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Understanding the Intersectionalities of Sexual Violence Reporting:
A Comparative Analysis of Police Capacity, Sexual Violence, and Alternative
Reporting Methods in the Eastern and Northern Capes of South Africa

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Abstract

Why is sexual violence more pervasive in the Eastern Cape Province of South Africa than in the Northern Cape Province? Most research surrounding sexual violence in South Africa attempts to answer why rape happens, but doesn't attempt to understand why individuals choose to report sexual violence crimes to police. This paper looks at three variables—chieftaincy and regional identity, physical space, and medical clinics—to explain why people do or do not turn towards the police to report rape. The tradition of chieftaincy in the Eastern Cape was constitutionalized with the rise of the African National Congress. Customary law is still used in this region, but is sexist, so women choose to report to the police. The Northern Cape doesn't have a tradition of chieftaincy, but developed a Black Consciousness Movement during Apartheid that became obsolete when democracy was installed. Coloureds in the Northern Cape have become disillusioned with the ANC, and don't trust the police because they are an extension of the government. In the Eastern Cape, informal townships are pervasive. Police have resorted to arbitrary violence in attempts to regulate and manage crime. In the Northern Cape there are formal settlements, which are easier to manage. However, the legacy of racist policing still persists, and the Northern Cape also experiences police brutality. This influences how individuals in both provinces perceive police, increasing mistrust of the police and the creation of community alternatives. Medical facilities in the Northern and Eastern Capes don't have the resources to address sexual violence victims. Practitioners in the Eastern Cape do not perceive rape to be a serious crime, which has significant implications for how rapes are dealt with. Sexual violence is not unique to South Africa. The ways in which police and other institutions such as medical facilities intersect are important to understand, and should work together to stop sexual violence. Further, the brutal ways communities in South Africa are regulated and managed by police suggests a failure in Western policing that should be questioned, and further challenged.

Introduction

South Africa has consistently had one of the “highest rates of violence in the world,” (Petersen et al., 1234, Dworkin et al., 98). My own experience in Hout Bay, South Africa was marked with distinct interactions with bloodshed and violence. Driving to the primary school where I was working one afternoon, my colleagues and I saw a black man lying on the ground receiving CPR at the entrance of Imizamo Yethu, the sprawling informal township where all of my students lived. Three hours later, as we were driving home from school and as we waved to some of our students who were walking back through the entrance of IY, we noticed the same man lying on the ground in a pool of blood, now surrounded by a number of people standing about, waiting. I found out later that day that the man, a Congolese immigrant, was stabbed seven times in the stomach and once in the head for a flip phone. The ambulance drivers of Hout Bay were notified of the incident but outsourced the call to the Cape Town paramedics who were located an hour away in the heart of the city. Our program coordinator, who was working extensively with community members in Imizamo Yethu to quell gang violence, explained that the gangs in IY have historically targeted and killed the ambulance drivers who responded to gang violence within the township, so the Hout Bay paramedics have stopped responding to calls due to the fear of retribution if they were to arrive on the scene. This murder was just one of the 17,800 murders that took place in South Africa between April 2014 and July 2015 (The Guardian). However, murders aren’t the only form of violence that is pervasive in South Africa. Despite the immense expansion of the South African Police force (SAP) at the advent of democracy in 1994, sexual violence in South Africa has remained one of the most pervasive violent crimes in the country, consistently ranking the world’s most sexually violent country (Jewkes and Abrahams, 1231). In the most recent Human Rights Watch report regarding sexual violence in South Africa, 3 out of 10 women who were interviewed in metropolitan areas of Johannesburg claimed that “they had been victims of sexual violence in the previous year,” (George, 21) while 77 percent of women also believed sexual violence to be highly prevalent in their area (George, 21). Further, 1 in 4 men who were questioned admitted to “having had sex with a woman without her consent by the time he had reached eighteen,” (George, 21).

Inside the country, however, there is a large variance in the number sexual violence crimes reported across each of the nine provinces of South Africa. In particular, the Northern Cape and Eastern Cape, which have differing demographics and population sizes, have significant variance in sexual violence crimes reported. In the Northern Cape, people reported an average of 1,887.70 sexual violence crimes every year over the last 10 years while the latter has reported 9,372.8 (South African Police Service, 2015). The puzzle, then, asks why sexual violence is more pervasive in the Eastern Cape province of South Africa than in the Northern Cape Province. While there has been speculation about the validity and reliability of sexual violence statistics in South Africa, this speculation raises questions about the role of policing and trust in civic institutions in both of these regions. In this paper, I will attempt to connect the role the police play in the sexual violence epidemic in South Africa by examining the way in which chieftaincy and regional identity, as well as medical facilities, play as alternatives to reporting sexual violence crimes to the police, as well as the way physical space affects the polices' capacity to regulate society and maintain order.

The research reveals that in the Eastern Cape, chieftaincy has been supported and formalized by the African National Congress, the current majority party in South Africa, in an attempt gain their loyalty. This has resulted in a persistence of chieftaincy in South African society, despite the tensions between "tribal" traditions and democracy. However, because customary law is formulated on a patriarchal system, women often refrain from using traditional courts because the system ultimately silences them. In the Northern Cape, chieftaincy is virtually nonexistent due to the fact that the region is predominantly Coloured, resulting in the indoctrination of Western traditions and practices. Despite this lack of chieftaincy, regional identity was co-opted by the larger Black Consciousness movement during Apartheid, which heavily supported the ANC. However, with the introduction of democracy, the racialized identity of the Coloured South Africans was made obsolete, and today, many Coloureds find the ANC to be just as oppressive as the Apartheid government, which has strong negative implications for how Coloureds interact and trust the police today. Further, physical space has created interesting tensions between the police and South African citizens. In the Eastern Cape, where informal settlements are

pervasive, police have relied on arbitrary violence to regulate crime, which has perpetuated a mistrust in the police in that region. In the Northern Cape, which is rural and spread out, and where formalized settlements that are easy to navigate, police brutality is also prevalent. Both of these regions have created community associations that work to actively prevent crime rather than respond to it. Also, in the Northern Cape, privacy and close family ties have created a mistrust with state police and, therefore, limit their interactions to local actors. Finally, medical facilities as an alternative to reporting to the police are only effective if they have the proper equipment to respond to victims of sexual violence. Both the Northern and Eastern Cape are lacking in a number of resources including rape kits and consent forms. Interestingly enough, medical professionals in the Eastern Cape do not perceive rape as a serious crime, whereas the medical professionals in the Northern Cape do. This has serious implications for how victims of rape are supported with follow-up consultations and support, which results in a limited number of rapes being reported to the police.

Sexual violence is not unique to South Africa. While there are a number of cultural norms that make sexual violence in South Africa unique, it is important to acknowledge that every country has important cultural norms and taboo that influence how sexual violence is perceived. Understanding these cultural differences, when paired with a relationship with the police and medical facilities, could have a positive impact on reducing sexual violence in communities. Further, police brutality in South Africa is not unique. The research presented in this paper raised questions about Western policing strategies, and challenges the way in which regulation and management of communities is most effective.

