the officer was sensitive.

5.4. Summary and conclusion of research findings

If only a quarter report their rape incidents on the day of the incident something needs to be done to improve the reporting rate and as well as improved rape survivor experience. If according to Machisa, et al. (2017) almost 50% are children then a specific and targeted intervention is required.

If 83% of the findings in chapter 4 supported the perception that reported cases are hardly sucesfully taken as far as a criminal trial due to the long process and a lack of faith in the the South African Justice System, even in the presence of SOC's, then an alternative model to improve rape survicor experience is required.

The reasons advanced by Basdeo (2018) and Boateng and Lee (2018) for the state of affairs are supported by the research findings. The lack of empathy is evidenced in Table L, inaccurate capturing of statements evidenced in Table F, with only 50% of evidence collected correctly, court case cycle times as well as the legacy relationship evidenced in Table O.

Even through the interventions of The Department of Women, Youth and Persons with Disabilities (2020) and the implementation of SOCs, victims still experiencing unduly long court rolls as evidenced in Table O. Through the National Strategic Plan on Gender-Based Violence and Femicide the department (The Department of Women, Youth and Persons with Disabilities, 2020) attempted to improve victim access, which

seemingly has failed as displayed in Table P evidenced by the number of victims who know about Thuthuzela Care Centres. If rape exceeds the physical violation as established by Koss, Koss and Woodruff (1991), it begs the question whether Thuthuzela Care Centres can and do provide the necessary support which Basdeo (2018) as Wasco (2003) suggested is needed.

Numerous authors such as Hanson (1990), Golding (1994); Waigandt, Wallace, Phelps and Miller (1990), Wasco (2003) and Koss, Koss and Woodruff (1991) support the notion that victims pyschological well being of women who are violated need further social re-intergration after sexual violence which (Basdeo, 2018) submitted that a unique type of support and care is needed then a government system cannot provide such support. There is a lack of support for women in other areas such as the backlog in the maintenance courts. In some instances women had to serve their own summons as there was a cut back of sheriffs to deliver them on behalf of the courts (Parliamentary Monitoring Group, 2021). This is another area where safety of women is conceded to face their ‘perpertrators’.

The fact that the SAPS are precluded as a confidant as evidenced in Table B confirm Basdeo (2018) findings that there is a need for an alternative model which exlcudes the SAPS from the preliminary intercation of rape survivors confirming Lisa Vetten which were expressed in an interview that police are constrained and there is an opportunity to collaborate with a range of (Ismail, 2021). The reasons for attrition as forwarded by Machisa, et al. (2017) include a further opportunity to partner with a private entity, which can improve the collection of the correct data evidenced In Table F and utilising the small window of opportunity to collect evidence as displayed in Tabel G, where a lack of SAECKs are evident. These prejudicial practices prevent a reasonable prospect of success. The lack of proper evidence colelction evidenced in this study contribute to the number of cases which do not even make the court roll. South Africa’s unemployemnt rate is not an excuse for employee fatigue when there are sufficient resources to cater for this phenomenon discussed in section 1.2.1.

A 71% prevalence of secondary suffering which is evidenced in Table S illuminates Wasco's (2003) view that there is a secondary experience as described by Burt (1980) in this findings about secondary rape. Hengehold (1994) work is further supported by the findings dispalyed in Table J above, where most respondents felt that it was their fault in Table V above supporting Wasco (2003).

The anecdotal experiences detailed by respondent 4, 10 and 20 displayed in section 4.1.11 also supported the lack of skills presented in Table K by the SAPS. The ongoing cost of psychological help as observed by Walby (2004) is supported by the findings presented in Table O about the ongoing trauma experienced, also discussed by the CARE International Secretariat (2015), who discussed both the direct and indirect costs of the incident as well as Wasco (2003) work about the post traumatic stress experienced by victims.

If South Africa is at the top of the 10 countries with the highest rape statistics World Population Review (2021) then the burden to do decrease these statistics are ever increasing on the government. These types of statistics prevent investor confidence in the country amongst the other social impacts.

6. Limitations, recommendations and conclusion

6.1. Limitations

This research study only considered female rape survivors as the population for the study. The study was also limited to females at the University of the Witwatersrand in Johannesburg, South Africa. A more comprehensive study would include all the groups of rape survivors which includes males. The study should also consider rape survivor detail by province and further analysed down to prevalence of rape cases by suburb so as to improve support in these areas such as rural areas.

