

# May/June 2015

## SECTION A: PARAGRAPH QUESTIONS

### **1. Provide a critical definition of the concept “Secondary Victimization”** (5)

Secondary victimisation is the ill-informed, insensitive, blaming treatment of victims by officials, friends, family, or the community. Secondary victimisation is also known as post crime victimisation or double victimisation, and can often have an even greater effect on the victim than the initial crime itself. Secondary victimisation often starts when the victim reports the crime to the police. An example of secondary victimisation by an official would be when a rape victim reports the rape at the police station, and is faced with disbelief that the crime occurred. An example of secondary victimisation by friends, family members, or the community would be when the victim’s parents make statements such as “What did you expect would happen if you walked alone at night while wearing such revealing clothes?”

### **2. Explain what internet exploitation and youth internet victimisation is for vulnerable children who are victimised by predators.** (10)

Virtual violence refers to violence that is not physically experienced, but can have a lasting psycho-social effect. Virtual violence in entertainment includes television, music, film, video, computer games, and the internet. Virtual violence is exacerbated by children accessing internet sites that are age inappropriate, such as pornography websites and websites that promote hate and violence; children being misled and bombarded with intense advertising; children being lured into providing personal and household information to strangers; and the ease with which bullies can get hold of their victims.

The internet does not only contribute to the victimisation of young children, but can also facilitate crimes and antisocial behaviour, including sexual solicitation, unwanted exposure to sexual material, and harassment. The internet provides sexual predators with the perfect medium through which to find victims. Predators slowly “groom” their victims by befriending them, sharing personal information, and even by giving gifts. Once the child/teenager trusts the predator, he/she can be coerced into meeting and engaging in sexual acts.

### **3. Describe the various types of domestic violence in a violent/abusive family context** (15)

*Physical abuse:*

Physical abuse is the use of force or threat of force that may result in bodily injury, physical pain, or impairment. Signs of physical abuse may be external (bruises, bleeding, wincing, etc.), internal (bone fractures, bleeding, internal tissue or organ injuries, etc.), or both. Some believe that “normal” acts of force (pushing, shoving, etc.) should be distinguished from “abnormal” acts of violence (life-threatening abusive acts), although this separation might be difficult to define.

*Emotional abuse:*

Emotional abuse is also known as emotional battering, psychological abuse, verbal abuse, non-physical abuse, indirect abuse, psychological aggression, psychological maltreatment, and mental or psychological torture. It is an ongoing process in which one individual systematically diminishes and destroys the inner self (confidence, assertiveness, etc.) of another. What is considered abuse is culturally determined, and varies from culture to culture.

*Sexual abuse and rape:*

Sexual violence includes the use of physical force to compel a person to engage in a sexual act against their will, whether or not the act is completed. Sexual violence also includes any attempted or completed sex act involving a person who is unable to understand the nature or condition of the act, unable to decline participation, or unable to communicate unwillingness to engage in the sexual act.

Sexual abuse is the use of another person’s sexuality for purposes other than mutually consented procreation or the intended mutual sexual gratification of the parties involved, regardless of gender.

Rape is regarded as gender neutral. Rape has been defined in the Sexual Offences Act as follows: “Any person who intentionally and unlawfully compels, induces or causes another person to commit such an act is guilty of the offence of rape.”

*Economic abuse:*

Economic abuse is when the abuser has complete control over the victim’s money “allowance”, including the withholding of money at will and forcing the victim to beg for it until the abuser relents and gives the victim some money. Invariably, the victim will receive less money as the abuse continues. This also includes preventing the victim from finishing his/her education or obtaining employment.

*Spiritual abuse:*

Spiritual abuse includes using the spouse/partner’s religious or spiritual beliefs to manipulate them, preventing the partner from practicing their religious or spiritual beliefs, and ridiculing the other person’s religious or spiritual beliefs.

**4. Discuss the plight of male offenders in the prison system as victims within a correctional context.**

(10)

Sexual violence in prisons contributes to continuing cycles of sexual and other forms of violence, both in prison and when prisoners return to society.

Certain prisoners are targeted for sexual assault the moment they enter prison, due to age, appearance, sexual orientation, small size, shyness, and uncertainty. The characteristics of prison rapists seem to be unclear and unpredictable. They are usually younger than 35, are larger and/or stronger, more assertive, are physically aggressive, and feel more at home in the prison environment than their victims. They are street smart and are often members of prison gangs. They usually have been convicted of more violent crimes than their victims.

Heterosexual male victims can respond physically to stimulation from their abusers, and may then question their own sexual identity and manhood. Other forms of sexual violence in prison involve physical and emotional violence. Objects can be used and forced oral sex is also prevalent. Some prisoners form “protective” sexual partnerships to avoid continual victimisation by many.

In male prisons “women” (wyfies) are “created” by destroying men’s claim to manhood. Wyfies are regarded as sex objects and servants. Prison “marriages” between men and wyfies are usually brought about by an initial forced sexual act. In these “marriages” the “men” are active – they do “business” in prison and provide for the wyfies materially. They are the ones responsible for the penetration while having sex, and the wyfies have to be passive. “Wyfies” take care of the “home” space (prison cell) and are sexually available to their partners. Some prisoners consider rape as a form of fun, while in other cases initiation rape also serves a social purpose to create classes of men, for example, a class of subordinate men (“wyfies”).

Society holds on to the homophobic myth that a “real man” cannot be penetrated – he should have been strong enough or fought harder to show that he is a real man. Once a prisoner is raped, his reputation as a man who has been penetrated is likely to precede him, making him vulnerable to further assaults. Many male rape survivors in prison question their masculinity.

#### **5. Discuss the South African perspective on victim empowerment and support.** (15)

In South Africa, the rate of criminal victimisation is driven up by the presence of both economically deprived youngsters and the availability of suitable targets. The high level of crime seems to have structural causes that need to be addressed by a comprehensive crime policy.

South African crime victims are dissatisfied with their treatment by the police, and also with the lack of specialised help. Both the care ideology and the criminal justice ideology can be utilised to remedy this situation. A nationwide network of support agencies for victims is also needed, and can include volunteers. An effective victim policy should involve a multi-agency approach.

SA needs a comprehensive bill of rights for crime victims – one that includes proposed changes in the law, changes in procedures, and new codes of conduct for the professions involved. Victim policies also contribute to the prevention and control of crime.

Potential, actual, and repeat victims can take measures that will make future victimisation more difficult, such as by upgrading their home security.

The National Crime Prevention Strategy (NCPS) is one of the six pillars of the National Growth and Development Strategy of the Reconstruction and Development Programme (RDP). Cabinet approved the NCPS in 1996. The objective of the NCPS was to continue to work at reducing crime levels in South African society.

The NCPS acknowledged the need to promote and implement a victim-centred approach to crime prevention. This was done through the introduction of the Victim Empowerment Programme (VEP) as an integral part of the NCPS. The aim of the VEP is to make integrated criminal justice victim-friendly and to minimise the negative effects of crime and violence on crime victims.

The failure of effective victim empowerment in the criminal justice system may encourage vigilantism and lead to a lack of public confidence in the system. Case management should include the provision of feedback to victims regarding the progress of investigations and prosecutions.

