

THE PREVALENCE OF VIOLENCE AGAINST WOMEN AND CHILDREN:

WHAT THE DATA TELLS US ABOUT LAW AND POLICY REFORM

A/Prof Lillian Artz

Gender, Health & Justice
Research Unit

Faculty of Health Sciences

UNIVERSITY OF CAPE TOWN



KEY QUESTIONS

- What is the problem?
- What are we doing about it at the moment?
- What does the research experience tell us?
- What needs to be done?
- What is the way forward?
- How is success measured or monitored?

PIECING THE PICTURE TOGETHER:

What is the problem?

What does the research experience tell us?

GENDER-BASED VIOLENCE IN SA:

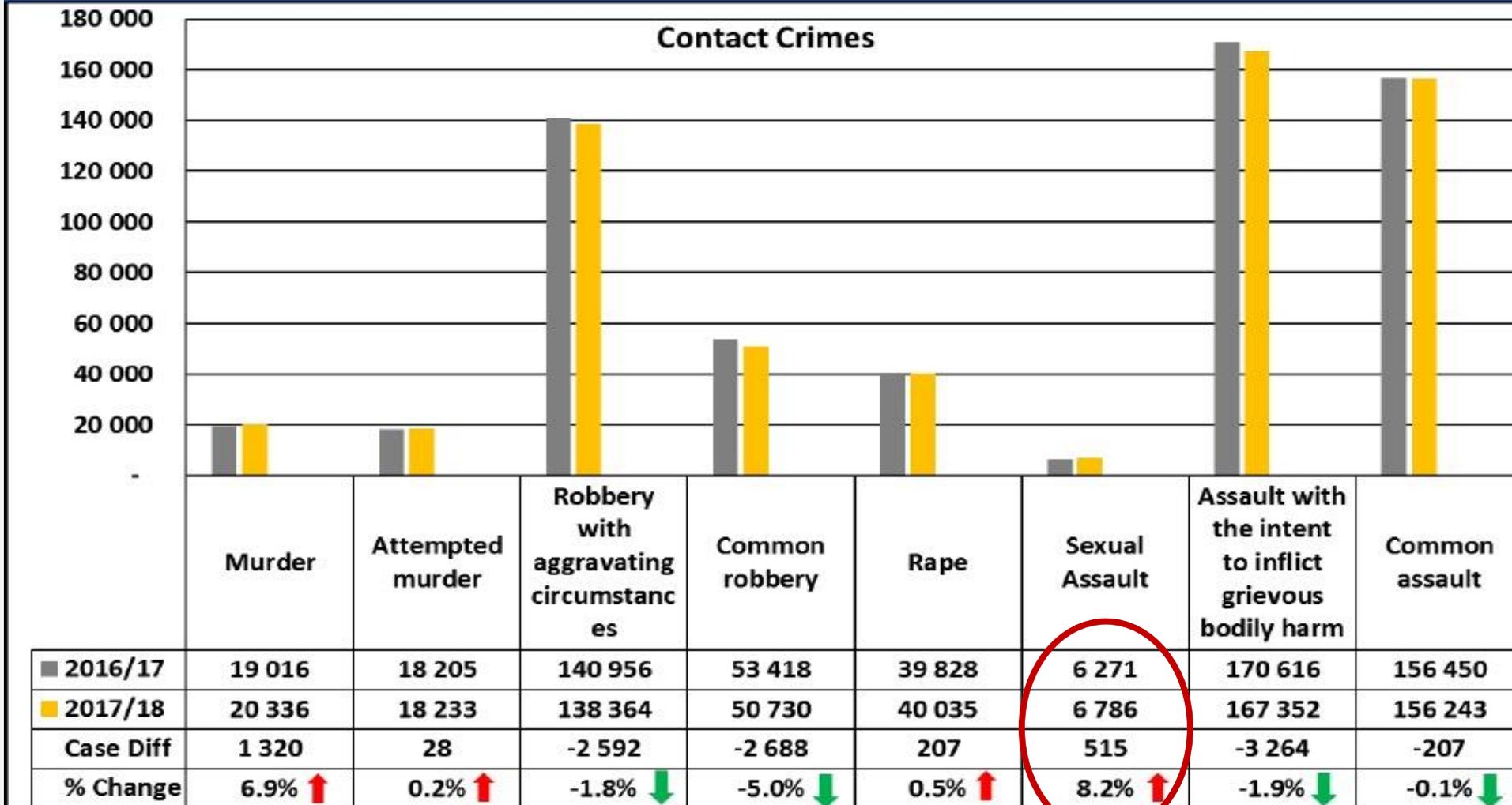
- **No. 13 of the 20** 'global hotspots' which accounts for 77% of homicides globally (Karstedt, 2014)
- **Highest rates** of reported rape cases in the world (approx. 50 000 cases per annum) → depending on definition and analysis.
- Interpersonal violence continually hovers between **the 10th and 12th** reason for women's mortality (death) in South Africa's provincial and national mortality research.
- **3 women are killed everyday** at the hands of their partners in SA (MRC, 2013, 2014).
 - **Up to 6 women** a day (Africa Check, 2017).
 - **More than half** of the murders (57.1%) were by an intimate partner (Africa Check, 2017).
- **Roughly 220 000 applications** for Protection Orders a year. Of those finalized, 25% result in breaches of the order (Watson, 2012).