Literature Review

Before delving into the intersectionalities of police reporting and sexual violence, it is important to understand why sexual violence occurs. Sexual violence, at a foundational level, “is a sexual act committed against someone without that person’s freely given consent” (Center for Disease Control and Prevention, 2015), and can be broken down into subgroups such as “rape within relationships or by strangers, unwanted sexual attention, which includes quid pro quo sexual relationships, sexual abuse of children, forced marriage and/or living arrangements, the prohibition of birth control or other protective

measures against STIs, forced abortion, genital mutilation and mandated inspections for virginity, and forced prostitution and trafficking of people” (Jewkes, Sen, and Garcia-Moreno, 149-150).

Sexual violence is relatively new to academic discourse, making its first full-fledged appearance in Susan Brownmiller’s *Against Our Will: Men, Women, and Rape* which was published in 1975. While this book offers a macro discussion of rape and is decidedly heteronormative, it is important to acknowledge that it has established the foundations for sexual violence discourse. Brownmiller’s book, in an attempt to fill in the holes of human sexuality academia, lays out a chronological narrative of sexual violence, starting with Babylonian society and ending with the advent of the feminist movement in the 1970’s, focusing primarily on rape. She argues that rape became unlawful “through the back door...as a property crime of man against man” (Brownmiller, 18), and has revealed itself throughout the ages to be a crime of power and conquest.

Sexual violence has become an important topic in many fields including psychology, biology, and sociology. Political science, however, looks at sexual violence in the limited scope of war and rape and does little to look into the political implications that influence how individuals act upon and perceive rape. Therefore, for the context of this paper, it is important to understand why people, and more specifically men, rape in order to understand how it connects to a broader political landscape. Lalumière et al.’s *The Causes of Rape: Understanding Individual Differences in Male Propensity for Sexual Aggression* offers a current understanding of how sexual violence is perceived. By comparing historical sexual violence literature and findings, Lalumière et al. explain that there is “a stronger selection pressure on men than on women to seek and be open to sexual opportunities,” (Lalumière et. al, 63). The authors argue that antisocial conduct, which is defined as “any criminal, delinquent, or violent behavior in which the interest of one person is disregarded for the benefit of the actor” (65) is strongly linked to the pressure men feel towards finding a sexual partner. Antisocial “characteristics include impulsivity, callousness, irresponsibility, lack of remorse, being cunning and manipulative, shallow, early behavior problems, violent adult behavior....separation from biological parents under the age of 16, and a history of running away from home,” (69-70). Antisocial men also engage highly in mating efforts, i.e. “having sex early in

a relationship, having multiple partners at one time,” and avoiding long-term, committed relationships (75), which results in “relationships characterized by little emotional involvement, manipulation of partners...and a game-playing approach to romance,” (75). Historically, this antisocial behavior leads to rape when women “are devalued and the perceived costs of rape are low” (103). History also shows that rapists are generally not sex deprived, but rather have a need to have “short term and frequent sexual relationships,” (103). This carries significant weight in the case of South Africa where cases of sexual violence are among the highest in the world.

Most of the academia focusing on sexual violence in South Africa attempts to answer questions surrounding the rationale behind why men rape women. The most well documented reasoning for high levels of sexual violence in South Africa is the importance of gender norms. Adolescence is a crucial time for gender socialization and is also a time in development when abusive behavior becomes normalized and integrated into an individual's behavior (Petersen et al., Selikow et al., Jewkes et al., 2011). Among youth in urban townships, there is “a strong belief that boys/men are unable to control their sexual urges and that women/girls are responsible for controlling them” (Petersen et al., 1238). Furthermore, respect is of paramount importance to South African men’s masculinity (Dworkin et al., 107). For South African men, respect means allowing for the man to “provide economically for the family” (103), but also entails a silencing of women, allowing the man to be supreme decision maker (107). Lack of respect can come in the form of a woman having a higher paying job or asserting her autonomy (Petersen et al., 1240, Dworkin et al., 107). Either way, disrespecting men is “used as a justification for gender-based violence” (105). Since the dismantling of Apartheid, the “government, civil society, and the private sector [have committed] themselves to promoting women’s rights and gender equality” (Dworkin et. al, 99). Several scholars argue that a growing emphasis on women’s rights has threatened men’s power over women, and has, in turn, resulted in feelings of being irrelevant and disrespected (Dworkin et al. 2012, Morrell 2002, Wood 2005, Hunter 2005, Govender 2011). Because of these “feelings of disempowerment and alienation” men try to compensate by seeking “more sexual opportunities” and “enacting

hypermasculinity” (Dworkin et al., 100) which results in sexual violence against women in an attempt to find self-worth and/or status among his peers.

Another predominate reason for rape in South Africa is rooted in transactional exchange. Selikow et al. explain that an increasing role of consumerism has placed “an increased emphasis on material belongings, dress code, and luxury cars,” (24). For men, consumerism is paired with hegemonic masculinity, or *ingaraga*, which “refers to a man who is well-respected and who is considered macho...and is associated with having many girlfriends, wielding control over women, with women seen as possessions, as well as an expensive car and fashionable clothes,” (24). For women in poor areas, they trade sex for subsistence such as rent and food (26). Sometimes, however, especially in urban and wealthy areas, young women also use sex for “conspicuous consumption” i.e. fashionable clothes (26). This results in women having more than one sex partner, who are referred to as ministers, who in turn provide money (minister of finance), clothes (minister of fashion), or transport (minister of transport), in exchange for status and sex (26). Both the roles of men and women in this context requires the male to assume the role of the sexual violator and the woman to accept being sexually violated due to an insistence on either surviving or meeting the status quo.

Transactional sex has also played a large role in the discourse surrounding sex, rape, and HIV/AIDS in South Africa. HIV/AIDS has influenced how township youth view risk and fate. Many chose to live by the “logic of *tata ma chance*” which translates to “take a chance”, believing that “one’s time to die is predetermined, so it is not necessary to protect oneself against the possibility of AIDS...Black youth tends to live for the present, as they do not see a future or the future looks bleak” (25). This worldview informs how boys and men approach sexual behavior, and results in a rise in HIV/AIDS, but also results in unencumbered sexual behavior that is rooted in exploiting women’s bodies for the status of a live fast, die young lifestyle (25). Conversely, the virgin myth is a common cultural myth that also acts as a response to the HIV/AIDS epidemic. Some South Africans believe that “sexual intercourse with a virgin will cure an individual of HIV/AIDS,” (Petersen et al, 1239). This myth has

promoted “sexual abuse at a cultural/environmental level” (1239) that can only be dismantled through community education and civic intervention.

Another critical piece of this puzzle is policing within South Africa. According to Bruce Baker, “policing is an elastic concept”, which is commonly associated with a wide number of responsibilities “including regulating society and maintaining order, preventing crime, responding to crime and restoring order, and the use if necessary of instruments of coercion to assist in any of those roles” (Baker, 29). During Apartheid, despite the increasing influence and power of the government, the South African Police (SAP) were low in numbers, reaching only 34,500 strong by 1972 (32). Furthermore, Apartheid policies made it difficult for police to respond to civilian conflict, as they were often understaffed, poorly managed and funded, and technologically limited (Brewer, 2). With the transition to democracy in South Africa in 1994, there was a rise in police numbers, reaching 120,000 by 1993 (Cawthra, 3). However, despite the fact that there are more police than ever before in South Africa, crime rates have risen dramatically over the last twenty years (Cawthra, 3, Baker, 30). Scholars have argued that this rise in crime is due to the police’s concern with “enforcing restrictions and crushing political opposition” rather than preventing crime (Cawthra, 4). Cawthra, Brewer, Govender, Petersen et al., Selikow et al., and Swartz all briefly mention the transforming and declining traditional authority, suggesting that community responsibility has begun to erode, resulting in both an increased amount of responsibility on behalf of the police (Cawthra, 4), but also unsupervised, and unchecked youth getting involved with gangs, drugs, or violence. This, too, leads to sexual violence against women, however, all the research mentions these decaying traditional roles in passing and does little to expand upon what is taking its place. Furthermore, virtually no academia has attempted to link the enormous amounts of sexual violence with the role of the police, making way for the purpose of this paper.