This study also required 3 respondents across 5 predetermined age categories. Even though there were responses across all categories, there were no rape survivors in the 31 – 35, 36 – 45 and 45 + year age categories. This could be attributed to the use of a convenience sampling method which may result in the sample not being a complete representation of the sample (Taheerdoost, 2016).

The statistics in Table 1 in Appendix B which represent the Top 10 countries globally with the highest rape statistics reflect that there are 4 African countries are at the top of the list. For that reason, data collection from other African countries should be a consideration for future studies to provide an expanded African context of rape survivor experience and the conviction rates in these countries.

As women differ in class as well as skin privilege, women of colour could possibly have an inimitable response to rape and other life experiences. Wasco (2003) provided the example that “gender, class, ethnicity, and previous victimization experiences may influence whether sexual violence — or other stressful life events — shatters survivors’ assumptions of a just world or reinforce other beliefs about the world.” A global study may also expand the understanding of experiences across different women, conviction rates and support systems in both developing and developed countries.

As there were no wishes for face to face interviews during the period of this study, interviews can be conducted in person or online to provide a better understanding to some of the survey and interview answers.

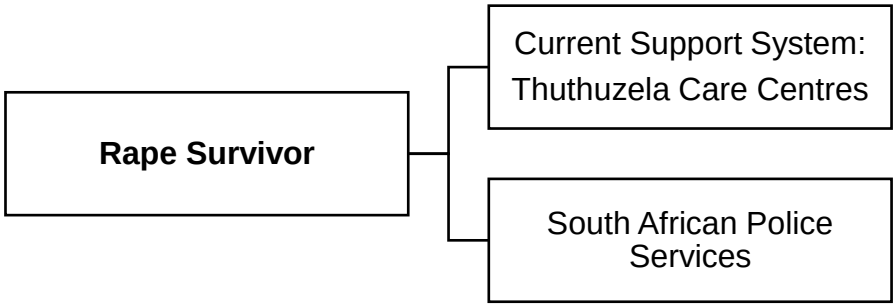
The cost of the proposed solutions have not been explored in this study. A secondary study should be conducted in order to explore the feasibility of the conceptual model. As with all such partnering arrangements, another key aspect of the secondary study would be to determine the best and most appropriate funding model.

It is also a recommendation that data is collected in the respondent's native language so that there could be additional respondents to the research questionnaire as well as a better understanding by researchers of the respondent's experience.

