

## 'Thousands of children raped in SA every day'

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By Christina Gallagher

There's been a rise in child rape in South Africa, but the conviction rate of the accused is low.

Now, more than ever, young rape victims need a system which helps them to testify against the violent men who violate them.

Current statistics are disputed, but the most prevalent figure offered is up to 16 000 child rapes reported last year, with only about 700 cases ending in conviction.

### 'They get up, shake themselves off and move on'

The problem, most experts in the field say, is that these numbers merely reflect the cases that are reported.

Thousands more go unreported each day. The South African Police Service registered about 60 000 sexual assaults for 2003 to 2004 but does not stipulate the victims' age group.

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In the case of Sarah Brown, a five-year-old in Kliptown who was raped in June and August, her mother opened a case against the alleged culprit earlier this year, but because of a lack of evidence he was not taken to court.

The new incidents in June and August went unreported until the Saturday Star discovered her situation.

So far investigators have yet to pursue these allegations and the accused remains free. One community leader said that this is not unusual.

### 'She just knows that a man hurt her'

Such cases, he said, occur "two to three times a day" and that Sarah was "just lucky enough" for the media to find her case.

Experts say rape is more prevalent in disadvantaged areas. Hendrik Venter, a social worker at Germiston Family and Child Welfare, put it bluntly: "The girl child in these areas is highly vulnerable at any age. In the majority of cases, the perpetrator is a relative."

Venter's work takes him to townships on the East Rand, such as Katlehong, where the community is "supportive" of rape survivors - and children are aware of their rights.

In 1996, the Institute for Child Witness Research and Training in Port Elizabeth embarked on a six-year study commissioned by the department of justice for a pilot programme for child witnesses testifying in South African courts.

In most cases the child is the only witness, besides the alleged rapist, in a sexual assault case.

Although the use of DNA test results prove crucial in such a case, there is a backlog of as many as 16 000 tests in laboratories across the country - waiting to be analysed.

Results are often not back in time to be used as evidence in a case. This leaves the child to testify as a last chance effort to find justice.

The programme offered by the institute aims to improve the child's ability to answer questions in court in a truthful and accurate way.

The goal is to reduce fear and increase knowledge of the child's role in the legal process. Mostly, the hope is that the child will be empowered.

Other training courses are offered to role players involved with abused children, such as prosecutors, magistrates and NGOs.

During the course of the research, the institute also discovered that children from different economic backgrounds respond differently to rape.

Karen Hollely, a psychologist at the institute, said: "Children from impoverished backgrounds are resilient.

"Ninety-nine point nine percent of their life is about survival. (After being raped) they survive with less input because there is no time or resources available.

"They get up, shake themselves off and move on." Barbara Kenyon, of the Greater Nelspruit Rape Intervention, agreed.

She said that because children lack resources in such environments, therapy is uncommon and they are forced to adopt the attitude of "life goes on."

"Because of the apartheid system, seeking help is alien for these communities because it has not been a part of their culture."

Hollely's view is that the best therapy option for a child rape survivor in an impoverished community is to take them out of their environment where their basic needs of food, safety, and shelter are met.

When asked about her opinions about the 5-year old who was raped, and how it might affect her later in life, Hollely said: "Her background contributes to any dysfunction she may have later in life more than the rape.

Children like her need to know that they have food, somewhere to sleep, and that their brothers and sisters are okay, rather than that they are not going to be raped tomorrow. They need rehabilitation for their life background."

Hollely expressed disappointment in the fact that there has not been enough research done on how impoverished children respond to rape in comparison to their wealthier counterparts.

Her research has come from practical experience in dealing with more than 500 child victims of sexual assault from different socio-economic backgrounds.

But in all likelihood, Sarah's case will not go to court - if the evidence is only based on her testimony.

Kenyon said: "A child has to prove that she knows the difference between right and wrong and children at that age don't know the difference.

"At that age she doesn't have the words. She doesn't know it is rape. She just knows that a man hurt her."

This is why counsellors who work with child rape survivors often use anatomically correct gender dolls to help the child explain what happened.

Kenyon said that, in her experience, it is better to deal with the child's feelings and the aftermath of the assault, more than going over the event, which can be traumatic for the child.

If the case does make it to court, it is essential that the child be as comfortable as possible when recounting the details.

A child's testimony is important because there are not enough forensic social workers, medical tests are sometimes incomplete or incorrect, and police investigations are often weak.

Democratic Alliance spokesperson on Social Development Mike Waters recently said that only 71 percent of police in Gauteng have been properly trained in dealing with child abuse and assault victims.

Hollely said that police are lacking information on child development and how to speak to survivors properly. She added that most of their training involves lectures by guest speakers.

An intensive week-long training is far preferable to the current situation. However, the outlook for child rape survivors is not all negative. Fifty-one specialised rape courts have been established around the country.

In addition, the Criminal Procedure Act stipulates that an intermediary be used to separate the child from the accused in a courtroom.

The child's testimony is transmitted through an electronic medium during court proceedings. In many instances, experts say, giving testimony comes down to trusting the person and the environment.

"Children (survivors) is very seldom capable of expressing feelings because they do not trust that the person communicating with them will not abuse the information," according to the institute's report.

Children can be confused by the court room environment. If they make a mistake, then some believe that they will be in trouble.

One 9-year old, who was part of the institute's research, said: "If you have a robbery and you go to court and they ask you questions and you don't know, you are a victim."

Since South Africa operates on an adversarial system of justice where both parties testify and the magistrate or judge decides the outcome, understanding the mental and emotional capability of the child victim is also important.

Hollely said that she recently experienced a case of a 4-year old boy who said he was sodomised by his father.

She said that the magistrate said that he found the case hard to believe because "he didn't think that boys were raped".

The institute's research also highlighted the benefits of the Sexual Offences Bill, introduced in 2001. The bill recognises that, for a child, disclosing the details of sexual abuse will "be fragmented and rarely reveal the full extent of the abuse".

In the past, such a fragmented testimony would result in the court saying that the child was lying. Now the court is asked to recognise that such a testimony is indicative of a child's ability to recount such a traumatic event rather than how a child fabricates an event.

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