This paper attempts to connect the intersectionalities of sexual violence crime reporting and policing in South Africa. To do so, I will look at the role of chieftaincy and regional identity. If regional identity or chieftaincy is stronger in the Northern Cape and Eastern Cape regions, than interactions with the police will be limited due to a greater reliance on traditional authority or regional actors. Next, I

examine the role of physical space and its effects on police capacity. If space is urban and crowded, then police interactions will be higher. On the other hand, if space is rural and sparsely populated, then police interactions will be limited. Finally, this paper will look at medical clinics as a formal alternative to reporting sexual violence crimes to the police. If the medical clinics are accessible, well-trained, and well resourced, victims of sexual violence will feel inclined to use the medical facilities over the police.

Regional Identities and Traditional Authority as Police

The first variable this paper attempts to examine are the roles chieftaincy and regional identity have in shaping citizens' relationships with the police and their proclivity towards reporting sexual violence crimes. The hypothesis suggests that regional identity and chieftaincy in the Northern Cape are strong, therefore limiting the role of the state police, and that the Eastern Cape has weak chieftaincy due to the legacy of Apartheid, limiting interactions with the state police. However, the research shows that chieftaincy and regional identity, although deliberately broken down by the Apartheid government, has been restored by the African National Congress, which is the current majority party in South Africa. Because of the strict racial divisions during Apartheid, the Eastern Cape, which is predominately Black has a strong tradition of chieftaincy, which suggests that customary law remains an institution within the Eastern Cape. However, because chieftaincy and customary law are patriarchal, women are effectively silenced in customary courts, and therefore don't view traditional law as a reliable or effective alternative to the police. In the Northern Cape, which is primarily Coloured South Africans, there is little to no tradition of chieftaincy in the region. The racialized identity Coloureds created during Apartheid turned obsolete with the initiation of democracy, and the Coloured population has accused the ANC of favoring Black South Africans, which has created mistrust and distaste of the ANC as a whole. This has important effects on how individuals interact with the police in the Northern Cape. Because they don't trust and feel oppressed by the government, the individuals in the Northern Cape have a lower level of trust of the state police, as they are inherently tied to and controlled by the ANC. This results in a lower level of crime reporting to the police because people in the Northern Cape perceive the police to be an extension of an oppressive and ineffective regime.

Legacy of Apartheid

Understanding Apartheid in South Africa is crucial to understanding the underpinnings of modern day policing in the country. Apartheid was an attempt at social engineering. In *Seeing Like a State*, James Scott calls this type of social engineering “high modernism”. High modernism is “the aspiration to the administrative ordering of nature and society,” by envisioning and implementing “a sweeping, rational engineering of all aspects of social life in order to improve the human condition,” (Scott, 88). The National Party, which rose to power in 1948, held “at its center a supreme self-confidence about continued linear progress....and an increasing control over nature (including human nature) commensurate with scientific understanding of natural laws,” (89-90). Unlike its counterparts in Africa and Asia, South Africa was to become another “white man’s land” similar to “the great white states of Australasia, North America and Western Europe” (Lupton and Murphy, 144). The National Party believed that Blacks were “temporary sojourners ministering to the labor needs of Whites” (143). In this sense, the National Party operated on progressive ideals that would “bring about enormous changes in people’s habits, work, living patterns, moral conduct, and worldview” (Scott, 89). Because the National Party had consolidated all possible power, Blacks and Coloureds were virtually stripped of all civil rights, effectively silencing them and stripping them of any sense of regional identity and unity.

Homelands and the Demise of Regional Identity and Chieftaincy During Apartheid

The word “homeland” comes with plenty of negative connotations throughout history, and is often used pejoratively or as a way to create a space for the “other”. Apartheid South Africa was no exception. In the late 1960’s, the South African Minister of Bantu Administration stated that Blacks in White ‘prescribed’ areas would not be allowed to build or purchase plots and houses that had a 30-year lease or longer, and required Blacks and Coloureds to be “accommodated within nearby ‘homelands’ instead of ‘White’ South Africa,” which led to the mass creation of settlements in the Eastern Cape (Lupton and Murphy, 145). In the context of South Africa, the Apartheid government used the word homeland in an attempt to “lend legitimacy to the state’s policy of exclusion,” (Beinart qt in Deegan, 35). Ten homelands across the country of South Africa were established in the early 1960’s, and by the end of

the decade the number of people in the homelands had increased by 70 percent, due to the effective, yet forceful removal of black people from what were classified as “white areas” (Deegan, 36). Homelands also managed to halt the role of traditional chiefs that had the potential to thwart the role of the state police in these areas.

In the Eastern Cape, the two predominate homelands that existed were the Transkei and the Ciskei, both of which were Xhosa-speaking homelands. In 1963, the Transkei homeland was the first homeland to be granted ‘self-governance’, and later would be the first homeland to receive ‘independence’ (Peires, 367). In this area, whites continued to work as administrators (i.e. police), but they were not allowed to vote on matters regarding homeland politics (36). Because the Transkei and Ciskei homelands were ethnically homogenous, it was easier for the National Party to legitimize the existence of the homelands because the government could claim the homelands to be where the Blacks and Coloureds originally came from (Deegan, 37).

Despite the homogeneity of the Transkei and Ciskei, the two Xhosa-speaking homelands were separated geographically. The National Party justified their separation by stating that the “cultural, linguistic, and historical differences between the homelands were so great as to preclude any form of unity,” (37) even though this was not true, and was simply argued as a tool to break down regional identity in order to “not only divide black opposition but also maintain white supremacy” (37). There were more attempts at creating a regional identity in the Ciskei homeland than in the Transkei homeland. Ciskei's leader, Lennox Sebe, worked hard “to fabricate a distinctively Ciskeian national identity,” (Peires, 377). All Ciskei residents were issued Ciskei National Independence Party membership cards to bolster a unified sense of identity. These identification cards were later burned (378) by inhabitants of Ciskei in response to Sebe's exorbitant “prestige projects” (377), which were paid for by Apartheid funded companies (Anonymous, 405). In Transkei, regional identity was virtually impossible to establish because “the political repression was so severe that it was the only part of South Africa where the United Democratic Front, the anti-apartheid party, was unable to establish itself,” (Peires, 367).

This preclusion of regional identity in the Eastern Cape was bolstered by the cooptation of homeland leaders by the National Party. Similar to other regions of Africa during the colonial period, chiefs in South Africa depended on the “government rather than their people for both political recognition and financial support,” (Peires, 384). The chiefs that rose to power in the homelands rarely came from “the great hereditary aristocrats” (385) but, rather, were junior chiefs who rose to power under the “homeland dispensation” (384). Because these chiefs lacked any traditional legitimacy, they had to rely “on the South African connection” for money, power, and--most importantly--their status as chiefs (384). In this sense, homeland leaders became part of the state apparatus. Clientelistic ties to the state both bolstered the ideological legitimacy of the Apartheid system, but also helped to undermine the chief’s own rule by way of pandering to the state and not their people (385). For example, Sebe’s prestige projects were ridiculed and considered failures by the inhabitants of the Ciskei homeland because it was clear that Sebe was easily bought and influenced by others, especially White, Apartheid government officials (Peires, 377).