One of the key outputs of the VEP within the NCPS was to develop a comprehensive model that incorporates integrated service delivery to victims of crime and violence that is in line with national standards. This approach was based on the premise that crime is a social issue and requires multi-agency interventions and interdepartmental and intersectoral collaboration. The main role players are Welfare (Social Development) as the lead agency, SAPS, the courts and prosecutors of the Justice Department, Correctional Services, and Health and Education departments. NGOs (Non-governmental organisations), community-based organisations (CBOs) and other structures at local government level provide support to these sectors.

This model aims to maximise available resources while minimising the duplication of efforts. It sustains state-managed delivery of caring, supportive, and accessible services. A restorative justice system seeks to encourage full participation, particularly of young offenders, where treatment is aimed at enabling minor offenders to avoid a life of crime.

## SECTION B: ESSAY TYPE QUESTIONS

### **6. Discuss how males and females can become victims of harmful cultural practices and how future victimisation can be prevented.**

(20)

#### *6.1. Introduction*

Sections 30 and 31 of the Constitution postulates that customary law should be accommodated in South African law, provided that the specific rules/provisions are not in

conflict with the Constitution. However, section 12 of the Children's Act of 2005 states that children have the right to not be subjected to social, cultural, and religious practices which are detrimental to their wellbeing. The Act prohibits genital mutilations, virginity testing, and circumcisions (prohibited when boys are under the age of 16).

## *6.2. Definitions*

- Child marriage: According to UNICEF (2014), child marriage can be defined as a formal marriage or informal union before the age of 18.
- Female Genital Mutilation (FGM): "Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons" (World Health Organisation, 2014).
- Ukuthwala: The abduction of a girl or a young woman by a man and his friends with the intention of forcing the girl's family to agree to marriage (The Department of Justice and Constitutional Development, 2010).
- Ulwaluko: A traditional initiation ceremony/ritual which includes circumcision (Bilingo SA, 2015).

## *6.3. Females*

### *6.3.1. Ukuthwala*

Traditionally, ukuthwala involved kidnapping a woman of marriageable age in order to force her family to enter marriage negotiations, but refraining from raping or having consensual sex with her until after the marriage. According to The Department of Justice and Constitutional Development (2010), "...ukuthwala, particularly in the Eastern Cape, increasingly involves the kidnapping, rape and forced marriage of minor girls as young as twelve years, by grown men old enough to be their grandfathers."

Risks of ukuthwala include rape, forced marriage, teenage pregnancy, HIV/AIDS and other sexually transmitted diseases, pregnancy complications (infant and maternal mortality, fistulas, etc.), lack of education, stunted social development, and domestic violence (The Department of Justice and Constitutional Development, 2010).

### *6.3.2. Female Genital Mutilation*

More than 125 million girls and women alive today are victims of FGM (World Health Organisation, 2014). Worldwide, Somalia has the highest prevalence rate of FGM, with 98% of women having been cut (United Nations Children's Fund, 2013).

The World Health Organisation (2014) states that FGM can be classified into four types:

1. Clitoridectomy: partial or total removal of the clitoris and, in very rare cases, only the prepuce;
2. Excision: partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;

3. Infibulation: narrowing of the vaginal opening through the creation of a covering seal, which is formed by cutting and repositioning the labia, with or without removal of the clitoris; and
4. Other: all other harmful procedures to the female genitalia for non-medical purposes, e.g. scraping and cauterizing.

In cultures where FGM is rampant, FGM is considered a social convention, and is considered a necessary part of a female child's upbringing. Many communities believe it is a way to promote female modesty by lowering the sex drive. According to the World Health Organisation (World Health Organisation, 2014), "When a vaginal opening is covered or narrowed, the fear of the pain of opening it, and the fear that this will be found out, is expected to further discourage "illicit" sexual intercourse among women with this type of FGM."

FGM is practiced for a number of reasons, including:

- Sexual: to control or reduce female sexuality
- Sociological: initiation, social integration, maintenance of social cohesion
- Hygiene and aesthetic reasons: female genitalia are 'dirty' and 'unsightly'
- Health: in the belief it enhances fertility and child survival rates
- Religious reasons

Immediate complications include pain, shock, haemorrhage, tetanus, sepsis, and urine retention (World Health Organisation, 2014). Long term complications include recurrent infections, cysts, infertility, and an increased risk of childbirth complications (Isilow, 2011).

According to Isilow (2011), migrants in South Africa are secretly practicing FGM. "...among the migrant communities in South Africa, [FGM] is most common among Egyptians, Sudanese, Somalis, Ethiopians, Eritreans, some Kenyan tribes, Senegalese and people from the Middle East and a few Asians (Isilow, 2011)." Kitui (2012) writes that FGM is also practiced among the Venda community. FGM is practiced during *muthuso*, a ceremony performed after birth. During *muthuso*, the mother's vaginal flesh is cut by a traditional healer, mixed with black powder and oil, and applied to the child to prevent *goni*. According to Kitui (2012), "*Goni* has been described as a swelling on the back of a child's head." In the Venda culture, FGM is also practiced as an initiation for girls into womanhood. During this ceremony the clitoris is cut, and the girl is branded on her thigh as evidence of having undergone the procedure (Kitui, 2012).

#### 6.4. Males

##### 6.4.1. Circumcision of boys under the age of 16

Ulwaluko is multiple-part initiation and circumcision ceremony practiced by the Xhosa culture. The process starts with the slaughtering of a goat. Next, the boy is sent for a medical check-up. After the check-up, the men from the community start cutting down trees in order

to build a hut (ibhoma). The women in the community cut grass to thatch the hut with. On the day of the circumcision, another goat or sheep is slaughtered, and the boy must eat a part of the meat (qbona, 2005).

The next step is the actual circumcision. The boy is sent to the bush, where the circumcision is done by the *ingcibi*. Mud is painted on his face, words of wisdom are offered by the elders, and the boy is confined to his hut for at least a week. The initiate is not allowed to drink water, and may only eat dry white samp or mealies during this first week (qbona, 2005). After the first week has passed, another goat is slaughtered, and the initiate may eat and drink. The boy stays in the bush for three to five weeks, and learns about independence and forms a bond with other initiates. When he returns home, a ceremony is performed, and the boy is welcomed back as a 'man' (qbona, 2005).

Schoeman (2015), citing Davis and Snyman, indicates that traditional male circumcision mostly takes place during the school holidays of June and December, when boys attend so-called 'initiation schools'. At these initiation schools they learn the traditions of their culture, including songs, history, laws, and dances. However, they are also abused, deprived of food and/or water, and forced to sleep outside. Circumcision is also performed on these boys (Schoeman, 2015).

According to Fihlane (2012), ritual circumcision is commonly practiced among South Africa's Xhosa and Ndebele communities. It is estimated that around 20,000 boys are circumcised at initiation schools during each "season" (Fihlane, 2012).

At initiation schools boys are not only starved, but also tortured. According to Rijken (2015), "Severe beatings occur frequently. Some initiates are being burnt with objects, and I have seen one initiate whose penile bandage had been yanked off repeatedly."

According to Schoeman (2015), "boys can suffer severe genital infections, the loss of reproductive organs, genital amputation and the contraction of HIV/Aids..." It is common knowledge that many of the attendants who perform the circumcision are not trained, and use poor hygienic practices.