SAPS STATISTICS 2018

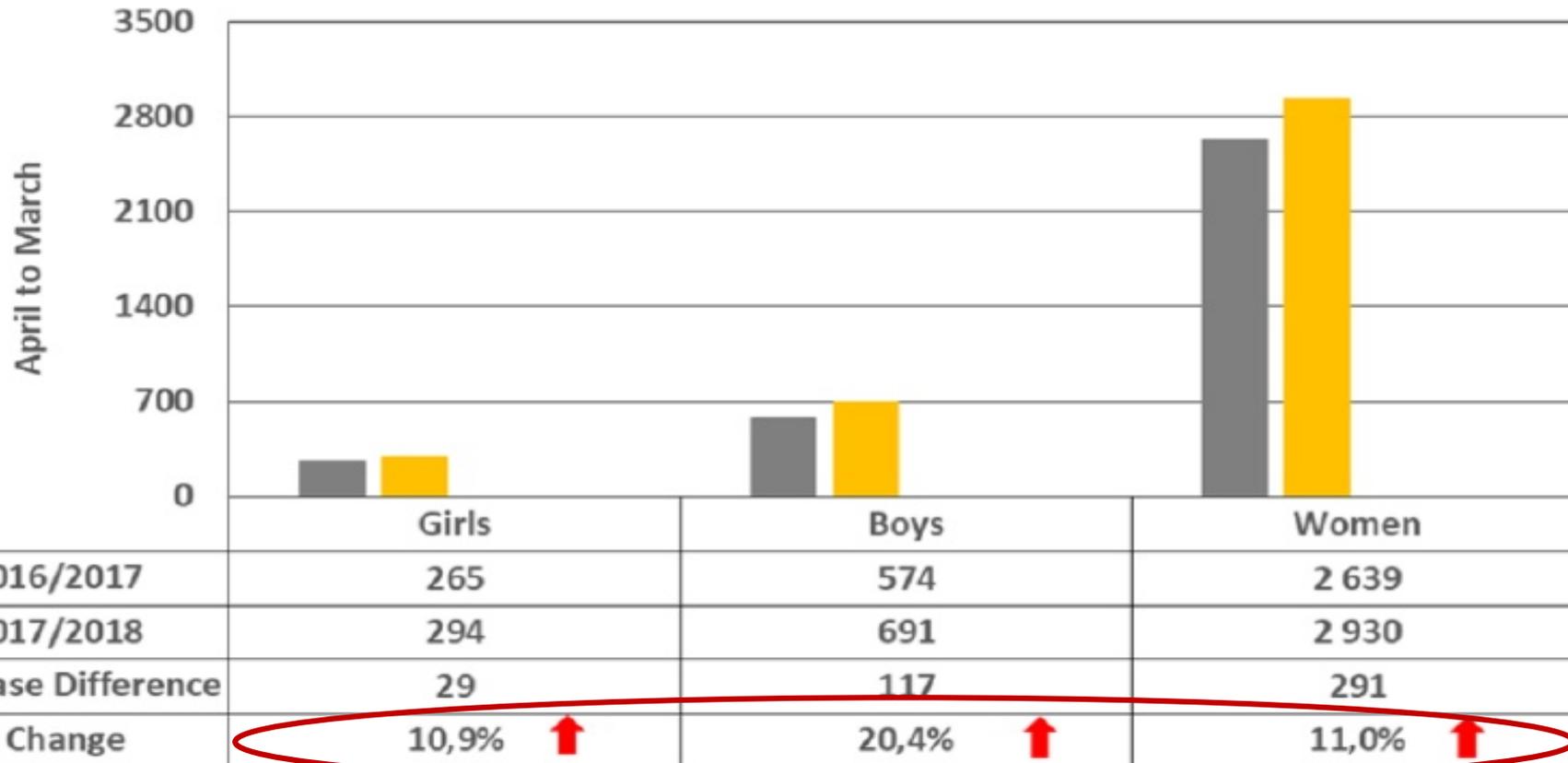
Contact Crimes and Murder

SAPS Slide on Contact Crimes



Source: SAPS 11 September 2018 at: https://www.scribd.com/document/388326589/SAPS-Crime-Stats-Presentation-2018#from_embed

SAPS Slide on Murder



Source: SAPS 11 September 2018 at: https://www.scribd.com/document/388326589/SAPS-Crime-Stats-Presentation-2018#from_embed

WHAT DOES THIS MEAN IN REAL TERMS?

- South Africa has seen a 1 320 increase in the number murders, from 2016/2017 to 2017/2018 (6.9%).
- **291 more women have been murdered in this period, 117 more boys and 29 more girls.**
- An average of 56 people are killed a day in the country:
 - 46 of which are men
 - 8 of which are women
 - 2 of which are children
- Nyanga police station had the highest rates of murder reported in 2017/2018.
 - Attributed to gang violence in the province
- **We have limited health and social development data on the numbers of victims/patients/cases that come through health and social development services to understand the complete picture of “violence and victimisation” in SA.**

CHILD SEXUAL ABUSE AND MALTREATMENT IN SOUTH AFRICA

EARLY EXPOSURE TO VIOLENCE

WARD, C., ARTZ, L., LEOSCHUT, L., KASSANJEE, R., BURTON, P. (2018).

ARTZ, L., WARD, C., BURTON, P., LEOSCHUT, L., & KASSANJEE, R. (2016)



Of the young people we interviewed (n=9717), 35.4% - one in every three young people – had experienced *some* form of sexual abuse or exposure at some point in their lives.

One in four children reported being exposed to ‘some form’ of family violence in their lifetime.

Also see “Child Death Review” Study
Matthews & Martin