Despite the lack of traditional authority in the Eastern Cape, there was not an absence of black opposition to the Apartheid government. In the early 1970’s, inspired by the banned anti-Apartheid party the African National Congress, the concept of a black federation began to emerge. It was “perceived as both a territorial association and a demographic unity between people sharing common cause and similar aspirations,” (Deegan, 37-38). The black federation would be a “new African-controlled 'superstate',” with the goal of bringing together both Ciskei and Transkei, along with the other homelands and all white areas to the Indian Ocean under a constitution that protects the equal rights of all races (37). This was problematic because the African National Congress and other opposition movements were banned, stalling the movement and the homelands “were forged through systematic and ruthless state intervention...creating great mistrust between Africans involved in the liberation struggle,” (38). However, despite the fact that regional identity and traditional authority was replaced with black unity that consolidated under the umbrella of the African National Congress Party, which is still the majority party in power today.

Identity in the Northern Cape, “So-Called Coloured”, and the Rise of the Black Liberation Movement

Compared to the Eastern Cape, the Northern Cape has virtually no legacy of chieftaincy. This is largely due to the fact that the Northern Cape is majority Coloured, which did not have any designated homelands, and had direct interactions with the Dutch and the British, resulting in more Westernized traditions. During Apartheid, the label “Coloured” was placed on a number of South African groups including people of “mixed”, Khoisan (San/Bushmen), and Malay descent (Jung, 168). The Apartheid regime rested upon the “ideological proposition that the world naturally [divided] into separate races that belonged apart,” (168), and the residual label of “Coloured” formalized racialization, creating fictionalized races that only served to legitimize the apartheid regime.

From the 1900’s to the 1930’s, Coloureds “enjoyed higher political and social status than Africans, and they remained on the common voters roll in the Cape until 1956,” (169). Coloureds had significant buy-in power with the British government, influencing the government’s decision making. By the late 1950’s, the Coloureds political, economic, and social rights were being stripped by the National Party, similar to the Black South Africans. The National Party, feeling threatened by the Coloureds loyalty to the British, segregated the Coloured and Whites after the party’s rise to power in 1948. The separation wasn’t so much about social engineering as it was for the Blacks, but rather had the intention of “reinforcing divisions in the political sphere,” (171). By the late 1960’s, in order to co-opt the Coloured population to be more cooperative, the National Party gave the Coloureds government representation through the Coloured Persons Representative Council (CPRC). Despite a position in government, the CPRC’s power to affect change in South Africa was hindered by the fact that Coloureds were considered to be under the jurisdiction of the central government and of provincial authorities (174).

Opposition to the National Party arose in tandem with the black federation movement in the homelands. Rather than creating a regional identity or a unified Coloured movement, many Coloureds didn’t call themselves Coloured, but rather used the term “so-called Coloured” (168). By the 1980’s, all of the major political groups that dominated advocating for Coloured rights under the apartheid regime

expressed an “oppositional Black, not Coloured, political identity,” (168). Blackness, in this case, was not considered a racial category, so much as it was an anti-Apartheid oppositional platform of a political and ideological nature, rather than a social or cultural one (168). The Coloured population saw themselves “bound by the same oppression” as Black South Africans, and could be united into a powerful force. Similar to the homelands, the ANC played a significant role in propagating and perpetuating this Black Consciousness Movement.

The Apartheid government worked hard to dismantle and co-opt chiefs for the regime’s personal gain in the Eastern Cape. Because the chiefs were seen as weak and easily manipulated by the National Party, individuals in the Eastern Cape did not trust chiefs and thought little of their authority. In the context of crime and reporting in the Eastern Cape, the chiefs were not seen as a legitimate alternative to the police. In fact, the chiefs were one and the same as the National Party regime and were considered just as oppressive as the state. On the other hand, the Northern Cape is primarily Coloured and lacked the tradition of chieftaincy. Rather, they were influenced by Western traditions. The political access the Coloureds had in the early 19th century was stripped when the National Party came to power. Because of this, Coloureds viewed their oppression as similar to Blacks, which created the Black Consciousness movement. This movement was inspired by and supported by the banned ANC party, and ultimately created an all-around opposition to the Apartheid government.

In the next section, Apartheid begins to lose ground, the ban against the ANC is lifted, and the ANC becomes the leader of the newly founded democracy. Many people believed that chieftaincy would become obsolete with the introduction of democracy because of the traditional and unequal beliefs about men and women. However, the ANC uses chieftaincy to protect their role as majority party leader by giving chiefs constitutionally recognized power. Despite these doubts, because of the patriarchal nature of traditional courts and customary law, women chose not to turn to the chief and customary courts as an alternative to police. The Coloured people who chose to identify as Black, begin to see themselves as Coloured with the installation of democracy, and believe that they are being as oppressed by the ANC as they were by the National Party, creating a deep mistrust the police because they are tied to the ANC.

Post-Apartheid Chieftaincy, the Rise of the ANC, and the Shift in Political Trust

In 1990, the ban against the ANC was lifted. In an effort to consolidate ideology, the United Democratic Front was dissolved with most of the UDF leaders and support moving into the echelons of the ANC (199). Further, there has been a lot of debate surrounding the need for a racialized political group in what ideally would be a non-racialized political system. There were many parties, including the New National Party which tried to undermine the racially based politics of the ANC by forging an identity around the Afrikaans language (205) in the hopes of “binding Afrikaans speaking South Africans (read: Whites and Coloureds), regardless of race,” (205) to protect their culture. Despite the lack of need for racialized political groups and the rise of political opposition, the ANC has managed to stay in power since they won the first democratic elections (winning 62.6% of the votes) in 1994 (African National Congress).

In the Eastern Cape, many people believed that chieftaincy was going to be phased out with the rise of democracy and the ANC. Many believed that chieftainship as an institution was not compatible with democracy (Van Kessel and Oomen, 572). Firstly, the position of chief is hereditary, not elected (572). Chiefs are predominantly men and exclusively African, which undermines the importance of equality in a democratic system (572). Further, the institution of chieftaincy only served to “accentuate the forces of ethnicity, which had become thoroughly discredited in the Apartheid years,” (572). Ultimately, chiefs were equated with the antiquated tradition of tribalism, which would only “divide the African majority and derail the process of democratization and nation-building,” (572).

Despite these major caveats, in an attempt to thwart the “emergence of a National Party-led alliance, in which [homeland] leaders and officials, and chiefs would provide the rural support base,” (572), the ANC made the conscious decision of allowing chiefs to reassert their role in South African society and politics. Chiefs have managed to not only reobtain their ceremonial role, but have also “obtained constitutional guarantees for their position and their representation in the local, provincial, and national administration,” (561). This constitutional recognition means that chiefs had the right to a

government funded salary, as well as the responsibility to “adjudicate certain disputes according to customary law,” (573).