According to Rijken (2015), 945 Ulwaluko-related deaths have been reported in the Eastern Cape alone since 1995.

### *6.5. Conclusion*

The problem of child victimisation is a multi-faceted one. Cultural practices play a central role in the routine victimisation of children through practices such as genital mutilation and child marriage. If society is ever to eliminate such harmful practices, the cultural causes have to be addressed. By exposing the harm caused by these practices, people are encouraged to critically examine their own harmful cultural practices.

## **7. Discuss the Systems Theory, the Battered Women's Syndrome and Husband Battering in an abusive/violent family context.**

(20)

### *7.1. Introduction*

Systems theory was proposed in the 1940s by the biologist Ludwig von Bertalanffy and furthered by Ross Ashby in his book *Introduction to Cybernetics* in 1956. Systems theory focuses on the arrangement of and relations between the parts which connect them into a whole. The whole is more than the sum of its parts (holism).

### *7.2. Definitions*

Battered Woman Syndrome: “a mental disorder that develops in victims of domestic violence as a result of serious, long-term abuse. BWS is dangerous primarily because it leads to “learned helplessness” – or psychological paralysis – where the victim becomes so depressed, defeated, and passive that she believes she is incapable of leaving the abusive situation.”

(<http://family.findlaw.com/domestic-violence/battered-women-s-syndrome.html>)

### *7.3. Systems Theory*

A system consists of four components:

1. Objects: the parts, elements, or variables within the system. They may be physical and/or abstract, depending on the nature of the system.
2. Attributes: qualities/properties of the system and its objects.
3. Internal relationships: a system has internal relationships amongst its objects.
4. An environment: Systems exist in an environment.

A system is a set of organisms/objects that affect one another within an environment and forms a larger pattern that is different from any of the parts. The fundamental systems-interactive paradigm of organisational analysis features the continual stages of input, throughput (processing), and output, which demonstrates the concept of openness or closedness. A closed system does not interact with its environment. It does not take in information and therefore is likely to disappear (atrophy). An open system receives information, which it uses to interact dynamically with its environment. Openness increases a system’s likelihood of surviving and prospering.

The family is part of larger systems/supra-systems, and it encompasses individuals and multiple interdependent relationships or sub-systems. Individuals and internal systems are locked together by the complex interdependency of mutual needs, communication patterns, commitments, and loyalties. Any action by one person/sub-system could affect all other members of the system. Family members rely on each other to balance the tasks of maintaining the family structure (status quo) while adapting to internal (developmental) and external (societal) changes.

In an abusive relationship, the process of actions and reactions is a continuous causal chain, each reaction becoming in turn a precipitant for a counter-action. A system can be looked at to find the periods of stability and change, and identify the processes that took place during different times to produce stability or change. Behaviour that deviates from the current



pattern of behaviour or that challenges the boundaries of the system triggers a response. The nature of the response is governed by how the new behaviour fits the goals of the particular system.

Violence is a mutual problem of couples, and has a specific function within a relationship. Such a relationship continues because the interpersonal interactions obtain an explosive momentum but remain stable, which keeps the relationship intact. The initial abusive incident is rooted in a pattern learned in the past where the abuse is maintained and made predictable by a system of developing family rules. The pattern develops and continues because it serves a function, such as maintaining the system.

Systems are interrelated networks which tend to maintain themselves by regulating the amount of stability and change. This regulation takes place through the process of positive and negative feedback. When a crisis or environmental change occurs, the internal regulation of the system may be disrupted. To remain viable, systems require some stability and some adaption. Individual systems may have patterns of behaviour that have become stabilised, and even though patterns of behaviour may be destructive to individuals.

#### *7.4. Battered Woman's Syndrome*

The battered woman's syndrome (BWS) is a set of behavioural and psychological characteristics exhibited by victims of prolonged, repetitive patterns of physical and emotional abuse at the hands of their partners. The effects of the latter is what is called the "cycle of violence". This cycle is characterised by three phases that are repeated over the period of the abusive relationship, namely:

- The tension building phase: The victim attempts to reduce or remove all known irritants from her partner's environment to keep him calm. Despite these efforts, phase two is the inevitable consequence.
- The explosion/acute battering phase: Characterised by an extreme physical and emotional explosion. During this phase the abuse is at its worst.
- The calm, loving respite/honeymoon phase: This phase is characterised by the abuser's plea for forgiveness and promises that he will never commit further acts of violence against the woman. During this phase, most victims decide whether to leave or to stay in the abusive relationship.

Commonly a victim of abuse has a sense of disbelief that the violence has actually happened to her, followed by an emotional break-down (lethargy, depression, self-blame, feelings of helplessness, etc.). The abuser's desire for forgiveness and reconciliation coincides with her mental and emotional needs at the time. This cycle is repeated and leads to learned helplessness as the victim starts to believe she has no control over the relationship.

#### *7.5. Husband Battering*

The term 'battering' is applied to describe a form of domestic abuse – hitting – but it is also commonly used to refer to the pattern of violent and coercive behaviour used to gain control

in an intimate relationship. The control may be accomplished through economic means, such as withholding or denying access to money or other basic resources, or sabotaging employment, housing, or educational opportunities. Social isolation may also be employed, including denying communication with friends/relatives, and denying access to transportation or healthcare. Verbal or emotional forms of assault and control include intimidation, coercion, threats, or degradation. Physical and sexual assaults may occur, but isolated acts do not constitute battering, as battering infers physical abuse over an extended period of time. The term 'husband battering' thus encompasses physical, emotional, and sexual abuse.

Battered person syndrome arises from a cycle of abuse that can lead the battered person to perceive that violence is the only way to end the abuse. In some jurisdictions, battered person syndrome constitutes a defence to murder.

Violence by women against men is often dismissed because of the assumption that female violence is less injurious than violence perpetrated by men. Studies show that male victims tend to receive more severe injuries and lost consciousness more often than women who were victims of spousal abuse. Women who attack men are more likely to use weapons. In one study, half of the attacks resulted in injury. Only half of the victims divulged information about their victimisation (to friends, neighbours, relatives, etc.).

Female abusers ("family terrorists") who are seeking revenge resort to measures such as stalking; physical assault of the spouse or the spouse's new partner; trying to ruin the partner's reputation; pressing fabricated criminal charges against the spouse; staging intentionally unsuccessful suicide attempts; vandalism; and murder. What characterises the family terrorist is that the vindictive and destructive behaviours are consistent, even if there are moments of calm and periods of lucidity.

## *7.6. Conclusion*

Abuse occurs in many different ways, including intimate partner abuse. Men abuse women, and women abuse men. Systems Theory attempts to explain abuse within a system that consists of parts, but is more than the sum of its parts. Each action leads to a reaction within the system. This essay also attempted to shed light on battered husbands – a phenomenon which receives relatively little attention in the media. Furthermore, the topic of battered woman syndrome – a mental disorder that develops due to long-term abuse in women – was explored.

# OCTOBER/NOVEMBER 2014

## SECTION A: PARAGRAPH TYPE QUESTIONS

### **1. Provide a critical definition of the concept “hate crimes”** (5)

The concept “hate crime” is used when individuals become victims of crime on the basis of their race, ethnicity, religion, political convictions, gender, or sexual orientation. These crimes can vary from verbal abuse to murder.