This means that a total of 784 967 young people in South Africa have been the victims of sexual abuse by the age of 17 years:

Almost the population of Port Elizabeth.

Equivalent of filling up and the Cape Town Stadium 14 times over.

One third of children sitting in a school bus.

CHILD SEXUAL ABUSE AND MALTREATMENT

- The differences between males' and females' reported rates of abuse were not as stark as anticipated.
- First experiences of and exposure to *any form* sexual abuse occurred between the ages of 1 and 17
- Not necessarily “stranger danger”: One in five sexual abused by someone they know.
- In the school survey, boys (36.8%) were found to be slightly more likely than girls (33.9%) to report some form of sexual abuse, however:
 - girls were more likely to experience forced and penetrative sexual abuse, and other forms of sexual abuse that involve contact with the abuser (**contact abuse**)
 - boys were more likely to report forced exposure to sexual acts and material (**non-contact abuse**)
- *However ...*

EXAMPLE: Sexual Abuse by a <u>Known Adult</u>	Schools (IAQ)	
	Male	Female
Person/s used physical force (pushing, grabbing, hitting or threatening with a weapon)	11.5%	57.7%
Weapon was used	0%	39.0%*
Verbal threats were used	4.3%	26.7%
Victim felt threatened	9.5%	36.8%
Incident was part of a traditional, cultural practice or initiation	0	2.8%
Victim was promised something in return for the act (alcohol, drugs, transport, food, housing, money etc.)	11.5%	10.0%
Victim received what was promised	33.3%	28.6%
Victim was under the influence of any drugs or alcohol	7.7%	1.4%

*16.7% of cases a gun was used, in 16.7% of cases a knife was used and in 5.6% of cases another object (bottleneck) was used.