Customary law, which went virtually extinct during Apartheid, has become a topic of tense debate. Many women feel that the ANC has “abandoned its non-sexist principles in order to placate chiefs,” (574). Under the South African Bill of Rights, men and women are equal. Under customary law, however, “African women are under the guardianship of their father or their husband,” (574). They have “no contractual capacity without the consent of their guardian and are not allowed to appear in court without the assistance of their guardian,” (574). In the context of sexually violent crimes such as rape or domestic abuse, women are essentially silenced. In the Eastern Cape then, it makes sense that women would choose to report to the South African police rather than keep the crime within their tribal community, simply because she has more of a voice. In the context of the dynamics of trust, women in the Eastern Cape have a higher likelihood of reporting to the police than their tribal authorities because the “competence gap” of the state police is perceived to be smaller. Because a woman knows that she is unable to go through the traditional courts without her guardian, she is likelier to perceive the police as having valid competence and integrity as professionals (Lewis, 981), which, despite women’s criticism of the ANC, creates a system in which the national government and the police trusted more than traditional authorities.

In the context of the Northern Cape and the Black Consciousness movement, when a non-racialized democracy was established in South Africa and the African National Congress came to power, the need for a racialized political platform went virtually obsolete. Many of those who identified as Black during Apartheid are now calling themselves Coloured. This shift in identity is a result of feelings of frustration and resentment towards the ANC. Many Coloureds feel equally “marginalized by the African (ANC) government as they were by the (White) NP government,” (Jung, 198). Because the Coloured population in the Northern Cape feels frustrated with the ANC, the police, in turn, lose legitimacy. The police as a government institution, socialize the citizen, and “[reveals] messages about procedural fairness [of the government] and deal directly with important aspects of citizens’ concerns, namely safety,”

(Rothstein and Stolle, 13). For citizens to trust their government, they must feel that the government “institutions represent the ideals of universalism, equality before the law, impartiality and a reasonable degree of efficiency,” (14). If these ideals are represented, “people are able to trust that institutions responsible for the implementation of public policies,” (14). In the context of the Northern Cape, the opposite is true, which suggests that their trust in the government, and by association the police, is limited, resulting in less crime reporting over-all, not just related to sexual violence.

In the Northern and Eastern Cape, chieftaincy and regional identity were manipulated to serve the purposes of the National Party during Apartheid. Despite this cooptation, the ANC has been able to reintroduce chieftaincy as a constitutionally recognized system of power in the Eastern Cape. Chieftaincy is an institution that can be used as an alternative to police. However, in the context of sexual violence, it is not used because of the sexist and patriarchal systems of customary law used by the traditional courts, which only hurt a woman’s case, especially if she was raped by someone in her family or her husband. Instead, a woman perceives the police to be more competent and effective, and, therefore, would choose to trust the police more than her chief. In the Northern Cape, regional identity was trumped by the Black Consciousness movement, but with the rise of democracy, racialized political identities have become obsolete in the face of an equal and fair doctrine of governance. However, Coloureds have abandoned their Black identities because they feel that the ANC is favoring Black Africans, and are just as marginalized as when the National Party was in power. Because of this, Coloureds in the Northern Cape have been disappointed and disillusioned with the ANC, and have started to mistrust the government, and by extension, the police. This variable offers a limited explanation for why people choose to report to the police. It is important to take into consideration other levels in which individuals interact with police. In light of the role of chieftaincy in the Eastern Cape and the distrust of the ANC in the Northern Cape, the following section will attempt to explain the ways in which physical space affects the police’s ability to manage and regulate areas within South Africa.

The Role of Physical Space and its Effect on Police Capacity

The second variable this paper attempts to address is the role physical space plays in both police capacity and interactions with the police. The hypothesis of this paper suggests that because the Northern Cape has formal settlements, is sparsely populated, and is predominantly rural, interactions with the police are limited. In the Eastern Cape, I argue that due to a larger population, densely populated cities, and pervasive informal settlements, police interactions are frequent and controlling. Research has revealed this hypothesis to be true, and further suggests that physical space affects cultural norms that influence perceptions of the police, as well, especially in rural areas. The Eastern Cape is a mix of rural and urban areas, but has a number of deeply established informal settlements close to where the homelands of the Apartheid era were located. The informal settlements are difficult to manage, which has resulted in the police using arbitrary violence to manage crime. This has created a sense of fear in the police and has had negative impacts on the way people in the Eastern Cape perceive the police. The Northern Cape has an incredibly sparse population and is widely spread out. There are a number of formal settlements built during Apartheid where most Coloureds continue to live today. These settlements are easy to manage due to their repetitive layout, but due to a legacy of racism, they are also policed with some brutality. In response, both Capes have created community based organizations who work to actively reduce crime rather than respond to it. Further, in the Northern Cape privacy and isolation have both separated women from the women's rights movement, and has created a deep mistrust of outsiders, which has further implications for a lack of reporting in the region.

Creation of Housing During Apartheid and the Modern Day

Understanding the current residential layout of South Africa can only be understood in the context of the legacy of Apartheid. Beyond the forceful movement of Black and Coloured South Africans, the Apartheid government was involved with the housing of Blacks and Coloureds in two ways. First, the government advanced finance in order to “enable individuals and households to accommodate themselves” (Lupton and Murphy, 145). Because only 13 percent of the South African territory was allocated to Blacks (leaving the remaining 87 percent to whites) (143), municipalities had a difficult time

building houses within their own boundaries, creating cramped living quarters (146). The second way the National Party was involved with housing was through “direct state intervention in the production and management of the housing stock for Africans,” (146). Starting in the 1950’s, both the state and local governments played significant roles in providing housing that could be rented out. These “four-roomed ‘matchbox’ houses” were mostly given to displaced Coloureds in the form of formal townships (146). This type of direct government intervention in housing started to decline in the late 1970’s when there was a major shift towards privatizing state-owned housing and a “concomitant promotion of home-ownership schemes,” (146). These policy changes in the 1960’s and 1970’s still have a significant effect on modern day housing. In 1993, “the housing backlog was estimated to be as high as three million units, and only 10 percent of Blacks could afford to contribute to their accommodation needs,” (143). The fact remains that housing has remained relatively static despite the transition to democracy in 1994. Most Blacks and Coloureds are still living in their designated areas in confined, under developed quarters where inequalities persist (Skuse and Cousins, 980). Going against the “rhetoric of equality and inclusion,” (980) most Blacks and Coloureds are poor and have “unequal access to rights, goods and services and in particular to formal employment, formal housing and accountable local and national governance,” (980). This has significant implications on how crime is perpetrated in these areas, as well as the ways in which they are policed.

Policing Black Informal Settlements in the Eastern Cape

In the Eastern Cape, the two major Black, Xhosa speaking homelands existed until 1991 when the legislation and land acts that restricted Blacks and Coloureds to certain areas were revoked during a parliamentary session (Jung, 199). 12.6% of the entire South African population lives in the Eastern Cape (Statistics South Africa). Further, the Eastern Cape is unique in its mixture of urban and rural areas. However, the two most densely populated areas are in close proximity to the homelands of old and are riddled with informal settlements. Informal settlements, also known as informal townships, are defined as “[shelters] usually constructed with unconventional building materials acquired informally, that is, outside of the formal housing delivery mechanisms” (Huchzermeyer, 148). In these townships, clean

water is scarce, electrical wires are exposed, and sanitation and hygiene are hindered due to a lack of restrooms. Furthermore, townships are areas where state policing has historically been at its most intense, normalizing police brutality and control (Brogden and Shearing, 59). Even though South Africa has ushered in a democratic system, the criminal and administrative laws still incorporate apartheid-esque beliefs about the rights of Blacks and Whites. Especially in townships, rights that are regularly enjoyed by Whites are only occasionally provided to Black South Africans and are considered privileges (60). Rule of law in South Africa has become a system of “laws impartially enforced” creating a system of institutionalized legal inequality (61).