According to US Legal, Inc 2011 (<http://uslegal.com>) a hate crime is usually defined by state law as one that involves threats, harassment, or physical harm and is motivated by prejudice against someone's race, colour, religion, national origin, ethnicity, sexual orientation or physical or mental disability.

Furthermore, the underlying criminal offenses that are designated in hate crime laws include, but are not limited to, crimes against persons like harassment, terroristic threats, assault and crimes against property like criminal trespass, criminal mischief and arson. It may also include vandalism causing damage to a church, synagogue, cemetery, mortuary, memorial to the dead, school, educational facility, community centre, municipal building, courthouse, juvenile detention centre, grounds surrounding such places or personal property located within such places.

### **2. Discuss how sufferers of HIV/Aids can become victims of gender based violent crimes** (10)

A study by Dunkle (2004) demonstrated that women with controlling or violent partners are at great risk of being infected with HIV, as women in abusive relationships are less able to negotiate condom usage. Their right to terminate such abusive relationships is limited as women in these relationships are often economically dependent on their abusive partners.

HIV/Aids has been stigmatised in South Africa since its emergence in the country among gay men in the 1980s. As is the case with such epidemics in many countries, outsiders and minorities have been blamed for the spread of the disease. The epidemic was broadly represented in the press at the time of the “gay plague”. Homophobic HIV/Aids-related stigma built upon existing prejudices, in an environment in which gay and lesbian sexuality was criminalised and heavily stigmatised in late apartheid South Africa (Davis & Snyman, 2005:263-266).

In 1998 a young woman named Gugu Dlamini was beaten, stabbed, and stoned to death by a group of men from her home township (KwaMashu, Durban) for disclosing her HIV status to the public. Gugu Dlamini disclosed her secret in order to fight the stigma of being HIV positive. Her daughter, 12 years old at the time, witnessed her murder, and went on to found

the Gugu Dlamini Foundation – an organisation that fights the stigma of HIV/Aids, and improves the lives of the infected and affected youth and young women through capacity building.

**3. Discuss the three models developed for the empowerment and support of victims of violent crimes** (15)

*3.1. The Care Model*

According to the care model, services can be delivered as a specific form of welfare/charity. One example of a care model is state compensation schemes (note that only some victims are eligible, and the actual delivery tends to be time-consuming and burdensome for the claimants). Other examples include rape crisis centres, shelter homes for victims of spouse abuse, and general victim support schemes (note that these services were originally mostly for females).

*3.2. The Criminal Justice Model*

According to the criminal justice model, victim services can be part of the administration of criminal justice, in which case the model is governed by the ideology of human rights or a just society. The police refers victims to support agencies, and victims are advised on preventative measures. Victims have the right to be notified of the outcome of the investigation, and to give a Victim Impact Statement. Victims also have the right to restitution from the offender.

*3.3. The Prevention Model*

According to the prevention model, victim services are a part of crime prevention. Most crimes are brought to the attention of the police by victims or their relatives. The chance to arrest and convict the offender largely depends on information supplied by the victim.

Criminality can be prevented by alleviating economic hardships. Offender-oriented prevention involves empowering offenders to stay crime free after their release from prison.

Since the level of crime is partly determined by the availability of suitable targets, potential and actual victims can also contribute to the prevention of crime by improving their own self-protection measures. This constitutes victim-oriented prevention.

**4. Explain how farm attacks can be prevented and comment on the role of the criminal justice system in farm protection.** (10)

*4.1. The prevention of farm attacks*

Farmers should get full particulars of their workers, carry out background checks on their staff, and take fingerprints and photographs. If the farm is sold and the workers remain on the farm, the new owner should be given this information.

Workers without documentation should not be employed, especially foreign workers. Communication between farmers and their workers should be improved, and workers can even be part of the farm's security system by acting as informers.

Security should be improved on the farms, and farmers need to be more vigilant and vary their daily routine. Sector policing needs to be introduced in the rural areas.

#### *4.2. Criminal Justice System and Farm Protection*

In the late 1997, the Rural Protection Plan was launched. The objective of the Plan was to encourage all role players in rural safety to work together in a coordinated manner, and engage in joint planning, action and monitoring to combat crime in the country's rural areas. During the four years after the launch of the Plan the number of recorded farm and smallholding attacks increased. The Plan's success appears to vary from one geographical area to the next. A key component of the Rural Protection Plan - the commandos- were phased out by the end of the previous decade. Since then, two initiatives in respect of Rural Safety have been launched by the police: Area Crime Combating Units and Sector Policing.

### **5. Discuss how certain cultural practices are exploited and can become harmful, illegal acts against children.**

(15)

#### *5.1. Introduction*

Sections 30 and 31 of the Constitution postulates that customary law should be accommodated in South African law, provided that the specific rules/provisions are not in conflict with the Constitution. Section 12 of the Children's Act of 2005 makes clear provision to protect children from harmful acts which have become viewed as cultural practices among some communities. The Act states that children have the right to not be subjected to social, cultural, and religious practices which are detrimental to their wellbeing. The Act prohibits genital mutilations, virginity testing, and circumcisions (prohibited when boys are under the age of 16).

#### *5.2. Females*

##### *5.2.1. Ukuthwala*

Traditionally, ukuthwala involved kidnapping a woman of marriageable age in order to force her family to enter marriage negotiations, but refraining from raping or having consensual sex with her until after the marriage. According to The Department of Justice and Constitutional Development (2010), "...ukuthwala, particularly in the Eastern Cape, increasingly involves the kidnapping, rape and forced marriage of minor girls as young as twelve years, by grown men old enough to be their grandfathers."

Risks of ukuthwala include rape, forced marriage, teenage pregnancy, HIV/AIDS and other sexually transmitted diseases, pregnancy complications (infant and maternal mortality,

fistulas, etc.), lack of education, stunted social development, and domestic violence (The Department of Justice and Constitutional Development, 2010).

### 5.2.2. Female Genital Mutilation

More than 125 million girls and women alive today are victims of FGM (World Health Organisation, 2014). Worldwide, Somalia has the highest prevalence rate of FGM, with 98% of women having been cut (United Nations Children's Fund, 2013).

The World Health Organisation (2014) states that FGM can be classified into four types:

1. Clitoridectomy: partial or total removal of the clitoris and, in very rare cases, only the prepuce;
2. Excision: partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;
3. Infibulation: narrowing of the vaginal opening through the creation of a covering seal, which is formed by cutting and repositioning the labia, with or without removal of the clitoris; and
4. Other: all other harmful procedures to the female genitalia for non-medical purposes, e.g. scraping and cauterizing.

According to the World Health Organisation (2014), the causes of FGM include a mixture of cultural, religious, and social factors. In cultures where FGM is rampant, FGM is considered a social convention, and is considered a necessary part of a female child's upbringing. Many communities believe it is a way to promote female modesty by lowering the sex drive.

According to the World Health Organisation (World Health Organisation, 2014), "When a vaginal opening is covered or narrowed, the fear of the pain of opening it, and the fear that this will be found out, is expected to further discourage "illicit" sexual intercourse among women with this type of FGM."

Immediate complications include pain, shock, haemorrhage, tetanus, sepsis, and urine retention (World Health Organisation, 2014). Long term complications include recurrent infections, cysts, infertility, and an increased risk of childbirth complications (Isilow, 2011).