6.2. Conceptual Model and recommendations

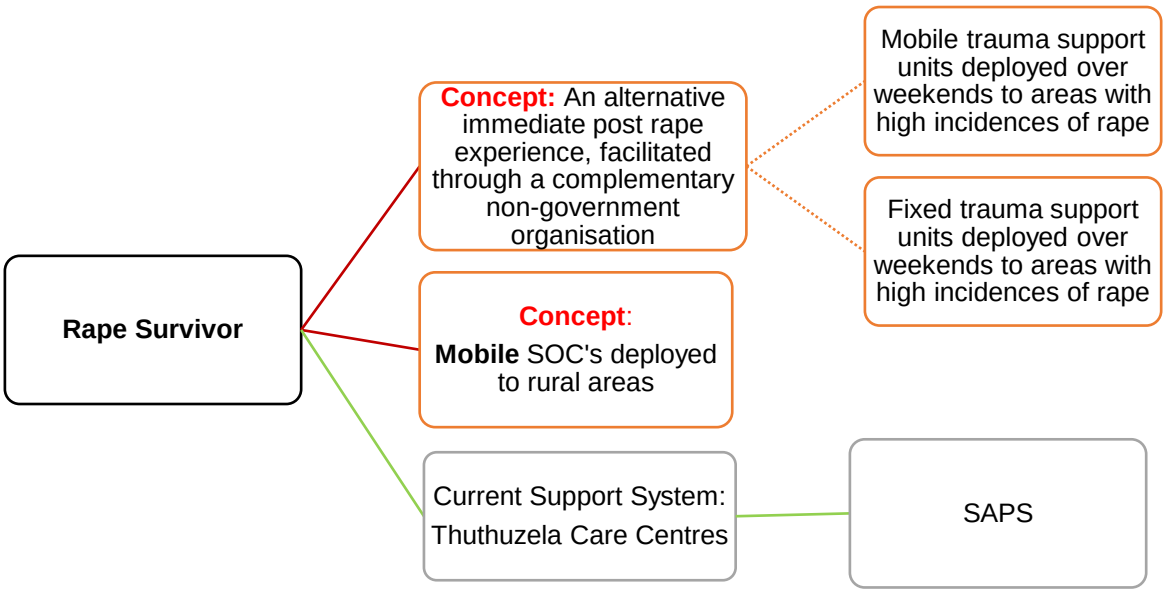
6.2.1. Conceptual Model

Figure B: Current Government Rape Survivor Support System



Source: Researcher's own

Figure C: Conceptual Model



Source: Researcher's own

6.2.2. Recommendations

6.2.2.1. Concept: An alternative complementary non-governmental organisation

The only significant government organisation which currently operates in the immediate post–rape space are the Thuthuzela Care Centres. These centres allow for the reporting of the rape but the report by Barberton and Grieve (2004) found that at least 11 of 32 recommendations related to improving the collection and management of primary evidence from rape survivors.

Mandating a complementary rape response organisation or units to also deal with all first support response, completion, collation and collection of the correct data and SAECKs in the first instance and within the limited window of opportunity will also improve the attrition rate of rape cases in the system as identified by Machisa, et al. (2017) in Figure 2, Appendix A.

This complementary but non-government organisation would require partnership between medical fraternity which would include professional nurses and doctors in both public and private hospitals. These partners would work on a voluntary and rotational basis. These units could also provide follow-up medical treatment and counselling. This would also prevent or reduce the number of women who experience a second rape and well as increased PTSD from having to repeatedly relive the rape experience as evidenced by Respondent 22 by unqualified or untrained personnel who do not specialise in dealing with trauma cases such as rape.

Whilst the presence of female officers is not significantly lower than the presence of male officers as presented in Table U, there is an opportunity to improve the number of females who take statements from rape survivors. According to Statistics South Africa providing decent work is one of the global goals on the 2030 Agenda for Sustainable Development (Statistics SA, 2021), then the opportunity also exists to upskill and retrain men to measure up to the calling to deal with rape cases with compassion and empathy.

During the second quarter of 2021, the rate of unemployment among women was 36, 8% compared to 32,4% amongst men. As such, there is a considerable base of women and men to provide the requisite skills and have a base of skilled workers to draw from and support the agenda for sustainable development. This is also aimed at improving the high unemployment rates in South Africa. To address these unemployment statistics, interventions for business to develop volunteer programs for the unemployed who could earn a stipend as opposed to a total cost to company employee are also feasible.

As such the first recommendation of this study are additional structures to the current government rape survivor support system displayed in Figure B. The conceptual model detailed in Figure 3 is a private and social partnership trauma support system which compromises of fixed and mobile units. If mobile support structures can be

provided to deal with health issues such as tuberculosis, then such systems will in our view also be suitable to deal with South Africa's rape epidemic.

As brick and mortar structures have proven to be less accessible during natural disasters and pandemics, as was evident during the Covid-19 pandemic, then the option of mobile trauma support units are a viable option. These units provide the convenience, flexibility, have a lower barrier to entry and have a shorter implementation time than brick and mortar structures. These can also be rapidly deployed over weekends to areas with high incidences of rape. The partnership with business provides business with branding options and solutions but marketing messages which do not take away from the purpose and visibility of the units.

One of the recommendations of the report by Barberton and Grieve (2004) were to explore the "feasibility of establishing a 24-hour service at the Thuthuzela Care Centres". These centres to do not operate over weekends. In a report to the Department of Trade, Industry and Competition, researchers Economic Metrix (Pty) Ltd (2013) found that alchol abuse was was most prevalent over weekends. Therefore in our view it would be best to have a mix of both offerings to supplement victim support over weekends.

6.2.2.2. Concept: Mobile SOC's in rural areas

Statistics South Africa (2020) found that 22% of people from rural areas would require approximately 2 hours to arrive on foot at their nearest courts. The aim of the SOCs was to place the victim as the central focus and to restore their dignity with swift and effective support (Department of Justice and Constitutional Development, 2013). The use of mobile court rooms would allow these services to reach women from rural areas which will reduce the impact of survivors having to take time off from their work albeit in a rural area (CARE International Secretariat, 2015).