This system of law enforcement is further complicated by the layout of informal settlements. New shacks appear nearly every day with no warning. This makes for a sprawling labyrinth of homes that are tightly packed together and randomly arranged, as illustrated by the arbitrary use of house numbers. Further, findings in the most recent Cape Town crime survey suggest that the “divergent socio-spatial” legacy of Apartheid has affected the “distribution of personal and institutional resources,” (Lemanski, 103). Notably, historically “White areas host the majority of police stations,” (103) despite the fact that less crime happens in these areas, and “inhabitants are more protected by infrastructure (e.g. private cars, street lighting) and are better able to afford private security,” (103). Black communities, on the other hand, have “no street lighting or telephones,” (104) and have “abandoned spaces,” (104). Because it is so difficult to navigate informal settlements, especially when an individual is an outsider, police officers have resorted to arbitrary police violence involving “unauthorized entry to blacks’ houses, beatings, and the conveyance of black suspects in car [trunks],” (73) in order to maintain and regulate Black communities.

In an attempt to quell the rise in crime, the South African Police Force has expanded every year since the inception of democracy, but to little to no effect largely due to three reasons. Firstly, many of the newly trained officers are rarely stationed in areas that deal directly with crime (70). Secondly, Black on Black policing has caused more distrust in the police. Despite the fact that the South African Police Force has had no trouble recruiting Black South Africans, Black police officers are “even more unpopular than

White police,” (77). Incentives are high for joining the police, wages are consistent, and there are “fringe benefits” such as free medical care (78), but these incentives come with “a rigorous indoctrination in the new training colleges,” and the pressure to ostracize local communities (77). While men make up the majority of the SAP, Black women are also joining the police force despite the racial and sexist environment of the SAP (78). Economic conscription explains some of this, but most women join with the intention of preventing further crimes against women (78). Thirdly, “the private security industry, which provides guards and armed response units to protect the wealthier suburbs, and hence largely white communities,” (Baker, 37), have taken and employed the most qualified police officers, further subjecting the Black communities to under-trained, violent, and ultimately ineffective policing.

In the context of police ostracism and brutality, it is not surprising that the Eastern Cape has created alternative methods to coping with crime within their communities. First, the informal settlements focus “on the reduction of risk of harm to persons and to property,” (Brogden and Shearing, 132). Policing is seen as a means of “[regulating] life in ways that will promote safe and secure environments,” (132) rather than reacting to dangerous crime or implementing policing as a top down system. Secondly, in tandem with shifting the policing paradigm, the Eastern Cape has created Civic Associations that have developed street committees which “have taken the responsibility for a variety of ordering activities that included theft, domestic disputes, evictions, dangerous areas, the regulation of [pubs], sewerage disposal, garbage disposal and the like,” (133). As “self-regulating” and “self-generating” structures (142), these two coping methods are connected by a “concern by those immediately in the present, to construct some new form of order out of problematic situations,” (142) ranging from homicide and rape to organizing sanitation solutions. Because these types of systems are entirely informal it is difficult to know entirely if these are systems that are more trusted than the police. However, assuming that “any association between a Black battered woman and the police, including turning in the man who beats her, risk getting a bad name,” (Websdale, 119) Black women are more likely to use informal methods to confront her experiences with sexual violence. Further still, a woman can become even more vulnerable if her abuser is a drug dealer or is part of a gang within her community. In the Eastern Cape, drug abuse and gang

violence are high, and are often linked to sexually violent crimes against women (Jewkes, Rachel, et al., 1235). If this is the case, women may feel more comfortable allowing civil associations to mediate and resolve issues involving rape, domestic abuse, and other sexual violence crimes than the historically violent, ineffective police.

Policing Coloured Formal Townships in Rural Areas

Where the Eastern Cape has many informal settlements, the Northern Cape, which is predominantly Coloured, has formal townships, which were built by the National Party for Coloured South Africans. These settlements look remarkably similar to a suburb in the United States. Every house is the same inside and out, and are laid out in a systematic and rigid manner for the purposes of creating a space that could easily be managed. Whereas the Eastern Cape settlements are incredibly hard to navigate, the Northern Cape's formal settlements are legible in nature. A legible city is equal and square, which makes "the city...a simple, repetitive logical [layout that is easy] to administer and to police," (Scott, 55). Because police were able to manage and confront crime in a less arbitrary way, their tactics were relatively less violent to the black communities in the Eastern Cape. However, police brutality between White police officers and Coloured South Africans was still high, which has resulted in a similar negative perception of the police in Coloured communities as is found in the Eastern Cape. Because of this perception, the Northern Cape has created similar civilian police forces to the Eastern Cape. Many of the concerns are the same, and an attempt at shifting the police paradigm from Western-style policing to community based policing is also common in this region. The Northern Cape is full of farmland, and instead of creating informal township associations, citizen response teams have taken shape in the form of "farm security services," (Baker, 36). These services incorporate private security and local citizens to patrol farm areas to avoid murderous attacks. It is funded and managed by farmers, but also "cooperates with the police and local commandos," (36). These farm security services have also been known to combat vigilante groups who violently and aggressively deal with crime within their communities outside of the law (36).

What complicates the Northern Cape's layout, even more, is the fact that it is not heavily populated. Only 2.2% of the South African population lives in the Northern Cape, and it is highly rural (Statistics South Africa). Not only are rural areas spread out, making transportation, administration, and management more difficult, but there are also societal norms that influence how individuals, especially women, interact with the police. Rural towns are often traditional, and the communities are tight-knit. For many families, the formal settlement and surrounding rural areas have been the home and workplace of their family for many generations, creating a space where "the family is both the primary means of production and socialization," (Websdale and Johnson, 301). Compared to the women in the Eastern Cape, women in the Northern Cape are generally poorer (but not by much) and are much more confined to stereotypical gender roles. Social and physical isolation is common, because women are often "cut off from major transportation networks, social services in general, and spouse abuse shelters in particular, neighbors, and may also include not owning a telephone," (302). For women who have experienced rape or other sexual violence, it is incredibly difficult for them to get the care and support that is more readily available to women in urban areas (302). Further, women in rural areas do not interact directly with the "culture of women's rights," (302). Women in rural areas experience a higher level of "privatized gender relations" than in urban areas (302), which have isolated women even further, but also impedes police response due to the private nature of domestic affairs. Because of the traditionally private nature of rural life, rural identity is rooted in an "antipathy to state intervention, a suspicion of state government, and a reliance on local government for getting things done," (302). In the context of the Northern Cape, despite the low population density in the region, this also explains why women in this region would refrain from reporting to the police. Privacy is best kept within a community that already knows everyone. It would seem that community policing and local security forces like the farm security services act as a preferred means of dealing with sexual violence than reporting to the state police.