According to Isilow (2011), migrants in South Africa are secretly practicing FGM. "...among the migrant communities in South Africa, [FGM] is most common among Egyptians, Sudanese, Somalis, Ethiopians, Eritreans, some Kenyan tribes, Senegalese and people from the Middle East and a few Asians (Isilow, 2011)." Kitui (2012) writes that FGM is also practiced among the Venda community. FGM is practiced during *muthuso*, a ceremony performed after birth. During *muthuso*, the mother's vaginal flesh is cut by a traditional healer, mixed with black powder and oil, and applied to the child to prevent *goni*. According to Kitui (2012), "*Goni* has been described as a swelling on the back of a child's head." In the Venda culture, FGM is also practiced as an initiation for girls into womanhood. During this ceremony the clitoris is cut, and the girl is branded on her thigh as evidence of having undergone the procedure (Kitui, 2012).

### 5.3. Males

#### 5.3.1. Circumcision of boys under the age of 16

Ulwaluko is multiple-part initiation and circumcision ceremony practiced by the Xhosa culture. The process starts with the slaughtering of a goat. Next, the boy is sent for a medical check-up. After the check-up, the men from the community start cutting down trees in order to build a hut (ibhoma). The women in the community cut grass to thatch the hut with. On the day of the circumcision, another goat or sheep is slaughtered, and the boy must eat a part of the meat (qbona, 2005).

The next step is the actual circumcision. The boy is sent to the bush, where the circumcision is done by the *ingcibi*. Mud is painted on his face, words of wisdom are offered by the elders, and the boy is confined to his hut for at least a week. The initiate is not allowed to drink water, and may only eat dry white samp or mealies during this first week (qbona, 2005). After the first week has passed, another goat is slaughtered, and the initiate may eat and drink. The boy stays in the bush for three to five weeks, and learns about independence and forms a bond with other initiates. When he returns home, a ceremony is performed, and the boy is welcomed back as a 'man' (qbona, 2005).

Schoeman (2015), citing Davis and Snyman, indicates that traditional male circumcision mostly takes place during the school holidays of June and December, when boys attend so-called 'initiation schools'. At these initiation schools they learn the traditions of their culture, including songs, history, laws, and dances. However, they are also abused, deprived of food and/or water, and forced to sleep outside. Circumcision is also performed on these boys (Schoeman, 2015).

According to Fihlane (2012), ritual circumcision is commonly practiced among South Africa's Xhosa and Ndebele communities. It is estimated that around 20,000 boys are circumcised at initiation schools during each "season" (Fihlane, 2012).

At initiation schools boys are not only starved, but also tortured. According to Rijken (2015), "Severe beatings occur frequently. Some initiates are being burnt with objects, and I have seen one initiate whose penile bandage had been yanked off repeatedly."

According to Schoeman (2015), "boys can suffer severe genital infections, the loss of reproductive organs, genital amputation and the contraction of HIV/Aids..." It is common knowledge that many of the attendants who perform the circumcision are not trained, and use poor hygienic practices.

According to Rijken (2015), 945 Ulwaluko-related deaths have been reported in the Eastern Cape alone since 1995.

## SECTION B: ESSAY TYPE QUESTIONS

## **6. Discuss xenophobia in South Africa and the effect it has on its victims as a hate crime.**

(20)

### *6.1. Introduction*

Xenophobia can manifest itself in several ways in a country - victimization by police, brutal assaults, murders, ethnic cleansing in an area, and mass expulsion from the country. South Africa has been plagued by xenophobic outbreaks for a number of years.

### *6.2. Definition*

Xenophobia: Xenophobia is an unreasonable fear, distrust, or hatred of strangers, foreigners, or anything perceived as foreign or different.

### *6.3. Xenophobia in South Africa*

In 2007 and 2008, South Africa had outbreaks of xenophobia. South Africa as a whole is not tolerant of outsiders living in the country. Surveys show strong support for policies that would place strict limits on or prohibit immigration altogether. South Africans, in general, also do not support the idea of immigration amnesties. The majority of South Africans currently believe that immigration and migration impact unfavourably on the country. Fear of crime, threats to jobs and the economy, and disease are the leading reasons given for opposition to immigration.

When it comes to unauthorized migrants there is clearly a feeling, certainly not confined to South Africa, that by being in a country without official permission one sacrifices any entitlement to basic rights and protections, even if (as in South Africa) those are guaranteed by the constitution.

Research shows that South Africans are not tolerant of outsiders. These feelings are widespread and cut across indicators of age, education, gender, economic status and race (although whites are generally more hostile than blacks towards African immigrants). Many migrants and immigrants are aware that South Africans are not favourably disposed towards them. Yet, surprisingly, they also expect that they will be treated well.

The majority of South Africans are attitudinally hostile to outsiders, but they are not yet prepared to translate those attitudes into action; at worst they are “latent xenophobes”. The single biggest mitigator of negative stereotyping is personal familiarity. This suggests that public education programmes alone (the preaching of tolerance and good neighbourliness in the abstract) are unlikely to be successful.

There should be great cause for concern that the reluctance to grant rights to refugees is uncomfortably close to the set of responses given for “illegal immigrants”. South Africans clearly continue to have difficulty distinguishing in their own minds between refugees and migrants.



#### *6.4. The effect of xenophobia on the victims*

Xenophobic attacks can result in injury, hospitalisation, fear, anxiety, financial insecurity, death, and loss of property. Children also suffer from a lower quality of education due to missing school and losing school materials to looting. The psychological effects of xenophobia can be long-lasting.

#### *6.5. Conclusion*

Government, NGOs and refugee organizations have a major task to turn some latent sympathy for refugees into widespread popular support for genuine refugee protection that is consistent with South Africa's convention obligations.

### **7. Discuss domestic violence, with emphasis on the different types of victims and how they experience such violence in its various forms.** (20)

#### *7.1. Introduction*

This essay aims to explore the concept of domestic violence and the victims thereof. Domestic violence is experienced across all ages and genders, including men, women, children, and the elderly.

#### *7.2. Definition*

Domestic violence and emotional abuse are behaviours used by one person in a relationship to control the other (<http://www.domesticviolence.org/definition/>).

#### *7.3. Women as victims*

The battered woman's syndrome (BWS) is a set of behavioural and psychological characteristics exhibited by victims of prolonged, repetitive patterns of physical and emotional abuse at the hands of their partners. The effects of the latter is what is called the "cycle of violence". This cycle is characterised by three phases that are repeated over the period of the abusive relationship, namely:

- The tension building phase: The victim attempts to reduce or remove all known irritants from her partner's environment to keep him calm. Despite these efforts, phase two is the inevitable consequence.
- The explosion/acute battering phase: Characterised by an extreme physical and emotional explosion. During this phase the abuse is at its worst.
- The calm, loving respite/honeymoon phase: This phase is characterised by the abuser's plea for forgiveness and promises that he will never commit further acts of violence against the woman. During this phase, most victims decide whether to leave or to stay in the abusive relationship.

Commonly a victim has a sense of disbelief that the violence has actually happened to her, followed by an emotional break-down (lethargy, depression, self-blame, feelings of helplessness, etc.). The abuser's desire for forgiveness and reconciliation coincides with her

mental and emotional needs at the time. This cycle is repeated and leads to learned helplessness as the victim starts to believe she has no control over the relationship.