In 2010 the Department of Justice and Constitutional Development developed and implemented the 2010 FIFA World Cup Administration of Justice Blue Print, where

specialist courts where were implemented for the period. The intention of these courts were to unburden the static court roll and fast track justice during the world cup. The courts operated on a two shift rotation with dedicated magistrates, clerical staff and prosecutors (South African Government, 2010). There is also other evidence of interventions during the Covid pandemic to combat Gender Based Violence (World Health Organization, 2020).

34,6% of women were raped by family members or men who were intimate with the victims. The proportion who said that they were raped by an outsider was 24,4% (Orkin, 2000). Therefore as rape amongst women is bound to be perpetrated by men known to them, the use of mobile court rooms in areas closer to home would improve accessibility for both the rape survivor and equally for the alleged perpetrator.

6.3. Conclusion

Barberton & Grieve (2004) provided a report to the Bureau of Justice Assistance for the improvement of Thuthuzela centres. To date there have been 51 centres implemented across South Africa (South African Government, 2021). The frequency of responses in Table P, confirm that the South African government has work to do to increase the awareness and subsequently the effectiveness of the Thuthuzela Care Centres. This is also identified and supported in the report by Barberton and Grieve (2004) on ways of improving the current Thuthuzela System.

There are also a number of rape crisis centres in South Africa, and although they aim to improve rape survivor's experience, they tend to focus on longer term rape recovery and social reintegration. If Basdeo (2018) found that rape survivors require a unique type of care and support from any first responder, then a unique solution in this proposed alternative social model would improve survivor experience from first response of trauma support and correct data and evidence collection in the first instance, so as to improve the chances of a successful prosecution. The reasons why female rape victims opt not to report rapes to the SAPS have been identified in this research study. The efficacy of an alternate private and public partnerships should

exist to bridge the gap and provide citizens which they are entitled to, detailed in the Bill of Human Rights and in the constitution of the Republic of South Africa. In this study a respondent said that

"They do have the resources to deal with rape cases they just choose not to exercise the full length of the law and deal with these cases. They do not make follow ups on cases, nor do they make follow ups, to check on the victims. The treatment of rape cases from the SAPS, makes victims regret reporting because justice is not being handed down in the perpetrators. They walk or roam around the communities, like they have done nothing wrong. Yet, they are offenders. And the victims live in fear. In fear of what they might do to them again, or if they didn't report, they might not get to live their lives fully and freely." (Respondent 7).

The resources exist in the private sector which would make an alternative model a complementary structure to the current endeavours, to ensure that the complete course of support is provided, action is taken and dignity is restored to rape survivors. This is evident from the launch of the GBVF Response Fund1, in February 2021 which is a private sector initiative where an initial amount of R 128 million was accumulated (Parliamentary Monitoring Group, 2021).

This study is regarded to be of equal importance to other social entrepreneurship stakeholders because it aims to relieve government of the onerous tasks of crime management on its own. It appears desirable that any funding model should not burden the government fiscus, nor be subjected to government loans or future government budget allocations.

It is also apparent that government as a standalone organization cannot disentangle South Africa from its current problems whilst simultaneously attempting to remedy historical problems. However, it must be established that it will be practical that government should not be a shareholder in this endeavour, but operate rather as an interested and affected party through a memorandum of understanding. A social partner in this area, which supports the National Strategic Plan on Gender-Based

Violence & Femicide together with other collective action from business and society, is highly desired and beneficial to support rape survivor experience and improve perpetrator conviction rates in South Africa.