In comparison to the role of chieftaincy and regional identity, physical space gives a relatively clearer answer to why individuals choose not to report to police. While it is true in the Eastern Cape that women would choose police intervention over customary law, looking at space allows for day to day

interactions to become more apparent and illustrates an image that depicts a world of violence. The same goes for the Northern Cape where individuals may choose not to trust the police because they are associated with the ANC, but also face heavy levels of violence at the hands of the police. The research shows that the physical layout has some effect on the tactics that the police use. The arbitrary layout of the Eastern Cape has resulted in arbitrary violence and the planned out and purposeful layout of the formal settlements in the Northern Cape have resulted in regimented policing. The research also shows that racist and unequal treatment have resulted in ineffective and violent policing in both areas. Both of the regions have created community programs that work to actively reduce crime in their communities rather than respond to it. Societal norms have also influenced the way people perceive the police, especially in rural areas where isolation and privacy are highly valued. Keeping in mind the role of chieftaincy, regional identity, and the effects physical space has on police interactions, this paper moves on to examine South African medical facilities. This section examines the lack of resources available to examine victims of sexual violence, the ways in which medical professionals perceive rape, and the pervasive role HIV/AIDS has in rape reporting.

The Role HIV/AIDS and the Capacity of Medical Clinics to Report Rape

The third variable this paper examines is the role medical clinics play as an alternative to reporting sexual violence crimes to the police. The hypothesis of this paper suggests that the Eastern Cape would have more individuals reporting rape at medical clinics than to the police due to easier access to health clinics in urban areas. The Northern Cape, on the other hand, would have fewer individuals choosing to report a rape to medical clinics due to the fact that the Northern Cape is highly spread out, sparsely populated, resulting in limited access to medical facilities. The research suggests that these two hypotheses are true, and that structural barriers in the Northern Cape make it more difficult for individuals in this province to report rape through this system. However, the role of medical clinics is complicated by the prevalence of HIV and AIDS in South Africa. It is almost impossible to talk about sexual violence in South Africa without taking into consideration the high rates of HIV/AIDS throughout the country. In 2013, 6.3 million people were living with HIV in South Africa, and there was an estimate of 330,000 new

infections in that same year (Avert). Further, there are nearly twice as many women diagnosed with HIV than men, with female 15-24 year olds accounting for 25% of the new infections each year (Avert). In the Northern and Eastern Capes, 9.2% and 15.2% of the population have HIV or AIDS respectively (Dorrington et al., 5). This has significant impacts on when, how, and why women report sexual violence in both provinces.

Studies have shown that South African women who are in violent or controlling relationships are at a higher risk for HIV because “abusive men are more likely to have HIV and impose risky sexual practices on partners,” (Dunkle et. al, 1415). Further, violent partners are at a higher risk for “transmissible cofactors such as herpes simplex virus type 2, which renders women more susceptible to subsequent HIV infection from another source,” (1419). This is significant because HIV and AIDS is highly stigmatized all across South Africa and is not unique to the Northern or Eastern Cape provinces. Tying rape to HIV seriously hinders a woman’s motivation to respond to and report sexual violence crimes to a medical clinic, especially because the repercussions of being diagnosed with HIV can be incredibly damaging. The stigmas surrounding HIV/AIDS are a “product of multiple social influences including attributions of responsibility for HIV infection and beliefs that individuals with HIV/AIDS are contaminated and tainted,” (Simbayi et. al, 1823). These stigmas also reinforce “inequalities of class, race, and gender,” (1824). Infected people face the blame because HIV is contracted through risky behavior and avoidable practices such as unprotected sex and drug use (1824). Discrimination against those with HIV/AIDS has resulted in the exclusion of “HIV-positive children into schools, exclusions or attempted exclusions from the work place, within the military services, and in home communities (Skinner & Mfecane, 160). The prospect of potentially being diagnosed with HIV is enough to make many women avoid using medical facilities as an outlet for reporting sexual violence crimes.

These concerns are further complicated by numerous structural barriers that limit the amount of quality care that a facility can provide. In 2000, South Africa’s National Department of Health published “The Primary Health Care Package for South Africa -- a set of norms and standards” (Christofides et. al). Among other health care topics, the publication highlights the responsibilities of medical facilities when

dealing with victims of domestic violence and sexual assault (3). Some of these responsibilities include establishing relationships with nearby police and welfare offices, “receiving training in the identification and management of sexual, domestic, and gender related violence,” (3) including sensitivity and counseling training, and requiring all cases of alleged rape or sexual assault to be assumed true (3). Many of these requirements, however, are not implemented in working medical facilities.

Province	Private Examination Room	24 Hour Access	Consent Form Availability	Sexual Assault Kits
Northern Cape	5.7%	0	5.7%	52.8%
Eastern Cape	59.6%	0	43%	0

Figure 1. Percent of facilities in Northern Cape and Eastern Cape who provide necessary facilities and equipment for examining rape and sexual assault. Data based off of a “cross-sectional study of facilities in all provinces of South Africa conducted by the South African Gender Based Violence and Health Initiative” (5).

In the Northern Cape, there is a large deficiency in private examination rooms in many of the facilities. These rooms are crucial to maintaining the privacy and dignity of a victim of rape or sexual assault. If an individual does not feel as though their privacy will be maintained, they will most likely refrain from using a medical clinic. Further, the facilities in the Northern Cape don’t offer 24 hour or after hour access to medical facilities that are capable of responding to sexual violence crimes. The private rooms that are available are kept locked or closed, and victims are forced to wait until the next day to be examined (11). This can be difficult both physically and mentally, due to the fact that a patient is not allowed to wash his/her body before the examination, and would be required to stay in their same clothes potentially overnight. Further, the same facilities that provide private examination rooms are the facilities that have consent forms for examinations available (13). The other 94.3% of facilities put their patients’ rape case at risk by not taking the precautionary legal measures. A lack of consent for a rape examination could result in the disqualification of an examination in the courts. The Northern Cape has the highest percentage of clinics with available rape kits across all nine regions of South Africa. These kits are crucial to a victim’s case, and if they are not administered properly (which they often are not) they can

undermine a victim’s case because often times rape kits are the victim’s only source of proof. The fact that most of the clinics in the Northern Cape lack the equipment necessary to facilitate accurate medical examinations speaks to the limited nature of resources in rural areas of South Africa. Similar to the police in the Northern Cape, who have limited access to resources due to low funding, the clinics in the Northern Cape aren’t as effective in reporting rape due largely to the structural barriers that are at play.

Compared to the Northern Cape, the Eastern Cape’s medical facilities are relatively more equipped with dealing with victims of sexual violence. Unlike the Northern Cape, nearly 60% of the medical facilities in the Eastern Cape are equipped with private examination rooms. However, none of these facilities are open with after hour or 24 hour availability. Further, 40% of the medical clinics in this region have consent forms available in their facilities (13). This is important because if an examination is taken to the court of law, the form documents and legitimizes the examination, which can bolster and even finalize a victim’s case. Unlike the Northern Cape, however, none of the facilities were equipped with sexual assault kits. In many cases, the kits are “incomplete or have already been used,” (14). For majority of the cases, the police are responsible for bringing kits to the medical facility and are known to forget, take an extended amount of time, or bring the wrong type of kit (14). Again, this can significantly impair an individual’s motivation to prosecute the perpetrator due to the fact that their only source of proof cannot be collected.

Province	Go to Medical Facility Before Police	Facilities give evidence in court	Healthcare providers think rape is serious	Facilities offer follow-up counseling.
Northern Cape	37.7%	2.3%	69.4%	61.1%
Eastern Cape	68.6%	0	28.3 %	13.9%

Figure 2. Percent of facilities in Northern Cape and Eastern Cape who provide additional support for sexual violence victims. Data based off of a “cross-sectional study of facilities in all provinces of South Africa conducted by the South African Gender Based Violence and Health Initiative” (5).