#### *7.4. Men as victims*

The term 'battering' is applied to describe a form of domestic abuse – hitting – but it is also commonly used to refer to the pattern of violent and coercive behaviour used to gain control in an intimate relationship. The control may be accomplished through economic means, such as withholding or denying access to money or other basic resources, or sabotaging employment, housing, or educational opportunities. Social isolation may also be employed, including denying communication with friends/relatives, and denying access to transportation or healthcare. Verbal or emotional forms of assault and control include intimidation, coercion, threats, or degradation. Physical and sexual assaults may occur, but isolated acts do not constitute battering, as battering infers physical abuse over an extended period of time. The term 'husband battering' thus encompasses physical, emotional, and sexual abuse.

Battered person syndrome arises from a cycle of abuse that can lead the battered person to perceive that violence is the only way to end the abuse. In some jurisdictions, battered person syndrome constitutes a defence to murder.

Violence by women against men is often dismissed because of the assumption that female violence is less injurious than violence perpetrated by men. Studies show that male victims tend to receive more severe injuries and lost consciousness more often than women who were victims of spousal abuse. Women who attack men are more likely to use weapons. In one study, half of the attacks resulted in injury. Only half of the victims divulged information about their victimisation (to friends, neighbours, relatives, etc.).

Female abusers ("family terrorists") who are seeking revenge resort to measures such as stalking; physical assault of the spouse or the spouse's new partner; trying to ruin the partner's reputation; pressing fabricated criminal charges against the spouse; staging intentionally unsuccessful suicide attempts; vandalism; and murder. What characterises the family terrorist is that the vindictive and destructive behaviours are consistent, even if there are moments of calm and periods of lucidity.

#### *7.5. Children as Victims*

Violent acts against children reflect violent environments, especially within a domestic context. Because of their inferior status and physique they may become vulnerable victims of state, structural, institutional and interpersonal violence. Children who are subjected to violence in what is supposed to be their safe haven (i.e. their home), are particularly vulnerable. They may be subjected to the gravest of emotional, physical and sexual abuse under the so called 'protection' of parents and guardians, and live in constant fear and danger of abuse.

The Bill of Rights of the South African Constitution, in particular Section 28, describes the rights of children referring to the right of the child to be protected from maltreatment, neglect, abuse or degradation. In addition, the Child Care Act provides for the establishment of children's courts; the appointment of commissioners of child welfare; the protection of the welfare of children in need; the adoption of children; the establishment of institutions and places of safety; and the contribution by certain persons towards the maintenance of certain children.

The act renders it an offence for any parent, guardian or person that has custody of a child to ill-treat the child or to allow the child to be ill-treated or abandoned. The act also states that every dentist, doctor, nurse, social worker, teacher or any person employed by or managing a childcare facility must report suspected cases of child abuse. In spite of these legal safeguards children are frequently forced to supplement the income of poor families, and are often forced to leave their homes as a result of abuse and victimisation.

#### *7.6. The Elderly as Victims*

Elder abuse occurs across all economic, ethnic, religious, gender and cultural groups. It can involve physical abuse (slapping, restraining), sexual abuse, emotional or psychological abuse (humiliating, intimidating), financial or material exploitation, neglect (abandonment, denial of food/health services), and self-neglect (when an elderly person behaves in a way that threatens his/her own health or safety).

In their study Eckley and Vilakazi (1995) found a correlation between the number of reported incidents of abuse and advanced age, as well as the greater number of aged females than males. They maintain that white elderly prefer to live apart from families, whereas black elderly choose or are forced to live with their children. They quote a national survey in which more than 80% of black elderly said they experienced serious problems due to lack of basic health care, conveniences and overcrowding. "In communities with high levels of unemployment (and consequent poverty) heavy demands and pressure are placed on the elderly who receive social pensions."

Eastman states that there are two hypotheses regarding the interaction of ethnic/ racial minority status and old age abuse. The first is that ageing somehow diminishes the strength of the adverse racial/ethnic factors and the risk of abuse is consequently decreased. The second is that elderly people in black areas are at an increased risk and are in "triple jeopardy" due to discrimination and poor health and social status, compounded by lack of access to services.

#### *7.6. Conclusion*

The incidence of domestic violence is extremely high in South African society. Some behaviours are culturally entrenched (such as the adherence to a patriarchal belief system in which the man has authority over the woman and children), and while others may be caused by substance abuse, psychological disorders, or the cycle of violence.

# MAY/JUNE 2014

## SECTION A: PARAGRAPH TYPE QUESTIONS

### **1. Provide a critical definition of the term “victim”.**

The term “victims” includes persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws, including those proscribing criminal abuse of power.

The term ‘crime victim’ generally refers to any person, group, or entity who has suffered injury or loss due to illegal activity.

The legal definition of "victim" is a person who has suffered direct, or threatened, physical, emotional or pecuniary harm as a result of the commission of a crime; or in the case of a victim being an institutional entity, any of the same harms by an individual or authorized representative of another entity.

Many victims choose to define themselves as survivors instead of victims.

### **2. Explain the Systems Theory and how it relates to abusive relationships.** (10)

The idea behind systems theory is that systems are open to, and interact with, their environments. They acquire new properties through emergence, resulting in continual evolution/change. Systems theory focuses on the arrangement of and relations between the parts which connect them into a whole. The whole is more than the sum of its parts (holism).

A system consists of four components:

1. Objects: the parts, elements, or variables within the system. They may be physical and/or abstract, depending on the nature of the system.
2. Attributes: qualities/properties of the system and its objects.
3. Internal relationships: a system has internal relationships amongst its objects.
4. An environment: Systems exist in an environment.

A system is a set of organisms/objects that affect one another within an environment and forms a larger pattern that is different from any of the parts. The fundamental systems-interactive paradigm of organisational analysis features the continual stages of input, throughput (processing), and output, which demonstrates the concept of openness or closedness. A closed system does not interact with its environment. It does not take in information and therefore is likely to disappear (atrophy). An open system receives information, which it uses to interact dynamically with its environment. Openness increases a system’s likelihood of surviving and prospering.

The family is part of larger systems/supra-systems, and it encompasses individuals and multiple interdependent relationships or sub-systems. Individuals and internal systems are locked together by the complex interdependency of mutual needs, communication patterns, commitments, and loyalties. Any action by one person/sub-system could affect all other members of the system. Family members rely on each other to balance the tasks of maintaining the family structure (status quo) while adapting to internal (developmental) and external (societal) changes.

In an abusive relationship, the process of actions and reactions is a continuous causal chain, each reaction becoming in turn a precipitant for a counter-action. A system can be looked at to find the periods of stability and change, and identify the processes that took place during different times to produce stability or change. Systems have boundaries that define where the system begins and ends, and what information/behaviour is an acceptable part of that system. Behaviour that deviates from the ongoing pattern of behaviour or that challenges the boundaries of the system triggers a response. The nature of the response is governed by how the new behaviour fits the goals of the particular system.

