



A Report on the comparison of “submissive” rape between 2003 and 2013

Prepared for

Thohoyandou Victim Empowerment Organization

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Date: 18 May 2016



1. Background and Research Motivation

TVEP's first 24/7 trauma centre opened at Tshilidzini Hospital in September 2001, and for the first 3 years of operation, whilst the organisation was still developing, it was personally supervised by the Programme Director, Fiona Nicholson. Born and raised in (East) Africa of English parents, Ms Nicholson had lived in Venda since 1982, but her knowledge and understanding of indigenous culture was limited.

An average of 45 intake profiles were opened at the trauma centre every month, and Ms Nicholson read them all, including the photocopied AI Police statement and the J88 medico-legal documents which are retained in the client's (i.e. victim's) confidential file. She was struck by a common thread that ran through many of the profiles: many sounded very improbable because of the circumstances surrounding the assault. The only word that seemed to define, or capture, the phenomena was "submissive"; i.e. it appeared that the victims made no effort to escape or call for help, they simply complied with the rapist's demands, and then after the assault reported the matter to the police. There were many incidents to illustrate this:

- Three women cutting wood in the forest, each with a panga. A man with a broken beer bottle approached: two ran away, and the third reported that "He told me to lay down my knife and take off my clothes. I did, then when he was finished I ran to the Satellite to report";
- Two women raped at knife point by one man – one standing by and waiting "her turn", probably frozen in fear;
- A man climbs through a window into a hostel bedroom occupied by two women and a boyfriend. He met no resistance whilst raping the girls;
- A number of profiles revealed incidences where young girls had been approached by a man, at a busy bus stop. In each case, the man had simply taken them by the arm and led them into the bush where he raped them and let them go. None of them called out for help whilst being led away from the bus stop;
- A woman was sharing her bed with her 23 year old daughter. Her 16 year old son came into the room and raped his mother whilst his sister prayed. When he left, they reported the case to the police.

Concerned about the prevalence of similar cases, Ms Nicholson discussed the matter with a female prosecutor who had come to Venda to establish a SOCA Court. The prosecutor pointed out that these "stories" were so improbable that it was likely that the magistrate may not believe them, and if s/he did, would probably issue a lenient sentence. Another factor was realised: despite the "submissiveness" of her response, the victim was undoubtedly as traumatised as one who had resisted – possibly even more so as she may be censuring herself for not "fighting back".

2. Challenges Encountered

Unfortunately ever since the afore-mentioned phenomena was identified, TVEP experienced various challenges with regard to conducting a study. The challenges faced by this research project were almost



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insurmountable. Firstly, there was strong resistance based on the term “submissive” and what it inferred.

When the project was first proposed, in 2009, a PeaceCorps volunteer was asked to conduct the research as TVPE had no research unit at the time. She flatly refused, insisting that it was offensive, so the project was dropped.

Ms Nicholson did not give up, however, as she was deeply concerned about the implications of this phenomena, and convinced that to address it, the first step was to verify to what extent it existed, and what impact it had on the outcome of the cases where “submissiveness” was apparent.

TVPE established a one-person “Research Unit” and the Research Officer was briefed to take on the Submissive Rape project, under the guidance of Craig Carty, a Researcher from UPenn. It proved to be extremely difficult to obtain ethics clearance; TVPE applied to the HSRC and it was 10 months and a number of re-writes before it was eventually granted – and then only partially: they gave clearance for TVPE to mine their own intake profiles, but not to meet with the victims. This, despite the fact that through TVPE’s Buddy System they have direct contact for an extended period with each victim that reports to them.

Obtaining ethics clearance for “Phase 1” did not bring an end to the challenges, however; our Research Officer persistently “dragged her heels” until it became clear that no progress was being made. She subsequently left, but her replacement was similarly reluctant to take up the project. Irrespective of the need, or the positive reasons for undertaking the research, it is clear that people find even the suggestion of submissiveness to be offensive. The same people are forthright about the negative impact that patriarchy has had on the agency of women, but are reluctant to acknowledge the possibility that being socialised under that system *may* render women more vulnerable to sexual assault.

Due to the aforementioned hindrances, the project dragged for too long until 2015, when more than a decade had passed. In this regard, it was very difficult to get hold of the participants linked to the 2003 profiles. The researcher therefor decided to consider profiles from 2013. In this regard a sample of profiles was selected from cases reported in 2013. The cohort comprised of 5 profiles involving women over the age of 18 for every month of the year. A total number of 60 profiles were subsequently selected. Surprisingly, an analysis of the profiles showed an insignificant number of profiles that could be classified as “submissive rape”. This gave the researcher no option but to divert the focus of the research from a field work study into a comparative study using the profiles from 2003 and 2013. This was done in order to determine if there were differences between the percentages of cases which qualified as “submissive” in 2003 and those that qualified as such a decade later. Consequently 60 profiles were also selected from 2003 using the same sampling technique that was used to select the 2013 profiles. Cases were considered to be “submissive” if there was no weapon used (e.g. knife, gun, bottles), if it was in public or there was a chance for the victim to cry out for help and in circumstances wherein the victim was repeatedly raped by one perpetrator on different occasions without the use of weapons while not resisting. Cases wherein more than one victim was raped by one person without the use of weapons were also classified under submissive rape. Results of the comparison are presented below.



3. Comparative Results

Analysis revealed that 25% of profiles selected from 2003 could be classified as submissive rape. Distinctively, only 2 % of profiles selected from 2013 could be classified as submissive. A critical difference

regarding the sources of rape was also found between the two data sets. Out of the 25 % of the profiles categorised under submissive rape in 2003, approximately 10 % were raped by people known to them. On the other hand, all those who were under submissive rape in 2013 were raped by strangers. Another interesting variation was that the 2013 cohort reflected more gang rape while incidence of gang rape were insignificant in the 2013 cohort of profiles that could be classified as submissive. The substantial difference between the two cohorts probably reflects an impressive enhancement in the agency of women to resist rape, potentially as a result of TVEP's intensive campaigning combined with an increase in general awareness of women's rights.

4. Conclusion

The results indicated a major change in the incidences of submissive rape over a decade from 2003-2013. This finding renders the need to conduct further studies on the phenomena insignificant. However, although there is a substantial change, the study recommend the courts of justice to critically look into the existence of the challenge in communities. This is due to the fact that, although profiles show less occurances, submissive rape might still be existing in communities but less reported. Victims might still be sceptical about reporting submissive rape due to self-blame and fear of being embarrassed in court. Campaigns to nulify the occurrence of the challenge should therefor be extented to communities particulary in remote villages which might still not have enough knowledge regarding their rights.