Beyond the structural barriers that influence the effectiveness of medical clinics in both of these regions are the factors that determine whether a patient will get additional support. In all other regions of South Africa, sexual violence victims are more likely to go to the police before they report to a medical

facility. The Eastern Cape had the highest percentage of people choosing to report their case to a medical facility rather than to the police. The Northern Cape was the second highest percentage. This is interesting given the fact that the Northern Cape is a highly spread out, rural area. This might suggest that medical facilities are easier to access than police stations in this province, and that despite the structural barriers and lack of resources, access to immediate attention may, in some instances, trump police intervention. Furthermore, in both of these regions, supplying evidence in court is limited to nonexistent. It is difficult to determine if “not giving evidence in court is an indicator of good or bad quality medical treatment”, (21). On one hand, a well-documented case with sufficient medical evidence is often times enough to prosecute an offender without going to trial. On the other hand, poorly documented forms and insufficient evidence due to poor medical exams may result in cases not going to court (21). Either way, it would seem that there is limited intersectionality between medical facilities and their role in assisting victims of sexual violence and the court system, which, depending on the quality of medical care, could be good or could be incredibly detrimental to an individual's case.

Whether or not a health care provider thinks rape is serious also determines the outcome of a patient's care. Interestingly enough, in the Eastern Cape, less than 30% of health care providers believe rape to be serious. There are a number of reasons why rape isn't seen as serious. For some health care providers, the level of seriousness is conditional depending on the severity of injury, whether or not the patient is a child, or if there was more than one perpetrator (23). Other health care providers suggested the women who were raped when they were drunk were responsible for what happened, and that women are prone to lying about rape (23). There is a high likelihood that healthcare providers will not offer additional support and services if they perceive the rape to be less serious than other types of medical emergencies. This can have significant impacts on how many reports are followed through to completion. In the Northern Cape, health care providers are more prone to believing rape to be a serious crime and injury. Many healthcare providers who viewed rape as serious believed this “because of the health consequences of sexual assault including the risk of HIV, STIs, and emotional or psychological consequences,” (23). Others saw the seriousness of rape to be an indicator of the intersectionality between

medicine and crime, that it wasn't right for rape to be so pervasive in South Africa, and "that it was an infringement of human rights," (23). In both the Northern Cape and the Eastern Cape, additional support came in the form of HIV testing. This highlights the importance of HIV/AIDS prevention in South Africa, and in some ways suggests that HIV/AIDS is a more important problem to healthcare practitioners than rape and other forms of sexual violence, although this is speculative, and can only be confirmed with more research. Suggesting other forms of additional support such as counseling and pregnancy tests were seen to be too intrusive in the patient's personal life (25). Further, many of the health care providers did not know where to refer a patient for further help, which has significant impacts on the patient's ability to further report and prosecute (25).

To harken back to the first variable of this paper, it has become clear that the rise of democracy has not affected chieftaincy and customary law as much as would have been expected. Traditional courts significantly limit the agency of women, and therefore a woman perceives the police to be a better, more competent outlet for reporting the crime perpetrated against her. Physical space plays into the way individuals interact with the police, as well. Informal settlements' maze like layouts are incredibly difficult to police due to a lack of resources as well as the random placement of houses. This has resulted in the arbitrary use of violence to control an unruly environment, which has hurt Black South Africans trust in the police. Spread out, rural space results in limited interactions with the police due to a lack of resources, but also due to cultural norms associated with the rural lifestyle. Medical clinics, then, have the potential to operate as legitimate alternatives to the police, but only if the facilities and professionals have the proper equipment, training, and perceptions about the seriousness of rape and other sexual violence crimes. While community programs with the goal of reducing crime in communities is helpful and also fully tangible, it would be difficult to create an organization that could properly handle serious crimes, such as rape, that require both physical and mental examinations and police inquiry into the perpetrator. It would make more sense for medical facilities to act as a more realistic, formalized, and effective program if they were to be properly funded and worked with the local and state police to create mutual relations predicated on helping victims of sexual violence to the

fullest. However, from the looks of the current state of South Africa, there seems little push to improve the medical facilities in the country. Rather, they are privatizing many hospitals, making it difficult for poor people of color to get the treatment victims of sexual violence need (Norris).

Conclusion

While this paper has attempted to answer why sexual violence crimes are so pervasive in the Eastern Cape of South Africa, but not the Northern Cape, more questions have appeared than have been answered. The Eastern Cape and the Northern Cape are only two of nine provinces in South Africa, and it is important to acknowledge that the sexual violence that occurs in these two provinces aren't isolated to them. Kwazulu Natal, for example, has incredibly high levels of sexual violence. Their history has led them on a different trajectory than the Eastern and Northern Capes, resulting in unique cultural and political tensions, which could potentially affect how people interact and trust the police, and how people view sexual violence. Further, limited research has been done that actually examines police trust within townships and in urban areas. This could be beneficial to the South African state, as well as to academic research, as it would reveal public opinion, and would also provide a clearer explanation for how and why people trust the police.

Unfortunately, sexual violence isn't only prevalent in South Africa. In Latin America, for example, an estimate of only around "5% of adult victims of sexual violence reported the incident to the police," (World Health Organization, 1). In a survey of India, 40% of women reported any physical sexual assault by a partner (Watts and Zimmerman, 3). In Nicaragua, 69% of women reported being physically assaulted in the past year (3). This violence is perpetuated by a lack of reporting, which is heavily caused by the stigma surrounding rape. There are a multitude of explanations for why women choose not to report sexual violence: "inadequate support systems, shame, fear or risk of retaliation, fear or risk of being blamed, fear or risk of not being believed, fear or risk of being mistreated and/or socially ostracized," (World Health Organization, 1) are just a few explanations. Increasing the number of women who report sexual violence and prosecute their assaulter rests heavily on removing the stigma surrounding sexual violence. Of the three variables discussed in the paper, community driven policing

groups and the importance of medical facilities that work towards providing proper care can easily be applied to other countries, and can work towards removing the stigma of sexual violence. However, it is important to acknowledge the different cultural beliefs, norms, and taboos that exist in different countries, as they are unique and can should not be ignored for solutions involving Western medicine or policing.

Moreover, while sexual violence is a problem within South Africa, it is not the only type of violence that affects the country. It can be easy to see South Africa as another failing African state, especially in the context of its increasing political corruption over the past couple of years. However, by examining the intersectionality of policing and sexual violence in South Africa, bigger questions about the effectiveness of Western policing arise. For example, why has the South African police remained racist and violent despite the shift to a democratic government? The answer could lie in areas this paper didn't explore such as the crisis of masculinity and its link to power and brutality. The answer could also be rooted in economic or institutional explanations. What is so poignant about examining policing, regardless of what frame (be it sexual violence, murder, or theft) is that failures of Western policing are being seen across the globe. Police brutality in the United States has been a controversial topic this past year and half, and the refugee crisis in Europe has exposed the more violent side of some of Europe's police forces. One of South Africa's responses to police failures is rooted in community based crime forces that challenge many notions of Western policing. Maybe this is an alternative form that could be applied everywhere that could potentially mitigate larger problems of racism and sexism in the police force, creating safer environments all around the world.

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