Violence is a mutual problem of couples, and has a specific function within a relationship. Such a relationship continues because the interpersonal interactions obtain an explosive momentum but remain stable, which keeps the relationship intact. The initial abusive incident is rooted in a pattern learned in the past where the abuse is maintained and made predictable by a system of developing family rules. The pattern develops and continues because it serves a function, such as maintaining the system. Feeling inferior to the partner, the abuser uses violence to bring the relationship back into equilibrium. The victim accepts the abuse, and the victim's powerlessness is accepted by both parties and serves as a security bond between them.

### **3. Discuss female and male offenders as victims in the prison system.** (15)

#### *3.1. Female offenders as victims in the prison system*

The problem of sexual abuse of female prisoners can be fuelled by factors such as allowing unsupervised access of male staff to female facilities, insufficient disciplinary action against guards who engage in sexual misconduct, and allowing practices that are inherently cruel and degrading or are open to abuse (e.g. allowing male staff to conduct "pat down" searches of clothed women prisoners). Such problems can be alleviated by ensuring that female prisoners are supervised only by female staff (which is an international requirement).

Mothers in prisons also pose problems and, unlike male offenders, when a mother is incarcerated it is more likely to result in a serious disruption to the family. Added to the "pains of imprisonment", therefore, is the constant conflict, guilt, and frustration of being removed from the family and being unable to care for their children.

In addition, because female prisons are smaller, there is less economic justification for the comparatively wide variety of programmes found in male prisons. Access to services such as treatment, training, recreation, and vocational and educational programmes are more limited. This is due to the fact that these prisons are more often than not smaller than those housing men. They have limited space and the number of female offenders is felt to be too small to warrant the additional cost of programmes and facilities.

### *3.2. Males offenders as victims in the prison system*

Male offenders are at risk of sexual assault/rape. Certain prisoners are targeted for sexual assault the moment they enter prison. Their age, appearance, sexual orientation, and other characteristics such as small size, physical weakness, shyness, and uncertainty, mark them as candidates for sexual abuse by inmates.

For most heterosexual prisoners, witnessing or experiencing male rape can be their first confrontation with same sex contact. As a heterosexual male victim can respond physically to stimulation (get an erection and/or ejaculate during the sexual act - even in traumatic or painful sexual situations), he may be disturbed by this physiological sexual response and will perceive himself as homosexual or bisexual. He will then question his own sexual identity and manhood.

Other forms of sexual violence in prison involve physical and emotional violence. Objects can be used and forced oral sex is also prevalent. Victims are often manipulated into exchanging their bodies for favours and privileges. Some prisoners will form “protective” sexual partnerships to avoid continual victimisation. The motivation to exchange sex for protection often includes fear and stems from coercion.

### **4. Define xenophobia and briefly discuss this phenomenon in South Africa.** (10)

Xenophobia can manifest itself in several ways in a country - victimization by police, brutal assaults, murders, ethnic cleansing in an area, mass expulsion from the country. Xenophobia is an unreasonable fear, distrust, or hatred of strangers, foreigners, or anything perceived as foreign or different.

In 2007 and 2008, South Africa had outbreaks of xenophobia. South Africa as a whole is not tolerant of outsiders living in the country. Surveys show strong support for policies that would place strict limits on or prohibit immigration altogether. South Africans, in general, do not support the idea of immigration amnesties. The majority of South Africans currently believe that immigration and migration impact unfavourably on the country. Fear of crime, threats to jobs and the economy, and disease are the leading reasons given for opposition to immigration.

Research shows that South Africans are not tolerant of outsiders. These feelings are widespread and cut across indicators of age, education, gender, economic status and race (although whites are generally more hostile than blacks towards African immigrants).

The majority of South Africans are attitudinally hostile to outsiders, but they are not yet prepared to translate those attitudes into action; at worst they are “latent xenophobes”. The single biggest mitigator of negative stereotyping is personal familiarity. This, in turn, suggests that public education programmes alone (the preaching of tolerance and good neighbourliness in the abstract) are unlikely to be successful. Of particular concern are attitudes to “refugee protection”. There should be great cause for concern that the reluctance to grant rights to refugees is uncomfortably close to the set of responses given for “illegal immigrants”. South Africans clearly continue to have difficulty distinguishing in their own minds between refugees and migrants. Government, NGOs and refugee organizations have a major task to turn some latent sympathy for refugees into widespread popular support for genuine refugee protection that is consistent with South Africa’s convention obligations.

**5. Describe in detail what a victim impact statement is, and its purpose in court for the victim.** (15)

A victim impact statement can be defined as a document written by the victim, that is, the person who suffered personal harm as a direct result of an offence. The personal harm suffered relates to actual bodily harm, mental illness, or nervous shock. The South African Law Commission defines the “victim impact statement” as “a written statement by the victim or someone authorised by the Act to make a statement on behalf of the victim which reflects the impact of the offence, including the physical, psychological, social and financial consequences of the offence for the victim”. It allows victims to personalise the crime and to express their pain and anguish and the devastation caused to them by the crime. Even when compiled by an expert, the victim impact statement should include sentences in the victim’s own words. In the case of small children who cannot verbalise their feelings, drawings by the victims expressing their experiences can be most effective. Including the victim’s own words or drawings of the traumatic experience renders authenticity to the victim impact statement as a legal document.

For the purpose of victim impact statements, the term “victim” can be defined as the person against whom the offence was committed or who was a witness to the act of actual or threatened violence and who has suffered injury as a result of the offence.

A VIS provides a more balanced view on the crime and the circumstances surrounding it. The criminologist can show the court the factual information as well as the emotional effect on the victim. Their statement balances the various components, including the seriousness of

the offence, the physical and psychological harm done, changes in lifestyle, and financial loss caused by the victimisation.

What is crucial in the criminal justice process is the upholding of and respect for the victims' rights. The VIS further insures these rights are upheld.

Victim impact statements allow victims of crime to tell the court and the offenders how the crime has affected their lives. The court is interested in knowing any significant physical, psychological or economic injury that may have been caused by the crime. It also offers victims the opportunity to express their concerns with the expectation that the information would be considered in sentencing decisions. A victim impact statement may be considered by the court in determining an appropriate sentence.

The VIS gives the victim and his/her family, friends and community members a voice in the criminal justice system.

## SECTION B: ESSAY TYPE QUESTIONS

### **6. Discuss children as vulnerable victims of crime by explaining the various forms of exploitation children can be subjected to.** (20)

#### *6.1. Introduction*

Children are vulnerable to many types of exploitation, including sexual exploitation, internet victimisation, child labour, and becoming child soldiers. This essay aims to explore the causative factors that lead to the exploitation of children.

#### *6.2. Definition*

Child labour: work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development (<http://www.ilo.org/ipec/facts/lang--en/index.htm>).

#### *6.3. Sexual exploitation*

##### *6.3.1. Children in the sex industry*

Commercial sexual exploitation can be defined as children, both male and female, who engage in sexual activities for money, profit or any other consideration as a result of the coercion or influence of an adult syndicate or group. The profit may either go to the child or to a third party involved in the transaction.

The sex trade can also take on more indirect forms – looser arrangements where the children offer adults a range of services, some sexual, some not, in exchange for food, clothing, shelter, or protection. There can also be relationships that are not overtly commercial, where



adults – parents, teachers, priests or youth workers – who have some authority over children may also offer gifts to encourage them to keep quiet about abuse.