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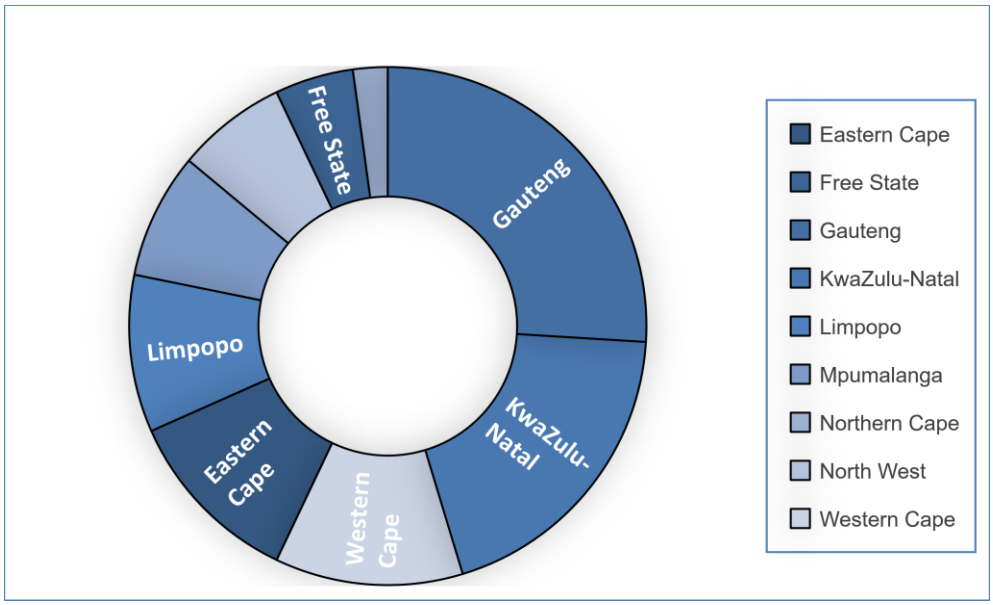
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Appendix A

Figure 1: South Africa's Population by Province



Source: The South African Government (2021)

Figure 2: Stages of Attrition (Researcher's own)

1. SAPS

- Discretion of the police officer who is not persuaded by the trustworthiness of the complainant's statement.

2. Investigation Stage

- When either the victim no longer wishes to testify or the suspect is unidentifiable or there is no reasonable prospect of tracing and arresting the suspect.

3. Pre-Trial

- Non compliance by complainant, missing perpepatrator or other reasons.

4. Prosecution

- Prosecutors decline to prosecute for reasons including but not limited to weak evidence or poor docket quality
- Failure by the state to produce an unambiguous case.

Source: Machisa, et al. (2017)

Appendix B

Table 1: Top 10 Countries Globally with the Highest Rape Statistics: 2021

Ranking	Country	Rate	Incidents	Population
1	South Africa	132.40	66,196	60,041,994
2	Botswana	92.90	1,865	2,397,241
3	Lesotho	82.70	1,777	2,159,079
4	Eswatini	77.50	849	1,172,362
5	Bermuda	67.30	43	62,090
6	Sweden	63.50	5,960	10,160,169
7	Suriname	45.20	223	591,800
8	Costa Rica	36.70	1,685	5,139,052
9	Nicaragua	31.60	1,829	6,702,385
10	Grenada	30.60	32	113,021

Source: World Population Review (2021)

Table 2: SAECK collections

	Years of age of complainants		
	< 12	12- 17	> 17
Medical examinations and SAECK were correctly collected	33.80%	57.10%	76.70%

Source: Machisa, et al. (2017)

Table 3: Courts Established per Year

Year	No. of Courts
2013/2014	19
2014/2015	14
2015/2016	14
2016/2017	10
2017/2018	17
2018/2019	15
2019/2020	13
2020/2021	4

Source: Department of Justice and Constitutional Development (2021)

Table 4: Type of Courts

Area of court	No. of Type	Percent
Semi-urban	27	33.8%
Rural	29	30.8%
Urban	39	27.7%
Semi-rural	10	7.7%

Source: Department of Justice and Constitutional Development (2021).

Table 5: Sexual offences reported to the police by province, 2013/14–2017/18

Province	Number of reported cases				
	2014/15	**2015/16**	**2016/17**	**2017/18**	**2018/19**
Western Cape	7 369	7 130	7 115	7 075	7 043
Eastern Cape	9 224	8 797	8 050	8 094	8 731
Northern Cape	1 578	1 719	1 587	1 538	1 578
Free State	4 094	3 928	3 284	3 488	3 457

KwaZulu-Natal	9 079	8 947	8 484	8 759	9 308
North West	4 585	4 164	4 326	4 182	4 021
Gauteng	9 902	9 510	9 566	10 116	10 752
Mpumalanga	3 474	3 331	3 216	3 198	3 470
Limpopo	4 312	4 369	3 828	3 862	4 060
SOUTH AFRICA	**53 617**	**51 895**	**49 660**	**50 108**	**52 420**

Source: Statistics South Africa (2020)