**WHAT ARE WE DOING ABOUT IT
AT THE MOMENT?**

Focus on the Western Cape

VAWG: OPPORTUNITIES AND MOMENTS

“MOMENTS”

- *Khayelitsha Commission of Inquiry (2012-2014):* (Findings had relevance for all stations in W. Cape)
- *S v Bennie Adams (Case number SS 69/2015)* Western Cape High Court re: failure of SAPS to respond and protect a complainant and her son, resulting in death of young child.
- *Western Cape Police Ombud and DoCS on DV (2016)*
- *DoCS (2018):* Where are we? Where do we need to be? How do we get there?

14. Tackling domestic violence

SAPS members at Khayelitsha's three police stations undergo training, and establish a relationship with a team of researchers to enable a 5 year research project on domestic violence in the area.

KCOI: Specific recommendations relating to VAWG/GBV:

- The establishment of a monitoring team made up of senior police officers and civilians.
- Increasing number of, and skilling up of, investigating officers.
- Training officers in how to deal with domestic violence.
- More targeted research into the dynamics of domestic violence in the community.
- Signing of a memorandum of understanding between the Western Cape Department of Community Safety and SAPS to continue its oversight of the police.
- Addressing the backlog of medico-legal (forensic) samples.
- Youth-related interventions/youth gangs.

**WHAT NEEDS TO BE DONE?
WAY FORWARD?**

USING KHAYELITSHA AS AN EXAMPLE:

We see an increase from 2014-2018 (40+ more murder cases) and 500+ more 'aggravated' robbery cases.

= ITO robbery, increased number of incidents or increased reporting?

- One new police station being established by 2020 (Makhaza, Khayelitsha).
- Installation of CCTV cameras:
 - NB: Critiqued by SJC as not addressing crime prevention more broadly.
- 24 new Neighbourhood Watches (DoCS)
- Case backlogs remain an issue
- Continued concerns about allocation of resources (SJC and Equal Education).

Still require, throughout the province:

- A concerted effort to monitor the implementation of laws (DVA, SOA, Children's Act) and the resources to address the problems identified.
 - Compliance measures and consequences
 - Costing
 - Clear, and accessible, lines of accountability.
- Support for NGO's providing essential services to victims of crime where state cannot fulfil obligations.
- Openness of criminal justice cluster to receive civil-society supported training and other interventions.
- A defined – and 'monitorable' – protocol between SAPS, Health and DSD – we are 'losing' children and other vulnerable victims between these systems.

cf Child Abuse Study (Optimus)

- 228 reports → 80 interviewed → 7 had follow-up calls

WHERE TO FROM HERE?

After researching our problems,
sharing our experiences,
imparting our skills and knowledge,
identifying gaps in laws and policies,
raising our voices and demanding change,
appealing to our courts, and
putting it all 'on the record',

What will it take?

And who will 'take it'?

BEHAVIOUR CHANGE, ACCOUNTABILITY AND ACCESS TO JUSTICE

The Framework

(1) SUBSTANTIVE ANALYSIS:

What does the law actually say?

What it is trying to prevent?

Who is responsible for its prevention?

How is it meant to prevent it?

(2) THE OPERATIONAL ANALYSIS:

Day to day practice and “life” of the legislation.

(3) GAPS ANALYSIS:

This will indicate policy and knowledge gaps and open areas for interventions.

TRAINING/TROUBLE-SHOOTING:
Law and policy gaps, implementation challenges

EVIDENCING

Case studies/judgments
“Evidencing” non-compliance
Structural and systematic challenges
Promoting opportunities to fill operational gaps

SOLUTION-FOCUSED REFORMS

(micro to macro)

MONITORING