Children working in the sex industry are often imprisoned, beaten, raped, and drugged. Children working in brothels are exposed continually to a wide range of sexually transmitted infections (STIs), as well as early pregnancy, and repeated abortions. Beyond the health risk, there is also psychosocial damage, especially for children who have been trafficked. The violent and intimidating atmosphere engenders a feeling of isolation, helplessness, and lack of control, heightened by the fear of arrest. There is also social stigma. All this can produce anxiety and depressive states, including trauma.

#### *6.3.2. Child pornography*

In the past, child pornography was distributed to a more limited extent through photographs and magazines. But the internet has opened up a plethora of new channels and drawn in many new users. Much of this material is generated as a record of sexual abuse by paedophiles and is often exchanged rather than sold. Nevertheless, such images are also available for sale on commercial sites. It also seems likely that organized crime is moving in.

With regards to online child pornography, policing is hampered by the jurisdictional and logistical problems of sites being maintained in different countries, and by the technical advances that protect the identity of those responsible for the sites.

#### *6.3.3. Survival sex*

The National Centre for Child Abuse and Neglect in the United States labels child survival sex prostitution. They state features such as, "the use of, or participation by children under the age of majority in sexual acts with adults or other minors where no force is present". Although the lack of force may make the sexual act between the child and the client appear consensual, victims' advocates acknowledge that in reality, the child sex worker is often a victim of an abusive family life (physical, emotional and sexual), suffers from low self-esteem, lacks economic alternatives for income or is a victim of warfare. These children are often victims of debt bondage, illegal confinement, trafficking, physical and sexual violence, torture, as well as drug and/or alcohol dependency.

#### *6.4. Internet victimisation*

The Internet does not only contribute to the victimisation of young children, but can also facilitate crimes and anti-social behaviour. This includes: sexual solicitations and being approached with requests to engage in sexual activities or sexual talk or give personal sexual information; aggressive sexual solicitation involving contact with the perpetrator through regular mail, by telephone, or in person or attempts or requests for offline contact; unwanted exposure to sexual reading and graphic materials; being exposed to pictures of naked people or people having sex when doing online searches, surfing the web, opening e-mail or instant

messages; and harassment, threats, or offensive remarks sent to the young person online or posted online about the young person for others to read.

### *6.5. Child labour*

Unicef refers to four particularly harmful types of work involving anyone under the age of 18 years. This type of work includes forms of slavery, servitude and forced labour, including forced recruitment for the purposes of armed conflict; commercial sexual exploitation (prostitution and pornography); illicit activities (drug mules); and hazardous work that jeopardises the lives, health, or morals of those involved.

### *6.6. Child soldiers*

A child soldier is any person under 18 years of age who is part of any kind of regular or irregular armed force in any capacity, including but not limited to cooks, porters, messengers and those accompanying such groups, other than purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not, therefore, only refer to a child who is carrying or has carried arms.

These child soldiers are armed with AK47 and M-16 rifles and used in frontline combat situations, act as mine detectors, participate in suicide missions, and serve as messengers and lookouts.

The following characteristics make children particularly vulnerable to becoming soldiers:

- Poor or economically and socially disadvantaged
- Live in conflict zones
- Disruptive or absent family backgrounds

Children are also abducted from their family homes at night or from schools during the day. To exacerbate the problem, the lack of birth registrations and certification increases the risk of children under the age of 18 of becoming soldiers. Without a birth certificate it is impossible to prove age which makes these children more vulnerable to recruitment into the armed forces. Others join for survival as they get food from the adult soldiers, since many of them have no family. There are also those than join on a “voluntary” basis as they desire revenge, adventure, sense of belonging and approval from peers (Twum-Danso, 2003:30).

Girls are also recruited to fight, but mostly they become the “wives” of the soldiers - an estimated one third of all child soldiers are girls.

Child soldiers are deprived of an education, at risk of death or serious injury and disease, and often experience sleeplessness, nightmares, flashbacks, fear of the unknown, poor self-image and weight problems, depression, suicidal tendencies, sensitivity to loud noises, and irritability.

### *6.7. Conclusion*

In Africa, children are extremely vulnerable to exploitation in many forms. This essay explored the various causative factors involved in child labour, sexual exploitation, the occurrence of child soldiers, and internet victimisation.

**7. Discuss victims of farm attacks by highlighting the plight of these victims and how future attacks can be prevented.** (20)

*7.1. Introduction*

In the recent years, farm attacks have received widespread media coverage and have been the topic of heated political debate. Farmers of all races live in fear of being targeted for these characteristically brutal attacks.

*7.2. Definition of farm attacks*

There is no specific crime such as farm attacks, whether in common law or in statutory provision. It is rather the manifestation of crimes such as robbery (usually with aggravating circumstances), house-breaking with the intent to rob and robbery (usually also with aggravating circumstances), murder, rape, assault with the intent to inflict grievous bodily harm, malicious damage to property, arson etc.

Farm attacks may be defined as attacks on farms and smallholdings that are aimed at residents, workers and visitors, with intent to murder, rape, rob or inflict bodily harm. In addition, all actions aimed at disrupting farming activities as a commercial concern, whether for motives related to ideology, labour disputes, land issues, revenge, grievances, racist concerns or intimidation should be included in the definition of “farm attacks”.

*7.3. Characteristics of farm attacks*

Following specific investigations, most of the attacks can be broadly characterized by the following:

- Cases have reported attacks aimed solely at committing murder
- Most prevalent form of violence used was burning, strangulation, stabbing and the shooting of the victims
- The attacks are well-planned and carried out with what seems to be military precision
- The attacks are deadly
- Prominent farmers often seem to be victims of farm attacks
- The attacks have an emotional impact on the farming community
- The entire farming community in South Africa is affected

Black farmers do not escape the attacks and farm workers are also attacked and killed, especially when they interfere with the attackers. The robbery of firearms, cash and vehicles, in that order, seem to be a common characteristic of many attacks. Older and vulnerable

people seem to be frequently targeted. Some of these attacks are committed by people pretending to be members of the security forces. The attacks are extremely brutal.

#### *7.4. The prevention of farm attacks*

Farmers should get full particulars of their workers, carry out background checks on their staff, and take fingerprints and photographs. If the farm is sold and the workers remain on the farm, the new owner should be given this information.

Workers without documentation should not be employed, especially foreign workers. Communication between farmers and their workers should be improved, and workers can even be part of the farm's security system by acting as informers.

Security should be improved on the farms, and farmers need to be more vigilant and vary their daily routine. Sector policing needs to be introduced in the rural areas.

#### *7.5. Criminal Justice System and Farm Protection*

In the late 1997, the Rural Protection Plan was launched. The objective of the Plan was to encourage all role players in rural safety to work together in a coordinated manner, and engage in joint planning, action and monitoring to combat crime in the country's rural areas. During the four years after the launch of the Plan the number of recorded farm and smallholding attacks increased. The Plan's success appears to vary from one geographical area to the next. A key component of the Rural Protection Plan - the commandos- were phased out by the end of the previous decade. Since then, two initiatives in respect of Rural Safety have been launched by the police: Area Crime Combating Units and Sector Policing.

#### *7.6. Conclusion*

Farm attacks appear to be deeply rooted in South Africa's history of discrimination and inequality between races. However, other factors, such as high unemployment and poverty, also play an important causative role.